MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

Held in Room 519 S, at the Statehouse at 11:00 a. m./~~p.m.~~ on February 10, 19 78.

All members were present except: All members present.

The next meeting of the Committee will be held at 1:30 ~~a.m.~~/p. m., on February 10, 19 78.

~~These minutes of the meeting held on ... considered, corrected and approved.~~

Elwaine F. Pomeroy
Chairman

The conferees appearing before the Committee were:

Robert L. Morrison - Judge, District Court, Wichita
Charles V. Hamm - Social and Rehabilitation Services Department
Mike Elwell - Associate District Judge, Lawrence
Reverend Nelson Thompson - Kansas Children's Service League

Staff present:
Art Griggs - Revisor of Statutes
Jerry Stephens - Legislative Research Department

Senate Bill 212- Age of juveniles subject to the provisions of Kansas Juvenile Code.

Senate Bill 553 - Juvenile code revision.

Senate Bill 761 - Juvenile code, juveniles committing certain crimes may be prosecuted like adults.

Senate Bill 825 - Juvenile Code revisions; elimination of status offenses.

Judge Robert Morrison appeared on behalf of the joint committee of juvenile judges and representatives of the Department of Social and Rehabilitation Services. He discussed provisions of the various bills, and presented suggestions to the committee for proposed amendments to the bills. As he presented his detailed suggestions, the committee discussed the various suggestions with him.

Mr. Charles Hamm appeared; a copy of his handout is attached hereto.

Judge Mike Elwell appeared. He stated great concern with the elimination of status offenses. He also felt that the provisions relating to expungement was too bureaucratic.

Reverend Thompson appeared with regard to the bills. A copy of his handout is attached hereto.

continued -

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

Minutes of the Senate Committee on Judiciary February 10, 19 78.

The committee was reminded of the working session at 1:30 this afternoon.

The meeting adjourned.

These minutes were read and approved by the committee on 4-4-78.

2-10-78

GUESTS

SENATE JUDICIARY COMMITTEE

NAME	ADDRESS	ORGANIZATION
Mike Elwell	Lawrence, Ks.	Assoc District Judge
James. Trast	Topeka, KS	SRS Employee
Woody D. Smith	" "	" "
Charles V. Damm	State Office Bldg - SOB	S.R.S.
Barbara Sabol		SRS
Ellen Richardson	Box 5314 Topeka	Ks. Children's Service League
James A. Hays	Topeka	Division of the Budget
Ruth Groves	Topeka	AAUW of KCCY
		League of Women Voters of Kansas
Marilyn Bradt	Lawrence	
Steve Stan.	Topeka	Topeka P.D.
Mary Scott	Box 534, Topeka	K.C.S.L.
Barbara Merdinger	3115 Shadow, Topeka	Jr. League of Topeka
Nee Helsa L Thompson	1418 Garfield KCKS 66104	Kansas Children Service League
John L. Potter	Topeka	Doyle
Jack Bullman	615 W S - 66603 - Self	Student
Sharon Gordon	4949 N.W. 62nd Topeka 66617	Washburn

2-10-78

TESTIMONY

TO: Senate Judiciary Committee

FR: Ongoing Committee of Judges

RE: Juvenile Code Matters

February 10, 1978

Mr. Chairman:

In the Spring of 1977, Chief Justice Fatzer and Dr. Robert C. Harder, Secretary of the State Department of Social and Rehabilitation Services, collaborated to design a statewide meeting of judges and SRS personnel with the objective of discussing areas of mutual concern and the development of an ongoing forum for problem identification and solution. The statewide meeting was held in July 1977, in Salina, with 75 judges and the executive administrative staff of SRS involved in children's services attending. Following that meeting, Chief Justice Fatzer appointed a panel of seven (7) judges to act as the ongoing representatives of the judges in working with SRS toward mutual problem solving.

This committee of judges and SRS personnel (membership list attached) has met three (3) times. Each discussion has exemplified the fact that both SRS and the judges are committed to doing the best job possible for the children and youth of this state. While there is not always 100% agreement on what should be done and how it should be done, there is mutual respect for each others position.

We have reviewed, as a committee, a number of the bills you will be considering in this committee. While all of the bills reviewed will not be heard today, the following is our position:

S.B. 212 - No comment.

S.B. 474 - No comment.

S.B. 553 - The committee understands that S.B. 553 and S.B. 825 are the same except for their treatment of the status offender. Additional testimony will follow.

S.B. 587 - Oppose Section 1 (c) (2). No legitimate purpose.

S.B. 601 - No comment.

S.B. 676 - Oppose.

S.B. 761 - Re: Section 1 (b) (1) Oppose as a mandatory procedure. Suggest this procedure be an option available to the prosecutor.

S.B. 780 - Oppose.

S.B. 825 - The committee understands that S.B. 553 and S.B. 825 are the same except for their treatment of the status offender.

Section 1 (c) (2) for clarification add to line 0061 "Including children who are placed in the custody of the Department of Social and Rehabilitation Services and subsequently placed by SRS."

(d) (1) and (2) delete K.S.A. 1977 Supp. 8-235. More appropriately handled pursuant to Section 8.

(e) (1) insert the word "solely" in line 0118 between the words due and to.

Section 2 - No comment.

Section 3 (b) (1) change "eighteen (18) years" to 'twenty-one (21) or upon completion of high school, whichever comes first, but not prior to eighteen (18) years of age'.

New Section 4 (b) (6) insert the words "and in situations of a medical emergency" in line 0321 between the words hearing and only.

(e) delete the last sentence.

Section 5 - No comment.

Section 6 - No comment.

Section 7 - No comment.

New Section 8 - Need a provision for the issuing of a warrant under the Juvenile Code.

Section 9 - (b) move all of (b) beginning with the sentence which begins on line 0354 to Section 8.

(e) the judges recommend that the word "Saturday" be added between the words excluding and Sundays in line 0409.

New Section 10 - No comment.

New Section 11 - No comment.

New Section 12 - Delete. An alternate procedure would be to provide for the records to be destroyed at age twenty-one (21).

Section 13 - No comment.

Section 14 (b) delete the words 'district court' and such court in lines 0640 and 0643 respectively. Replace deleted words with "county attorney or court staff".

Section 15 (b) line 0759 delete reference to K.S.A. 1977 Supp. 28-171.

Section 16 - No comment.

Section 17 (a) the judges ask that the word 'Saturday' be added between the words excluding and Sundays in line 0793.

(b) unworkable.

Section 18 - No comment.

Section 19 - (b) line 0859; delete last sentence.

Section 20 (a) line 0912, 0913, replace Youth Center at Atchison with Residential Center operated by the Department of Social and Rehabilitation Services.

New Section 21 (a) delete.

(b) move to Section 30.

New Section 22 - No comment.

Section 23 - (a) (7) line 1012 change or to and/or.

(b) delete last sentence.

Section 24 (a) line 1074 replace Youth Center at Atchison with Residential Center operated by the State Department of Social and Rehabilitation Services.

Section 25 - No comment.

Section 26 - No comment.

Section 27 - No comment.

Section 28 - No comment.

Section 29 - No comment.

Section 30 - allow appeal by those persons affected by the court ruling.

This committee brings to you the following recommendations for your consideration: (Suggested language is attached).

Proposal #1 Amend provisions of K.S.A. 1977 Supp. 38-718 to provide clear immunity to hospital staff filing a D & N (deprived child) petition with the court.

Rationale: To provide an effective and expiditious method of providing the court jurisdiction for consent to medical, surgical and hospital treatment in cases of suspected child abuse and neglect by providing specific immunity to hospital staff filing a petition.

