

From Courts to Communities: The Right Response to Truancy, Running Away, and Other Status Offenses

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**The Vera Institute of Justice's Status Offense Reform Center,
a member of the Models for Change Resource Center Partnership
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When Teresa was 14 years old, her mother died. Feeling overwhelmed by the loss and estranged from her father who was grieving in his own way, she began sneaking out at night to be with a 20-year-old man she considered her boyfriend. Teresa's father disciplined her harshly, which only made life at home even rockier. One morning, Teresa went to school and didn't come back.

Worried about his daughter, Teresa's father called the police. When the officers found her, they took her to a respite shelter where she would be safe, but would also have some time away from home. Almost immediately, a crisis counselor began working with Teresa and with her father, and after three days, Teresa was ready to go home and her father had some new ideas about how to talk to his daughter. The counselor also referred Teresa and her father to a therapist nearby who specializes in grief.

Teresa and her father live in Florida, where a statewide network of nonprofit organizations helps families in crisis. Florida developed the network years ago as part of a larger effort to keep troubled teens like Teresa out of the juvenile justice system. But what would the outcome be for Teresa if she lived in a state without the family crisis network?

The police officers in another state might have told her father to file a status offense complaint because his daughter had run away from home. Status offenses include a range of behaviors in addition to running away, such as skipping school, violating curfew, and flagrant disobedience, which are prohibited under law because of an individual's status as a minor. Once the officers found Teresa, she might have ended up in court where a judge would have had little to offer other than the court's authority to order Teresa to adhere to a curfew and perhaps also to stop seeing her boyfriend. If Teresa disobeyed the judge's orders she might have been sent to a corrections facility for juveniles, along with teenagers charged with serious criminal acts. All the while, it's unlikely that anyone would help Teresa deal with the grief that was fueling her rebellion.

The story with the happy ending and its opposite are playing out all across the country, sometimes in adjacent towns. This white paper, produced by the newly created Status Offense Reform Center at the Vera Institute of Justice (Vera), aims to help officials rethink their approach to working with young people like Teresa, so that good outcomes become the norm everywhere.

Youth who run away from home, routinely skip school, and engage in other risky behaviors that are prohibited precisely because of their young age are acting out in ways that should concern the adults in their lives. They need appropriate attention—but not from the juvenile justice system.

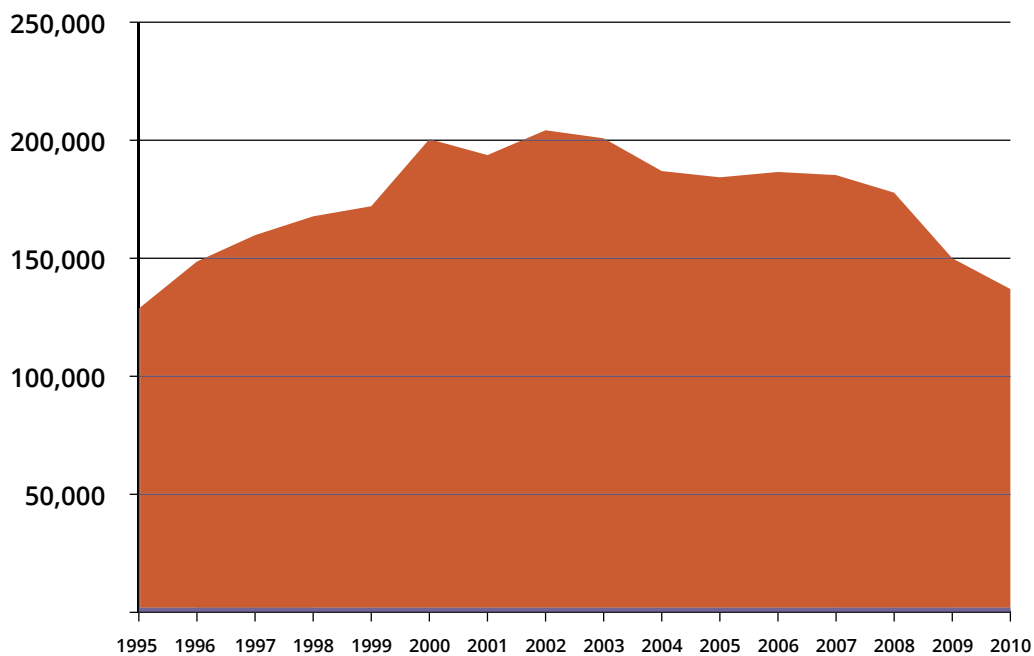
What is the status of status offenses in America?

