

County Concerns: **STATUS OFFENSES**

More than 50,000 kids are taken to court every year just for skipping school.¹ An additional 87,000 youth are in court because they ran away, were arrested for underage drinking, were out past curfew or their parents feel they are beyond control. The majority of these youth are processed through county courts and served by local entities like probation or social service agencies,² creating an enormous expense for counties.

A status offense is an act that is illegal only because the person committing it is a minor: things like running away, truancy, curfew violations, underage drinking and ungovernability or incorrigibility (classifications given to a youth who is disobedient or beyond the control of parents or guardians). These low-level offenses are often the result of underlying issues, such as an unsafe school environment, child abuse/neglect or mistreated or undiagnosed disabilities.

WHY SHOULD MY COUNTY BE CONCERNED ABOUT STATUS OFFENSES?

Courts across the country are faced with more cases than they can handle, which often results in slow response times. In status offense cases, however, time is often of the essence as many of these violations are the result of an underlying issue. For example, a child who is regularly truant could be avoiding a negative school environment, feeling depressed or reacting to problems at home. Courts are not usually equipped to assess such underlying circumstances and judges have few options when faced with a teenager who is acting out or parents who feel they can't handle their child.³

Using courts and detention facilities to handle youth charged

with status offenses is expensive and ineffective. Detention can cost counties \$200-\$300 per day per youth. The costs grow even higher over time, as juveniles who are detained and adjudicated are more likely to end up in the adult system. When youth charged with low-level offenses are diverted from court and treated in the community, they have better outcomes and recidivism rates drop. Community-based services are also much less costly than detention.⁴ Counties are natural leaders to help bridge the gap between youth with needs and community-based services that can help them, with a far greater breadth of services than may be available to the courts.

The federal government has also recognized that status offenders are fundamentally different than other youth in court. The Juvenile Justice and Delinquency Prevention Act (JJDPA) limits detention and mandates the provision of services for status offenders.⁵ Federal funding that states receive to support juvenile justice requires the deinstitutionalization of these youth.

Despite the JJDPA's prohibition on detaining status offenders, one exception does allow for it: The Valid Court Order exception allows courts to incarcerate a child if he or she is in violation of a court order (such as an order to attend school, which the child does not do). Detaining youth for these types of violations is counter to the goal of the JJDPA, and a large coalition of advocates are seeking the removal of this exception.

WHAT CAN MY COUNTY DO?

Because youth charged with status offenses can be referred to the juvenile justice system at many different points — by parents who feel their child is acting out in an uncontrollable manner, by schools dealing with discipline or truancy issues or by law enforcement officers who encounter a runaway child — it is critical that county agencies collaborate to build a safety net and best serve these youth. County agencies can work together to set up systems that provide youth greater opportunities for diversion from court involvement, quickly identify and address underlying issues that may be causing youth to act out and provide community-based services that result in better outcomes at lower costs.

Families are critical allies but also in need of assistance when working with a child charged with a status offense. Counties can ensure that services are easy for children and families to access. If services are far away, expensive or otherwise difficult to use, families may opt out before their needs can be addressed.

EXAMPLES OF SUCCESSFUL STATUS OFFENSE REFORM EFFORTS

In **Clark County, Wash.**, students who skip school must attend a truancy workshop where they learn about consequences of truancy and sign an agreement that they will improve their attendance. Those who fail are enrolled in the Truancy Project, which provides a mix of individual supervision and group activities that identify student-specific barriers to school attendance. Youth involved in the Truancy Project were significantly less likely to have further involvement with the juvenile justice system.⁶

In **Calcasieu Parish, La.**, the Multi-Agency Resource Center (MARC) functions as a centralized point of intake for families. Youth can be referred to the MARC by law enforcement, family

members, school officials or other concerned adults. MARC staff use assessments to identify a youth's needs and interview the youth's guardian before developing a service plan that can include counseling, functional family therapy and/or other programs offered by community service providers. In the MARC's first year of operation, the average time from when a youth or family sought help to receiving help dropped from 50 days to approximately two hours.⁷

RESOURCES AND MORE INFORMATION

■ **Models for Change** Website: www.modelsforchange.net/reform-areas/dual-status-youth/index.html

Funded by the John D. and Catherine T. MacArthur Foundation, Models for Change supports coordinated, multi-system interventions to improve outcomes for youth in the juvenile justice and child welfare systems. This site provides effective tools, research, knowledge and innovations to promote reform.

■ **Status Offense Reform Center** | www.statusoffensereform.org

The Status Offense Reform Center offers resources and tools to policymakers and practitioners interested in creating effective alternatives to juvenile justice system involvement for youth who commit status offenses — behaviors that are problematic but certainly not criminal in nature.

■ **Toolkit for Status Offense System Reform** | www.statusoffensereform.org/toolkit/introduction-a-toolkit-for-status-offense-system-reform

This toolkit provides guidance and tools to create an approach to respond to youth charged with status offenses in the community. The toolkit is organized into four modules: (1) Structuring System Change; (2) Using Local Information to Guide System Change; (3) Planning and Implementing System Change; and (4) Monitoring and Sustaining System Change.

END NOTES

1. Annie Salsich & Jennifer Trone. From Courts to Communities: The Right Response to Truancy, Running Away, and Other Status Offenses. The Vera Institute of Justice, 2013. Available at <http://www.statusoffensereform.org/wp-content/uploads/2013/12/from-courts-to-communities-response-to-status-offenses.pdf>.

2. Charles Puzzanchera & Sarah Hockenberry. Juvenile Court Statistics 2010. National Center for Juvenile Justice, 2013. Available at <http://www.ncjj.org/pdf/jcsreports/jcs2010.pdf>.

3. Annie Salsich & Jennifer Trone. From Courts to Communities: The Right Response to Truancy, Running Away, and Other Status Offenses. The Vera Institute of Justice, 2013. Available at <http://www.statusoffensereform.org/wp-content/uploads/2013/12/from-courts-to-communities-response-to-status-offenses.pdf>.

4. Although there is limited research focused specifically on status offenders, it stands to reason that community-based approaches are also a better approach for youth who are acting out but haven't committed a crime. See Annie Salsich & Jennifer Trone. From Courts to Communities: The Right Response to Truancy, Running Away, and Other Status Offenses. The Vera Institute of Justice, 2013. Available at <http://www.statusoffensereform.org/wp-content/uploads/2013/12/from-courts-to-communities-response-to-status-offenses.pdf>.

5. Shay Bilchik & Erika Pinheiro. What the JJDPA Means for Lawyers Representing Juvenile Status Offenders. American Bar Association, 2010. Available at http://www.americanbar.org/content/dam/aba/administrative/child_law/20100121_RJSO_Book.authcheckdam.pdf.

6. Status Offense Reform Center. Notes from the Field: Clark County, Washington. 2014.

Available at http://www.statusoffensereform.org/wp-content/uploads/2013/10/Clark_Final.pdf.

7. Status Offense Reform Center. Notes from the Field: Calcasieu Parish, Louisiana. 2013. Available at http://www.statusoffensereform.org/wp-content/uploads/2013/12/Calcasieu_Final.pdf.

NACo is a proud partner of the Resource Center Partnership, sponsored by the John D. and Catherine T. MacArthur Foundation. We would like to thank the Foundation for its assistance in producing this publication and its continued support in helping to educate county officials about opportunities to improve their juvenile justice systems. For more information about this publication or the *Models for Change* initiative and the Resource Center Partnership, please contact Kathy Rowings, NACo Justice Program Manager, at krowings@naco.org or 202.942.4279.