Proposal #2 Seeks a new section giving the district court authority to consent to medical care or to delegate such authority in all cases where jurisdiction exists and no person having authority to execute a medical consent is immediately available.

Rationale: To provide a specific method of providing medical consent for children under the jurisdiction of the court when no parent or guardian is immediately available to provide consent. No such method currently exists for children: (1) committed as D & N parental rights not severed; (2) in temporary custody; (3) committed pursuant to K.S.A. 38-826.

Proposal #3 Seeks a new section giving the district court authority to consent to routine and emergency medical care and to delegate authority to consent to routine medical care under certain circumstances when the parent(s) or guardian refuse to consent and provides a procedure. The language provided is more a statement of the problem than a solution.

Rationale: No specific procedure exists currently for the court to hear or act upon a parent(s) or guardians refusal to consent to routine or emergency medical care when parents refuse consent. Proposal No. 3 seeks to fill that void.

Proposal No. 1

BILL NO. _____

AN ACT relating to and amending the provisions of K.S.A. 1976 Supp. 38-718 to provide immunity to hospital personnel filing a Dependent and Neglect petition under the Juvenile Code and repealing existing Section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 1976 Supp. 38-718 is hereby amended to read as follows: Anyone participating without malice in the making of an oral or written report to the District Court or Department of Social and Rehabilitation Services or in the filing of a Dependent and Neglect Petition under the Juvenile Code relating to an injury or injuries inflicted upon a child under eighteen (18) years of age as a result of physical or mental abuse or neglect or in follow-up activity to such a report shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed. Any such participant shall have the same immunity with respect to participation in any Judicial proceeding resulting from such report or petition.

Section 2. This act shall take effect and be in force from and after its publication in the statute book.

BILL NO. _____

AN ACT part of and supplementary to the Juvenile Code concerning the authority of the District Court to obtain jurisdiction and to consent to hospital, medical and surgical care and treatment of juveniles within its jurisdiction and the delegation of such authority.

Be it enacted by the Legislature of the State of Kansas:

NEW SECTION 1. When the health or condition of any child under the jurisdiction of the district court shall require it, the district court may cause the child to be placed in a public or private hospital under the care of a competent physician and may delegate the authority to issue consents to the performance and furnishing of hospital, medical or surgical treatment or procedures to the individual, association or agency having custody of such child, provided that no parent or guardian having authority to execute such consent is immediately available.

SECTION 2. This act shall take effect and be in force from and after its publication in the statute book.

BILL NO. _____

AN ACT supplemental to the Kansas Juvenile Code, relating to consent for medical treatment of certain juveniles under the age of 16 where the parent or guardian refuses to provide such consent, and where an emergency exists.

Be it enacted by the Legislature of the State of Kansas:

New Section 1. Upon receipt of a petition by the District Court as provided for herein, alleging that a medical emergency exists because the parent or guardian of a juvenile refuses to consent to medical treatment of such juvenile and that such medical treatment is immediately necessary to preserve the life or physical well being of such juvenile, the court may enter such orders as are necessary to protect the life or physical well being to such juvenile in accordance with this act.

Section 2 (a). Any interested person, of lawful age, who has knowledge of facts as set forth in New Section 1 of this Act, may file a petition hereunder. The truth of the allegations of any petition under this article must be verified by petitioner in person.

(b). Contents of petition. The petition shall state the name and age of the juvenile and the name of the parent or guardian refusing to consent to medical treatment along with a short, concise statement of the facts supporting petitioner's belief that medical treatment is immediately necessary to preserve the life or physical well being of such juvenile.

(c). The court shall proceed to hear the allegations contained in the petition forthwith, with or without notice, as the court deems proper and shall, after considering the evidence, make such orders as the court deems necessary in the best interests of the juvenile.

Section 3. In any case where the court finds that a medical emergency exists, as defined in New Section 1 of this Act, the court shall forthwith

order whatever medical treatment the court finds to be immediately necessary to preserve the life or physical well being of the juvenile.

NAMES AND ADDRESSES

MEMBERS OF THE ONGOING COMMITTEE OF JUDGES

Hon. Jerry L. Mershon
Assoc. District Judge
Riley County Courthouse
Manhattan, Kansas 66502

Hon. Bill G. Honeyman
Assoc. District Judge
Shawnee County Courthouse
Topeka, Kansas 66603

Hon. John M. Elwell
Assoc. District Judge
Judicial & Law Enforcement Center
Lawrence, Kansas 66044

Hon. Paul W. Cline
Dist. Magistrate Judge
Rice County Courthouse
Lyons, Kansas 67554

Mr. Denis J. Shumate
Superintendent
Youth Center at Beloit
Beloit, Kansas 67420

Dr. Robert A. Haines
Director, MHRS
5th Floor, State Office Bldg.
Topeka, Kansas 66612

Mr. Dale E. Jirik, MHRS
Social Service Consultant
5th Floor, State Office Bldg.
Topeka, Kansas 66612

Ms. Barbara J. Sabol, Director
Services to Children & Youth
Smith-Wilson Bldg.
2700 West 6th St.
Topeka, Kansas 66606

Hon. Adele Konkel
Dist. Magistrate Judge
Sherman County Courthouse
Goodland, Kansas 67735

Hon. Marvin L. Stortz
Dist. Magistrate Judge
Cloud County Courthouse
Concordia, Kansas 66901

Hon. Robert L. Morrison
District Court Judge
1015 South Minnesota
Wichita, Kansas 67211

Mr. Lawrence D. Penny
Superintendent
Youth Center at Topeka
Topeka, Kansas 66608

Ms. Pat Blankinship
Social Service Supervisor
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Wichita, Kansas 67203

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Chief Counsel, SRS
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Mr. Woody D. Smith, C & Y Attorney
Smith-Wilson Building
2700 West 6th St.
Topeka, Kansas 66606

Mr. James P. Trast
Court Specialist, C & Y
Smith-Wilson Bldg.
2700 West 6th St.
Topeka, Kansas 66606

2-10-78

Youth Committed to the Secretary of SRS as Wayward and Truant as of February 1, 1978

Total youth committed as wayward and truant.....642

Percent of youth committed as wayward and truant by:

Sex

Male.....42%
Female.....58%

Race

White.....86.1%
Black.....9.3%
Indian.....1.4%
Other.....3.2%
Total Minority.....14.0%

Number and Race of Youth Admitted to Youth Centers and Youth Rehabilitation Centers in Fiscal Year 76

Name of Facility	Race				Total Minority	Total Youth Admitted
	White	Black	Indian	Other		
Youth Center Topeka, Ks.	74.1	22.3	1.0	2.6	25.9	193
Youth Center Beloit, Ks.	72.7	22.1		5.2	27.3	77
Kansas Children's Receiving Home-Atchison	88.1	11.9			11.9	85
Youth Center Atchison	80.7	15.8		3.5	19.3	58
Larned Youth Rehabilitation Center	70.2	22.8	1.8	5.2	29.8	57
Osawatomie Youth Rehab. Center	69.0	29.0	1.0	1.0	31.0	100

Volunteer Homes for Status Offenders: An Alternative to Detention

By Jane C. Latina and Jeffrey L. Schembera*

Estimates by the National Council on Crime and Delinquency indicate that 100,000 youngsters under 18 will be held in correctional institutions by juvenile courts in 1975. Of these children, 23 percent of the boys and 70 percent of the girls will not be guilty of any crime for which an adult would be arrested or prosecuted.[1] Detained against their will, having committed no crime, and seldom dangerous to themselves or others, thousands of these young people flood our juvenile detention centers annually. The cost of feeding, clothing, housing, and supervising these children in security facilities is tremendous (sometimes $30 a day or more). The cost in terms of the potential negative impact on adolescents is beyond calculation.