When confronted with a teenager whose behavior feels beyond their control, parents sometimes turn to law enforcement and the courts for help. More than a decade ago, in 2002, when staff at Vera began reviewing status offense cases in New York State, they discovered county systems that were broken: parents waiting weeks before receiving any kind of response, judges stymied by a lack of options, juvenile justice facilities bursting at the seams with status offenders, and millions of dollars spent annually on out-of-home placements. The situation in New York reflected grim trends nationally: between 1995 and 2002 the number of status offense cases processed in family and juvenile courts across the country increased 59 percent, from 128,700 cases to 204,200.¹ Over roughly the same period, the use of out-of-home placement increased at nearly the same rate.²

Then in the early 2000s, the tide began to turn. Officials who handled these cases saw how the system was failing young people and their parents—often with heartbreaking results—and began experimenting with alternatives. Within a few years, a new paradigm had emerged: connect families with services in their communities, instead of turning to courts. The shift in approach is grounded in the understanding that families can resolve the problems that led them to seek help; they just need some guidance and support. Between 2002 and 2010, juvenile and family courts nationally handled 33 percent fewer status offense cases, and a decline in the use of out-of-home placement, which began in the year 2000, was even greater.³

**A new paradigm has emerged:
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Rise and Fall of Number of Status Offense Cases Handled in Court, 1995-2010

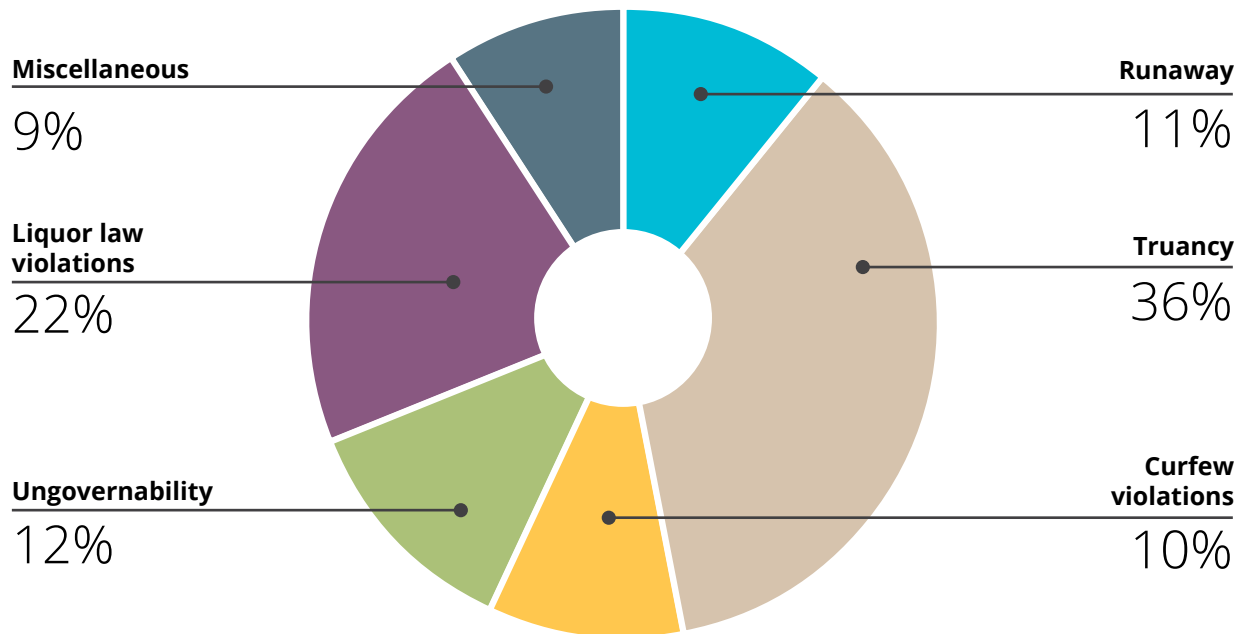


Charles Puzzanchera and Sarah Hockenberry, *Juvenile Court Statistics, 2010*
(Pittsburgh, PA: National Center for Juvenile Justice, 2013) p. 66.