Who are these young people and why are they incarcerated? They are *status offenders*—runaways, truants, and incorrigibles who for one reason or another must be temporarily removed from their homes by juvenile authorities. They fill our jails and detention centers because juvenile judges and other officials believe there is no other place to house them on a temporary basis.

Across the country, youth officials bemoan the practice of detaining status offenders in security facilities, yet the lack of alternative resources leaves them no option. To many, the situation seems hopeless and inevitable.

Faced with a similar challenge, Florida's Division of Youth Services has refused to knuckle under to the "inevitability" of locking up status offenders and have been developing alternatives. Florida's search for detention alternatives began early in 1974. At that time, detention conditions in the Sunshine State were about as bleak as anywhere else. Dangerous overcrowding, inadequate staffing, lack of therapeutic programming and indiscriminate mixing of status offenders with delinquents was common throughout the State.[2] In a 1-day detention survey conducted in 1974, it was found that 22.8 percent of all children detained in security facilities were status offenders.

Concerned with the results of this survey, Florida Youth Services officials began a determined search for alternative ways of housing the hundreds of status offenders who had to be temporarily removed from their own homes but did not really require security facilities. There were few options. The economic recession meant that new State tax dollars for any alternative detention programs were unlikely. Finally, in March 1975 Youth Services officials settled on the one option available to them throughout the state: *Volunteer Homes*. This innovative approach rejected the traditional stand that volunteers do not replace paid services. A national consultant on volunteerism doubted the volunteer bed program would work effectively but administration made the decision to "go."

The decision to go with the volunteer concept was not pulled out of the air. It was based on a highly successful pilot project that had been operating in the Tampa area for over a year.

The Tampa Experience

The Tampa Volunteer Detention Project was born in January of 1974 out of an attempt by State Youth Services officials to relieve overcrowding at the Hillsborough County Detention Center, one of the State's largest facilities. To avoid a potential crisis, State administrators resolved to place, on an emergency basis, 30 of the least dangerous detained youngsters with families in and around the Tampa area.[3]

Essentially, the structure of the Tampa volunteer program evolved over several months through trial and error. The concept was to place in the volunteer homes status offenders whose circumstances required a temporary stay and who were not considered serious security risks. Since this was as an emergency measure, there was little

* Jane Latina is volunteer service center coordinator, Florida Division of Youth Services, Tampa. Jeffrey Schembera is community services planning coordinator, Florida Department of Health and Rehabilitation Services.

[1] National Council on Crime and Delinquency, "Fact Sheet No. 2," April 10, 1975.

[2] On December 31, 1973, the Florida Division of Youth Services assumed complete responsibility for the funding and operation of all juvenile detention centers within the State.

[3] Prior to January 1974, volunteers working in other capacities with the Division had demonstrated their dependability and ability to tackle tough jobs. Consequently, there was little reluctance on the part of Division Administrators to try them as shelter parents.

opportunity to systematically plan the volunteer program. Only the barest of procedures were in place when the first group of 30 volunteer families were recruited from the Tampa community, screened, trained, and certified to receive children.

Surprisingly, there were few major problems and most of the children housed in the volunteer homes adjusted exceedingly well. Division officials were so pleased with the initial results of the project, that it was continued as a regular component of the Tampa detention program. Thus, a project initially begun as an emergency measure to relieve dangerous overcrowding in one of the State's detention centers, was maintained on a regular basis.

The Big Push

This was far from the end of the story. Throughout 1974 and into early 1975, all of the State's 22 secure detention centers began to experience overcrowding with status offenders accounting for a large share of detained children. Analysis of statistical records revealed that 44.5 percent of all detention admissions had been status offenders.

In March of 1975, the decision was made to expand the Tampa pilot project to a statewide program. As a first step, Division of Youth Services staff who had worked with the Tampa program were asked to prepare guidelines which would direct the statewide operation. The most important ideas learned from the Tampa experience were as follows:

(1) Establish the number of beds needed for such a program and then triple that number so there are always enough beds available without using any too often.

(2) Plan on 40 percent turnover rate per year of volunteers participating in the program.

(3) Recruit families honestly. Explain the positive and negative aspects of the program.

(4) Establish a definite plan for supervision of the families so they have the security of knowing that someone is always available if problems arise.

(5) Screen and orient children carefully who are going into the program so they know what the program is about.

Ministers of all denominations were contacted. Each one was asked to identify five families in their congregation that might participate in the program. Many of the ministers accompanied recruiters and introduced them to prospective volunteer families. This method of recruiting gained a number of volunteers and provided experience in recruiting families and selling the program. Other volunteer bed recruitment techniques developed were: contacting current volunteers with the agency, acquiring lists of volunteers from other organizations (Red Cross, Voluntary Action Centers, etc.), contacting community leaders, homeowners associations, and firemen. There was support by the media. Radio spots were done by newscaster Frank Blair and comedian Jackie Gleason. Spot announcements were on television and human interest stories appeared in local newspapers and neighborhood shopping guides.

Personal contact was most effective in recruitment. Parents of probationers, past and present, were excellent resources, as were friends of staff. Quickly, newly recruited volunteers began referring families that were interested in the program. Speeches to clubs or small groups were n[illegible] ticularly effective, but contacting influentia[illegible] sons in clubs for specific names worked well. Being able to use that key person's name in the initial phase contact often generated interest and paved the way for a personal visit. A primary goal of the recruiters was to sit down in the prospective volunteer's home to explain and discuss the program. At this point, honest salesmanship and community pride sold the program.

A program of this type can be destroyed if one volunteer family is abusive, physically or sexually, to a child. Therefore, much time and effort went into screening the homes to assure fitness for housing children. Initial screening was done by a home visit. The recruiter, through observation and conversation, learned about family interaction, emotional and financial stability, general attitudes and values, reasons for volunteering, family members in the home, physical setting, adequacy of space, health standards, and sanitation. The home visit gave the volunteer family an opportunity to discuss any questions they had and resolve any reservations about becoming involved. While in the home, the recruiter discussed the type of child the family wanted to take (age, sex, race, and any additional preferences), the times the home would be available to be called (days, nights, weekends, anytime), how often they wanted to take a child, whether or not they could provide transportation, and whether or not they felt comfortable in handling some specific types of children, *i.e.*, the child who smokes, is a bedwetter, requires a special diet or regular medica-

tion, or is mildly retarded. The recruiter also made sure that each family had homeowner's insurance, automobile insurance, and valid driver's licenses.

In addition to this onsite screening, a police records check was made on each adult in the home and references were contacted. A decision was then made by the recruiter to accept or reject the family. If the family was accepted the recruiter scheduled an individual or group orientation session.

The orientation included information about the Division of Youth Services, details of how the program actually operated, what the responsibilities of the volunteer families and the Division were, how to handle emergencies, and discussion of any other pertinent information. Families had an opportunity to raise questions and discuss anything that might not have been covered. These sessions gave the recruiter and families an opportunity to become better acquainted and to finalize their decision.

Recruitment, screening, and orientation were indepth processes, requiring approximately 8 hours per family. This expenditure of time was a valuable asset because the families were carefully selected and well-oriented to the program and to the children.

Supervision of the homes and length of the child's stay had been troublesome aspects of the pilot project in Tampa. In order to avoid these problems, responsibility for supervision of volunteer homes was assigned to line Youth Services staff. Staff who had initial contact with a child having committed a status offense and needing temporary lodging were responsible for the following: (1) Placing the child in one of the beds available, taking into consideration preferences of the volunteer home with regard to sex, age, and race; (2) scheduling the detention hearing within 48 hours just as if the child were in secure detention; (3) providing for contacts with the volunteer home *at least once a day* in order to monitor the situation while a child was in the home; and (4) immediately beginning work towards returning the child home or moving the child to a permanent placement within 10 days.

In order to insure proper supervision of the volunteer home by Youth Services staff and supervision of the child by volunteer parents the following terms were agreed upon in a contract signed by staff and volunteer houseparents:

(1) The maximum length of stay for the child named is to be ____ days. The Division, through its agent, will be responsible for moving as quickly as possible to find a more permanent placement for the youth, or return him to his home as appropriate.

(2) The Division of Youth Services personnel agree to provide at least one contact with the nonsecure detention home parents per day.

(3) Transportation to the home will be provided if necessary by the Division through its agent.

(4) Emergency medical care will be provided and paid for upon approval by the Division if necessary.

(5) The Division, through its agent, and/or the nonsecure detention home parent named herein, will provide written notification of intent to terminate at least 1 week prior to discontinuing participation in the program.

It Works

Based on the Pilot Project in Tampa, the probability of success in the volunteer home program was high. However, staff was still concerned about runaways being placed in a situation where they could run at any time, the number of people who would take these children into their homes, and thefts by the status offenders. These and other fears were alleviated by the results of a study of the volunteer program over a 4½-month period.

TABLE 1.—*Availability of volunteer homes**
Study I
March 15 - July 31, 1975

Total beds available between March 15 - July 31	852
Beds available July 31	738
Terminations between March 15 - July 31	113
Turnover rate	13%

* One volunteer home may provide several beds at a time.

Analysis of the data revealed a 13 percent turnover of volunteer homes (table 1), which was expected based on the predicted 40 percent turnover rate per year or 3.33 percent per month; however, an interesting side benefit was that a number of the homes terminating merely transferred to paid programs within the agency. In addition, other families withdrew from the program to accept custody, through the court, of children placed in their home. Even though they are no longer volunteer homes, they continue to be involved.

TABLE 2.—*Utilization of volunteer homes*
Study I
March 15 - July 31, 1975

Number of children placed in volunteer homes	1,181
Number of days utilized	7,506
Average length of stay (days per child)	6.4

Florida officials were surprised by the extent that volunteer homes were utilized (table 2) and the savings incurred. If, for instance, the homes which provided food, shelter, and supervision for 1,181 children over a period of 4½-months had been paid a minimum of $8 per day, it would have cost the State $60,048 to operate the program. When compared to the potential cost of holding these children in secure detention at $30 a day, the cost benefit in addition to the positive impact on the children was significant.

Few families had any serious behavior problems develop even though they were prepared for this possibility. Acceptance by the families made the children responsive and eager to please. There were a few incidents where the child caused damage to the home of the volunteer family. However, the major financial loss by families was phone bills caused by children making long distance calls. In most instances, arrangements were made for the child to repay the family. Several thefts occurred, but as the data indicate, most of these items were returned.

The 5.6 percent runaway rate (table 3) is impossible to compare since there are no other known comparable programs. However, since many of the children placed in volunteer beds are chronic runaways (one girl had run away 15 times before coming into the volunteer program), indications seem to be that 5.6 percent is a very low runaway rate.

Partially based on the results of this program, the Florida Legislature recently passed legislation which removed the category of status offenders from delinquency status. Housing status offenders in detention centers was made illegal on July 1, 1975, thus affirming the administrative decision which was effected over 2 months earlier.

TABLE 3.—*Inappropriate behavior by children placed in volunteer homes*
Study I
March 15 - July 31, 1975

Number of children who ran away from volunteer homes	67
Runaway rate	5.6%
Number of children who stole property from volunteer homes	18
Theft rate	1.5%
Cost of thefts during period studies	$5,981.87
Amount returned	$4,050.85

For years professionals in juvenile justice systems have wrung their hands over what to do with status offenders. Now, a viable alternative to housing status offenders in jails and detention centers is available—the volunteer home. This program seems to have proven successful in the State of Florida, both for the children involved and the taxpayers. Volunteer families provide the food, shelter, and supervision so the child can remain in the community rather than end up in secure detention. Families who volunteer for this program are a cross section of the community. The one common denominator is a concern for today's teenagers and a willingness to become involved in improving their situation.

Summary

Analysis of detention patterns revealed that approximately 44.5 percent of the children being admitted to detention in Florida were status offenders not requiring secure detention but needing temporary shelter and supervision. Continuing to house them in secure detention facilities was damaging to the child and costly to the taxpayer. Alternative placements needed to be developed for the status offender. The solution to the problem was to develop a volunteer program that would provide temporary (up to 2 weeks) placement for these children.

Initial staff and community resistance had to be overcome through an honest and open educational process. As the program has proven its worth, its use has increased and the need for additional homes grows. Some of the homes have been lost to paid programs and others have been given custody of the children by the Juvenile Court. Thus it is necessary to constantly recruit new homes.

Since the program began, status offenders have been phased out of secure detention entirely and it has been proven that these youngsters do not need to be locked up. Children in volunteer homes have received good care and supervision and have not presented any major problems within the community. The runaway rate for 1,181 children placed in this program during a 4½-month survey period was 5.6 percent.

Since the program is strictly volunteer, families receive no money. They have all extended themselves far beyond their original commitment to the agency and the children have responded to

the warmth and acceptance, usually leaving the home with better self-images and a desire to improve their behavior. Children are able to avoid the stigma and exposure to hardened delinquents that result from placement in secure detention. Instead of learning criminality, they learn there are adults who care enough to help them. This one lesson may be the most important long-term effect that placement in a volunteer home has on a child.

Federal Probation

A JOURNAL OF CORRECTIONAL PHILOSOPHY AND PRACTICE

Published by the Administrative Office of the United States Courts and Printed by Federal Prison Industries, Inc., of the U.S. Department of Justice

DECEMBER 1976 NUMBER 4

Juvenile Delinquency: The Sexualization of Female Crime

Our juvenile court system acts as Big Father to female delinquents. Anxious to shelter virgins and sure their crimes are largely sexual, we discriminate in the name of chivalry. Where is the logic, an expert asks, in taking vaginal smears from a car thief?

by Meda Chesney-Lind

IN 1970, a quarter of a million girls under 18 were arrested in the United States. They became the pawns of an antiquated juvenile justice system that possesses unbridled license to intervene in their lives and to enforce 19th-century American values and morality.

According to Anthony Platt, a University of California criminologist and author of *The Child Savers*, if you were to assume that the juvenile justice system was established to protect youngsters from the horrors and excesses of the adult courts, you would be wrong. The real purpose of the founders of the juvenile court, charges Platt, was to insure the normative behavior of youth; to oversee their attitudes to authority, their family relationships, and their personal morality. Adults assumed as Holy Writ both the natural dependence of children and the sanctity of parental authority. They created a special court to prevent "premature" independence and to monitor and enforce traditional sex roles. The system has adhered to its mandate for over 50 years.

Both boys and girls have suffered arrest, detention and institutionalization under vague juvenile-delinquency laws that allow judges to impose traditional morality on juvenile delinquents. And it is easy to attach that label to children. In Alaska, for instance, they used to define a juvenile delinquent as:

any child under the age of 18 years... who is in danger of becoming or remaining a person who leads an idle, dissolute, lewd or immoral life . . . or who is guilty of or takes part in or submits to any immoral act or conduct . . .

Paternalism for "Good" Girls. This interest in morality and obedience to parental authority clearly poses a greater threat to the rights of girls than boys. The traditional American family exerts close control over its daughters to protect their virginity. A "good" girl is never sexual, although she must be sexually appealing, while a healthy boy must prove his masculinity by experimenting sexually. The courts, therefore, often operate under two sets of juvenile-delinquency laws, one for boys and one for girls. They reserve their harshest and most paternalistic treatment for girls.

Many statutes which apply to boys allow incarceration only for offenses that are also adult crimes. Girls, however, are often committed for offenses that have no adult counterpart. In Connecticut, for instance, up until 1972, girls came under the jurisdiction of this morals statute:

Any unmarried female between the ages of 16 and 21... who is in manifest danger of falling into habits of vice, or who is leading a vicious life, or who has committed any crime... may be committed to... an institution.

Eight years ago, in *Connecticut vs. Mattiello*, a state circuit court ruled that the statute was not penal because it was concerned with the "care" and "protection" of the female juvenile, and, therefore, not subject to the Constitutional guarantees associated with penal statutes.

In 1967, the President's Commission on Law Enforcement and the Administration of Justice reported that "more than one half of the girls referred to the juvenile courts in 1965 were referred for conduct that would not be criminal if committed by adults." Their offenses consisted of running away from home, incorrigibility, waywardness, truancy, sexual delinquency, ungovernability, or being a "person in need of supervision." Only one fifth of the boys were referred for such

Since parents have different standards of obedience for girls and boys, they seldom ask police to find and punish a son who doesn't come home after a date.

conduct. Primarily, boys were charged with larceny, burglary, car theft, or other adult offenses.

People in the criminology business trot out sexual stereotypes to explain this apparent difference in male and female delinquency. They say it is not girls' nature to deviate from prescribed social behavior, but when they do, they do it in a typically feminine way, i.e., sexually. On the other hand, boys, who are naturally more aggressive, break the law. One prominent sociologist summed up this widely held view of female delinquency: "boys collect stamps, girls collect boys."

But this theory fails to explain what studies of undetected and unreported delinquency find. Researchers in three different parts of the country asked children to report their own delinquent behavior. The findings of these studies indicate that official court statistics probably underestimate the volume of female delinquency while overestimating its sexual character. Martin Gold's work in Flint, Michigan, reveals that running away, incorrigibility and fornication account for only eight percent of the delinquency reported by girls. Apparently, if juvenile courts sampled juvenile delinquency randomly, they would continue to find fewer delinquent girls than boys, but the girls would be charged with roughly the same kinds of offenses.

Chivalry Is Alive. Obviously, the system selects for punishment girls who have transgressed sexually or defied parental authority. In this manner, it defines a narrow range of acceptable behavior for girls, and the courts interpret even minor deviance as a substantial challenge to family authority. As we look at the responses of police and courts to female delinquency, it becomes apparent that girls who have committed noncriminal offenses are overrepresented in court populations and that they tend to receive harsher treatment than boys who have actually broken laws.

In one respect, however, the system discriminates against boys. Attached to the view that women are inferior to men is the traditional male attitude of chivalry. And chivalry is not dead; it has been incorporated into the juvenile-justice system. When police confront a young female suspect, they can either arrest her or let her go. A study by sociologist Thomas P. Monahan in Philadelphia shows that officers tend to release a larger proportion of girls apprehended for law violations than boys. This research, coupled with self-report studies that girls admit to committing the same crimes as boys, suggests that police indeed have the paternalistic mindset which says that girls should be treated chivalrously and released unless they need "protection." That girls thereby escape punishment for adult offenses is patently unfair, but it does not justify the harsh treatment they receive for minor offenses.

The best way to understand how judicial paternalism operates is to follow girls through the juvenile justice system from their initial contact with police to the final disposition of their cases.

When a girl runs away from home or when her parents cannot control her behavior, they often report her to the police. This practice is one reason why girls are charged so often with noncriminal offenses. Since parents have different standards of obedience for girls and boys, they seldom ask police to find and punish a son who doesn't come home after a date.

Middle-Income Mortification. The parental role in the initiation of complaints is also a major reason why so many girls from lower-income families find themselves in court populations. Middle-income families are mortified at the thought of involving social-control agencies in "family problems"; they seek help from private or professional agencies. Poor families, on the other hand, have few resources to help them solve disciplinary problems. They view the police as a necessary and appropriate mechanism for enforcing authority or saving their daughters' reputations.

Once the police are called in on a complaint, they either arrest the suspect or release her. In Philadelphia, Monahan found that police are more likely to arrest a girl than a boy for a sexual offense. In my study two years ago in Honolulu, I found that 34 percent of the girls and only 22 percent of the boys who had been arrested for juvenile offenses for the first time were referred to courts. I also found that police are more likely to refer to court girls accused of their first juvenile offense than girls charged with a first criminal offense. In fact, almost 70 percent of all girls and only 31 percent of all boys referred to the Honolulu courts in 1972 were charged with juvenile offenses. When I looked at the court statistics over the years, this pattern was consistent. Girls were referred to court primarily for juvenile or sex offenses and boys for adult offenses.

After police have made an arrest, they can either place a juvenile in pretrial detention or release him until his court appearance. A study of the Honolulu Detention Home in 1971 showed that 43 percent of the residents were girls while only 30 percent of the juveniles arrested during that period were girls. And 46 percent of the detention-home population had been arrested for either running away or being incorrigible; most were girls.

An American Association of University Women study in Pennsylvania showed that 45 percent of the girls charged with juvenile or sex-role violations were detained prior to trial, compared to only 24 percent of those charged with misdemeanors and 35 percent of those charged with felonies.

Vaginal Smears. There is also evidence from a number of jurisdictions that girls held in detention homes are forced to undergo pelvic examinations. Historically these examinations were employed by officialdom to determine whether girls had had sexual intercourse. While the sexual revolution may have muted this overt concern somewhat, the practice continues under the guise of medical necessity. Jean Strouse, author of *Up Against the Law*, reports that girls, brought before the family court in New York, receive vaginal smears to test for venereal disease, including those charged with nonsexual offenses. This is clearly an invasion of privacy, and it is degrading, unnerving and probably a frightening experience for

The final step in punishing the wayward girl comes in the length of her sentence. Once in a training school, girls stay there longer than boys.

many young girls. Albert Reiss, a longtime student of the legal enforcement of sexual mores, says girls are much more likely than boys to be given physical exams, because of the stereotypic view that girls are more likely than boys to be "carriers" of venereal disease. More important, the suspicion of venereal disease shows that the court equates female delinquency with sexuality. It assumes that girls who get in trouble for any reason are promiscuous.

A few years ago, court officials in Honolulu routinely questioned girls about their sexual activities; they rarely asked boys. After the girls told the officers about their sexual experiences, the officials often used the information to charge the girls with additional offenses. However, since 1967, the Gault decision (which in part protects the juvenile's right to refuse to answer self-incriminating questions) has forced the court to use vague charges of incorrigibility or ungovernable behavior as substitute charges for suspected sexuality.

No Place to Go. Once girls are detained, they stay in custody longer than boys. A study in 1971 by Paul Lerman in New York indicates that adolescents charged with juvenile offenses are twice as likely to be detained for over 30 days than other delinquents. And we know that girls make up the bulk of juveniles charged with these offenses. My Honolulu data are older, but more specific. In 1964, girls averaged 19.3 days in pretrial detention while boys averaged only 8.9 days. And in interviews with girls who have recently been detained in Honolulu, I learned that it was normal for them to spend two weeks in detention on a runaway charge while boys charged with adult crimes were usually released in a few days.

The court's rationale for lengthy pretrial detention is that girls have no place else to go. In fact, court officials demand that girls choose between some sort of court-arranged or approved living situation or continued incarceration. They assume that since a girl often comes before the court because her family cannot discipline her properly, the court must provide some other form of control. Only rarely does the juvenile court worry about where boys are going to stay.

When we look at recent statistics on the disposition of juvenile-delinquency cases in court, it appears as if boys receive harsher treatment than girls. In Hawaii, for example, while 30 percent of the juveniles arrested in 1970 through 1971 were girls, only 13.8 percent of the juveniles committed to state institutions during the same period were females. In California, six boys were institutionalized for every girl during the same year. But we must remember that boys are arrested four times more often than girls. And these figures do not reflect the fact that a girl is often sent to a training school for far fewer offenses than her male counterpart, and that most of her offenses are not even criminal ones.

Janice Johnston, an attorney and Ph.D. candidate, recently studied the activities of the Honolulu Family Court. Her data reveal that girls are six times more likely than boys to appear before a juvenile-court judge on their first offense. They are also more likely than boys (5.8 percent to 1.3 percent) to receive probation or be placed under supervision after only one offense. And this pattern does not change much for the second offense.

Sociologist Robert Terry studied a juvenile court in the Midwest and found that while more girls than boys are allowed some form of probation or supervision, if a girl does appear before a judge, she is more likely to be institutionalized. Yona Cohn, in her study of the Bronx Children's Court, found that probation officers are far more likely to recommend incarceration for girls than boys. While girls make up only one sixth of the court population, they constitute one half of those recommended for institutionalization. Finally, national data compiled by Paul Lerman in 1965 show that boys and girls convicted of juvenile offenses are more likely than those convicted of criminal behavior to be incarcerated; girls are the vast majority of these cases.

Longer Sentences. In the final analysis, it is clear that the system continues to mete out harsh punishment to girls who are charged with juvenile and sexual offenses. They are more likely than boys who commit adult or juvenile offenses to end up in institutions. Nearly 70 percent of the girls in the state training school in Hawaii from 1970 to 1971 were there for juvenile offenses, compared to 12.9 percent of the boys. In Pennsylvania, 83 percent of the imprisoned girls were there for juvenile or sexual offenses, and similar statistics have been found in New Jersey and Connecticut.

The final step in punishing the wayward girl comes in the length of her sentence. Once in a training school, girls stay there longer than boys. In 1965, the U.S. Children's Bureau reported that the average commitment for boys was 8.2 months, while it was 10.7 months for girls. Again the courts defend this harsher treatment in the name of protection. They are concerned that if they release a girl she may again become involved in promiscuous behavior and become pregnant.

If parents are unwilling or unable to control their daughters' behavior, our society believes, the court can and should. As a consequence, the labels of "incorrigible," "ungovernable" and "runaway" permit the same abuses that characterize the labels of "sick" or "insane." That is, saving or protecting girls often justifies treating them more severely than boys who break the law. Thus the court's commitment to the sexual double standard and the subordinate status of women results in a clear violation of the civil rights of young women. Punishment in the name of protection is much like bombing a village to save it from the enemy.

Meda Chesney-Lind will receive her doctorate in sociology from the University of Hawaii for her study of motherhood and of women who choose not to become mothers and have abortions. Her master's thesis concerned the juvenile justice system, and what she learned writing that paper led her to become an advocate for change in the courts. Chesney-Lind divides her time among activism, writing her dissertation, and teaching at Honolulu Community College.

What Makes Johnny Run?

by Kaaren Gaines

Running away is now a common phenomenon in the United States. Each year about 500,000 runaways are reported. And when the estimate of unreported runaways is added to that number it doubles.

Because of the magnitude of this problem, the Department of Health, Education, and Welfare sponsored a study to determine the characteristics of runaways.

The two-year study is based on interviews with 215 youths on the run. It shows that, while runaways are not restricted to any race, sex, socioeconomic background, religion, or geographical area, they can be divided into two main groups by their motives for running away: parent-centered motives and child-centered motives.

Parent-centered motives

Parent-centered runaways are those who explain leaving home in terms of something the parent or parent-surrogate did. Under parent-centered motives there are three groups of runaways: victims, exiles and rebels.

Victims are those runaways who feel they are fleeing for their lives from physical abuse and assault by parents or step-parents. These youths feel that their parents are their enemies and returning home will endanger their lives. They feel helpless and undefended, yet dependent upon their parents. While at home the victim runaways refer to their parents as a source of support and security, but once the underpinnings of that support are torn away they confront the world as helpless vagabonds.

A runaway who acknowledges dependence upon his family and explains leaving home in terms of parental rejection is termed an exile. Such runaways report that they left home because they were no longer wanted, banished in a sense by rejection.

The third group of parent-centered runaways are rebels, who describe their motives for running away in terms of serious and long-standing authority struggles with their parents. They hope their running away will help them win this struggle. They want to live at home, but by their own rules.

Child-centered motives

Child-centered runaways see themselves as the source of the action. They leave home because they seize the initiative. The study divides this group of runaways into fugitives, refugees, and immigrants.

The fugitive is running from the consequences of his own behavior. Fugitives leave home because they feel they must in order to escape some form of retribution or disgrace. Fugitive children are afraid to face their parents, the school, or the social control agents of their community. They run away to avoid further trouble but may maintain contact with their homes, communicating periodically with someone there. They may also receive some support from parents or siblings while away from home.

The refugees are without families. They run away from foster homes and institutions. Refugees feel they belong to no one. Like the fugitives, they are running from an unpalatable situation of social control. But, unlike the fugitives, they are not fleeing the

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Kaaren W. Gaines is a social science technician in the Division of Monitoring, Research and Evaluation of the Public Services Administration. She also works as a volunteer counselor at the Special Approaches in Juvenile Assistance Runaway House in Washington. This article is based on the study, Runaway Youth: Illegal Aliens in Their Own Land: Implications for Service.

consequences of their own behavior.

Independent runaways who have taken matters in their own hands and have resolved unpleasant home or community situations by choosing complete freedom are called immigrants. They have terminated parental dependency to be on their own. They run away to find adventure, freedom and independence rather than merely to escape parental or social hassles or authority.

Case histories

The categories in which this study places the runaways may be best understood by case histories. Six abbreviated cases follow:

The victim. Fifteen-year-old Melissa was on the road for six months after she ran away from her home in Seattle. She was heading for San Francisco where her sister lived, but on the second night of her trip she was raped. And before reaching her sister's home she was molested several times. At her sister's home conditions weren't much better. Constant arguments with her sister soon convinced Melissa that she would fare just as well on the street.

Melissa had been raped by her father when she was 14. A few days before she left home, her father beat her after she came home late one night. She said he ripped off her clothes, tried to find evidence that she had had sexual relations recently and accused her of being a slut and a whore.

The exile. At 16, Kelli was thrown out of the house by her mother who could not cope with her behavior. Kelli lived temporarily with her father, an alcoholic, but found caring for him too great a burden. She struck out on her own. When all her money was gone, she tried several times, unsuccessfully, to return to the homes of her father and grandparents.

Kelli's principle source of income was from the sale of illegal drugs in the neighborhood and at school. According to the study, delinquent behavior is a pattern for this type of runaway.

The rebel. Bobby was inundated with hassles at home: drunken fights between his parents, arguments over his right to do what he wanted and humiliating scenes in front of his friends.

Bobby left home. His chief means of survival was panhandling. Although he worked in a store run by a commune in exchange for food and shelter, he made ends meet by dealing in drugs. Many runaways of this type find their greatest hassles with hustlers, older men and other runaways.

The fugitive. Angela's mother was a well-known radical political activist. While hitchhiking home from school, Angela was stopped by police who asked to search her purse, but she refused. She was accused of carrying a pistol, but was released.

When Angela arrived home, her mother said the police were on their way to their home to talk with her. Fearing Angela's arrest, they agreed it would be best for her to leave home for a while.

The refugee. Mike and his younger brother ran away from a home sponsored by a religious group because they frequently suffered corporal punishment. They first went home, but took to the road when their parents said they would be sent back to the home.

The boys' parents, fundamentalists in their religious beliefs, were very strict with their children. Because the parents did not demonstrate feelings of affection and approval, the boys were not aware their parents cared for them; they only knew that the rules were many and the pleasures few.

Rebellion against restrictions is also a motive of most refugees who run away from an institution or a foster home.

The immigrant. David said he left home more because of his desire to pursue a career than because of problems with his parents. Although arguments with his parents were commonplace, the real issue was that he felt he could not develop his skills as a musician or make the contacts necessary for getting into a rock group as long as he lived at home. As soon as David had saved $300, he left for California. Immigrants distinguish themselves from all other runaways by planning their flight in advance.

Runaway youth legislation

Unfortunately, discrepancies exist between the intent of the two major pieces of Federal legislation that affect runaways (the Runaway Youth Act and Title XX of the Social Security Act) and the actual experiences of runaways and the authorities who deal with them. For example, the Runaway Youth Act says, "The problem of locating, detaining, and returning runaway children should not be the responsibility of already overburdened police departments and juvenile justice authorities." Yet it is the police who, directly or indirectly, locate, detain, and return most of the 500,000 runaway youths who are reported each year.

When runaways are returned to their families, the problems that caused them to leave are usually still unresolved. Those who manage to elude the police usually end up on the street, engaged in illegal activities such as prostitution, drugs sales and panhandling. Often the youths are without food, shelter or money; it is virtually impossible for them to get jobs.

Under Title XX, runaways can receive help, such as shelter, food, clothing, only through the public welfare system. The problem is that they do not turn to public agencies for help for fear of being turned over to law enforcement agencies.

For these and other reasons, the study describes runaways as "illegal aliens in their own land . . . persons without papers, without credentials, rights or support." One conclusion of the study is that "a variety of . . . services are needed similar to those developed in other countries where hostels and wayside services exist to reduce the hazards of travel and survival for youngsters away from home. Such a variety of legitimate, alternative services could be provided if the runaway status were decriminalized."

Attitudes toward social services

Judging from the 215 runaways surveyed in this study, their attitude toward both public and private social services is negative. They do not trust the staff of these agencies because

they view them as members of a bureaucratic power structure who are insensitive and uncommitted to the needs of runaways. Only 14 percent of the runaways interviewed felt that any type of a formal social agency would be either "helpful or appealing" to them.

In many private agencies, including some of the residential programs, runaway houses and "crash pads," the primary focus of counselors, social workers and other staff members is to show the runaways where they made mistakes and to convince them to return home.

With agencies in the public sector, runaways begin with one strike against them. They are already labeled juvenile delinquents simply because they have run away. This delinquent status limits their access to many community services, such as legal aid and medical treatment.

More than half of the runaways surveyed (55 percent) did not list any agency as being helpful or appealing. However, nearly one-third listed free clinics, crash pads or counter-culture agencies as helpful. Only eight percent listed public agencies as being helpful; three percent identified private agencies as helpful; and three percent saw law enforcement agencies as helpful.

Some necessary changes

Two important conclusions from the study about services for runaways provided by the public sector are:

- Agencies responsible for meeting the social service needs of runaways must develop a wider information network if their services are to be used.
- Those who say that youths are enticed to run away because of the substantial resources that society makes available to them are in error, since few runaways know about and use these resources.

Traditional social services and current statutes have proven inadequate in meeting the needs of runaway youth. Regardless of whether running away is an act of rebellion or desperation, steps must be taken to make social services and the law of the land more effective and more humane. ■

HOW TO
Do a Better Job of Managing the AFDC Program

The Assistance Payments Administration of HEW's Office of Human Development is acting as a clearing house for reporting on ways in which States have moved to improve management of their Aid to Families with Dependent Children (AFDC) programs. A number of these "How They Do It" reports are available without charge.

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For copies, write:
Assistance Payments Administration
State Systems Management Division
Office of Human Development
330 C Street, SW Room 1232-B
Washington, D.C. 20201

2-8-78

JOURNAL-WORLD

Young ideas

Question: What do you think of proposed state legislation that would relax penalties on juveniles who are truant from school or who run away from home?
Place: Lawrence High School

Lori Helm, senior, 1632 E. 18th Ter.: "I think the law should be more liberal. Kids who skip school all the time should drop out anyway. I don't think penalties should be as harsh as they are now."

Lori Pine, sophomore, Rt. 4: "I agree with it. You can get more harm done — bodily harm and learning things — if you're put in a detention center."

Helm Pine Hornberger

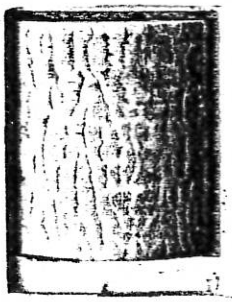
Ann Hornberger, sophomore, 1614 E. 18th: "I think it's a good idea. People in detention homes can put ideas in your head. You'd be worse than you were before."

Deana Mohlstrom, senior, 2020 Quail Creek: "Running away from home is a personal problem, and there should be counseling. But the hard-core kids who've been helped and who have had a lot of chances know what they're doing. If that's the way they want to act, something should be done about it."

Mohlstrom Faulk Kappelman

Chris Faulk, junior, Rt. 2: "I agree, even though more kids might run away."

Carol Kappelman, senior, 607 W. 27th Ter.: "I think the law should be less harsh. The problems should be dealt with through counseling and the family. I don't think it should be taken to the police. It shouldn't have anything to do with detention."



2-10-78

KANSAS CHILDREN'S SERVICE LEAGUE
Established in 1893

SUMMARY OF STATEMENT

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February 10, 1978

RE: SENATE BILLS 212, 553, and 825

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Mr. Chairman and Members of the Committee:

The Kansas Children's Service League is opposed to lowering the age for Juvenile Court jurisdiction from 18 to 16 years as is proposed by Senate Bill 212. Our work with juvenile court referrals through our emergency shelter and programs throughout the state has made us very aware of the problems of placement for the 16 and 17 year old offenders. However, we do not believe that the lack of facilities and programs should be the determining factor in regard to this question. It is our firm belief that 16 and 17 year old offenders generally do not belong in the present adult correctional facilities available in this state. For the exceptional youngster who will not benefit from treatment as a juvenile offender, there is already adequate provision in the Code for certification as an adult, if the mechanism were used.

What KCSL does support and would enthusiastically welcome is a comprehensive legislative study of the state's juvenile correctional facilities and programs.

The Kansas Children's Service League supports that decision of Special Committee on Judiciary-B as is reflected in SB 553's provision for retaining the jurisdictional age at 18 years. We also endorse the elimination of the escalation clauses found in the same bill.

In regard to SB 825, KCSL supports the elimination of status offenses from the Juvenile Code. Our experience in this area has shown us that this type of juvenile offender is almost always from a situation where there are family problems. The adversary nature of juvenile court hearings has simply not been an effective means of addressing these family problems. Most wayward prosecutions which have been brought to our attention have been initiated by parents because other sources of help are lacking. Our agency would support any effort to initiate more programs and services to help these troubled families. The exceptional case which warrants court intervention could still be brought to the court's attention under the broad definition of "deprived child" as is provided in the Code.

Thank you for the opportunity to share our views on these proposed revisions of the Juvenile Code.

Oral statement presented by
Reverend Nelson Thompson
Executive Committee Member,
Kansas Children's Service League

MEMBER UNITED AGENCY

CMA

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DEPARTMENT OF HEALTH AND ENVIRONMENT

DWIGHT F. METZLER, *Secretary*

Topeka, Kansas 66620

February 7, 1978

Senator Elwaine Pomeroy
State Capitol
Topeka, Kansas 66612

RE: Senate Bill 553

Dear Senator Pomeroy:

This is to convey the position of the Department of Health and Environment regarding Senate Bill 553 - which revises the Juvenile Code. In general, we consider the proposed changes as positive for children, with one exception. As the agency responsible for the licensing of child care facilities, we are concerned with the language of 17b which would exempt persons from being licensed for 30 days when custody is awarded to a person caring for a non related child.

This provision would remove the right of access and entry by the licensing agency as it now exists, since presently an application for license is made immediately when such an emergency placement occurs. The basic protection afforded by licensing is just as essential for the first thirty days after a child is removed from parents as it is for a longer period of placement.

It makes it possible for any person or organization to establish a thirty day emergency facility without any assurance that basic health and environmental safety requirements are met. It is not possible to estimate the number of children affected but the potential is that total number of children removed from their home through court action each year. Examples of hazardous arrangements that have come to attention through application for a license which were immediately corrected or other plans made for the child are as follows:

a. Private water well with high nitrate content which is made more dangerous by boiling for infant use and can lead to brain damage or death.

b. Four children under twelve years of age occupying basement bedrooms with only one exit leading past the heating appliances. No smoke detector.

c. Five children, ages 14, 13, 8, 5 and 3 in a 9x12 room.

I enclose a copy of suggested changes on p.22 of S.B. 553 lines 0812, 0814, 0815 and 0816 for the committee's consideration. If you have need for additional information please let us know.

Sincerely,

BUREAU OF MATERNAL AND CHILD HEALTH

Patricia T. Schloesser, M.D.
Director
PTS:kab
Enclosure
cc: Mr. Jim Maag
Mr. Dwight Metzler
Dr. James Wilson

name of the court and shall contain notice of the time and place of the hearing and a statement requiring the person named in the summons to appear and there show cause why he or she should not be deprived of the permanent custody of _____ (name of child). ~~Such summons shall be served as provided by K.S.A. 1976 Supp. 38-810.~~

Sec. 17. K.S.A. 1977 Supp. 38-819 is hereby amended to read as follows: 38-819. (a) Prior to or during the pendency of a hearing on a petition to declare a child to be *a* delinquent, miscreant, wayward~~,~~ *or deprived child or* a traffic offender~~, a~~ *or* truant ~~or dependent and neglected, filed~~, *commenced* pursuant to K.S.A. ~~1976~~ *1977* Supp. 38-816, *as amended*, the district court may order that such child be placed in some form of temporary detention or custody as provided in this section~~, but only after~~. *Any such detention or custody shall not exceed forty-eight (48) hours, excluding Sundays and legal holidays, unless within such forty-eight-hour period* a determination is made as to the necessity therefor in a detention hearing as provided by K.S.A. ~~1976~~ *1977* Supp. 38-815b, *as amended. If the hearing on the petition results in the child being adjudged a delinquent, miscreant, wayward or deprived child or a traffic offender or truant, the court may order that the child be placed in some form of temporary detention or custody as provided by this section pending execution of the order of disposition.*

(b) ~~Upon such a determination,~~ *Pursuant to subsection (a),* the court may make an order temporarily granting the custody of such child to some person, other than the parent, guardian or other person having legal custody, ~~or~~ *who shall ~~not~~ be required to be licensed under article 5 of chapter 65 of the Kansas Statutes Annotated, ~~but who shall become licensed thereunder within thirty (30) days of the entry of the court order if the child remains in such person's custody;~~* to a children's aid society~~; or~~*;* to a public or private institution used as a home or place of detention ~~or correction,~~; or to the secretary of social and rehabilitation services.

(c) ~~Upon such a determination,~~ *Pursuant to subsection (a),* the court may order any such child who is alleged *or adjudged* to be a delinquent or miscreant child to be placed in detention in the

Department of Corrections

State of Kansas

JIM J. MARQUEZ, ACTING SECRETARY

535 Kansas Avenue - Suite 200
Topeka, Kansas 66603
(913) 296-3317

February 6, 1978

Senator Elwaine F. Pomeroy, Chairman
Senate Judiciary Committee
State Capitol Building, Rom 142-N
Topeka, Kansas 66612

RE: Senate Bill 553

Dear Senator Pomeroy:

For your information, please find attached a copy of a letter under date of February 3, 1978, from George W. Thompson, Director, Kansas Reception and Diagnostic Center; and a copy of my prior correspondence under date of January 18, 1978.

Sincerely,

Jim J. Marquez
Acting Secretary of Corrections

By: Bernard J. Dunn
Chief Legal Counsel

BDJ/pa
Attach:

STATE OF KANSAS

George W. Thompson, *Superintendent*

KANSAS STATE RECEPTION AND DIAGNOSTIC CENTER

P. O. Box 1558, Topeka, Kansas

February 3, 1978

Mr, Jim J. Marquez
Acting Secretary of Corrections
Kansas Department of Corrections
535 Kansas Avenue, Suite 200
Topeka, Kansas 66603

Attention: Bernie Dunn
Chief Legal Counsel

Dear Mr. Marquez:

In reference to your letter to Senator Pomeroy regarding Senate Bill 553, the Kansas State Reception and Diagnostic Center utilizes to the maximum all information obtainable in the evaluation process. As you know, most of the people entering the correctional system are young people and their juvenile records are pertinent in our appraisal of their environment, family and community relationships, background, education, adjustment (juvenile delinquency, drug addiction, alcoholism, mental health, etc.). Research has shown that there is a direct correlation between delinquent behavior and criminal behavior, so juvenile records certainly are important for us to have if we are to continue providing quality service.

We recognize the confidentiality of juvenile records and certainly would comply with the law in maintaining that confidentiality, utilizing the information only in the evaluation of the person.

If I can be of further assistance, please contact me.

Sincerely yours,

George W. Thompson
Director

GWT:f

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JIM J. MARQUEZ, ACTING SECRETARY

January 18, 1978

Senator Elwaine F. Pomeroy, Chairman
Senate Judiciary Committee
State Capitol Building, Room 142-N
Topeka, Kansas 66612

RE: Senate Bill 553

Dear Senator Pomeroy:

The Secretary of Corrections requests clarification on certain language found on Page 11 & 12 of the bill to specify whether or not the Department of Corrections must separate any material, which it has on a past juvenile record of an inmate under the custody of the Secretary of Corrections, from other criminal records held by the Department of Corrections; and whether or not the juvenile records of a child are to be disclosed to a correctional institution to which the child is later sent as an adult under a separate charge and felony conviction, or on the conviction for aggravated juvenile delinquency, or when incarcerated by the Department of Corrections on juvenile offenses after age 18.

I am simultaneously requesting, by delivery of a copy of this letter to George Thompson, Director of the Kansas Reception and Diagnostic Center, guidance by way of comments and suggestions regarding the need for current usage of juvenile records.

At the present time, any records regarding juvenile matters, in which an inmate was previously involved, are kept with the inmate file and are treated like other information except that disclosure of such juvenile matter is restricted, when identified, according to current law.

Thank you for your assistance in this matter.

Sincerely,

JIM J. MARQUEZ
ACTING SECRETARY OF CORRECTIONS

JJM/BJD:pa

cc: George Thompson, Director/KRDC