While the declines are encouraging, courts are still handling far too many status offense cases—roughly 137,000 in 2010.⁴ That’s hundreds of cases every day on average. And, in more than 36 percent of status offense cases, the most serious allegation is truancy—that’s nearly 50,000 cases in which kids are taken to court for skipping school—followed by liquor law violations, what’s known as “ungovernability,” and curfew violations.⁵ Moreover, despite the noncriminal nature of these behaviors, youth in approximately 10,400 cases spent time in detention, and in 6,100 cases the end result was a longer-term placement in a residential facility.⁶

Common Status Offenses

Breakdown of status offense court cases in 2010 by most serious “allegation” (offense/behavior)



Charles Puzzanchera and Sarah Hockenberry, *Juvenile Court Statistics, 2010* (Pittsburgh, PA: National Center for Juvenile Justice, 2013) p. 66.

Why are courts poorly suited to handle status offense cases?

Courts almost everywhere are overburdened, confronted with more cases than they can handle. As a result, courts are slow to respond when time is of the essence—a delay of even a few days is enough time for a minor crisis to escalate, potentially putting young people at risk and making it much harder for parents and children to work together to resolve their issues—and lack the capacity to be discriminating in status offense cases. Consider a 15-year-old boy who skips school regularly. He might be responding to peer pressure, or merely displaying poor judgment. He could be avoiding a negative school environment and feeling anxious and depressed. Or his truancy might reflect serious problems at home. Courts are not equipped to assess the underlying circumstances that result in a status offense, and judges have very few options when confronted with a teenager who is acting out and parents who feel they can’t handle and safeguard their child. The outcome: every year, thousands of young people end up

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in juvenile justice facilities where they encounter youth who have committed more serious offenses—exposure that can negatively affect their own outlook and behavior. Finally, courts are expensive to operate.

While there is limited research focused exclusively on status offenders who go through a traditional court process, there is a robust body of research on youth charged with low-level delinquency offenses from which to draw comparisons. Those studies show that diverting delinquent youth from court and responding with community-based programming is more effective in preventing future crime.⁷ If community-based approaches are more effective in delinquency cases, it stands to reason that they are also a better option than court in cases involving young people who are acting out but haven't committed a crime.

Both research and practice repeatedly illustrate that responding to kids at home and in their communities is far more cost-effective, developmentally appropriate, and ethical than incarceration when a young person poses no risk to public safety.⁸ In fact, spending time in a juvenile correctional facility is likely to exacerbate whatever problems a young person may have.

Families require a faster response and a different kind of response than courts and the juvenile justice system as a whole can offer.

Reflecting these facts, in 2002 the newly-reauthorized federal Juvenile Justice and Delinquency Prevention Act called yet again for a move away from confining status offenders in juvenile justice facilities.⁹ In 2005, the Connecticut legislature took heed and expressly prohibited the use of secure detention for status offenders. That same year, the New York State legislature narrowed the circumstances under which status offenders can be placed in even non-secure detention facilities.

In sum, regardless of the issues underlying a status offense, families require a faster response and a different kind of response than courts and the juvenile justice system can offer. The shift to handle status offenses outside the juvenile justice system reflects a broader trend to shrink the system overall, reserving these costly resources and disruptive proceedings for young people who pose a significant risk to others. For jurisdictions just embarking on reform, focusing on young people who've committed no crime and serving them outside the justice system is a natural first step.

What are the hallmarks of an effective community-based response for young people charged with status offenses?

A more effective response for these youth requires turning the traditional approach to status offenses on its head. Instead of funneling young people into a sluggish and rigid court process in the juvenile justice system, it's worth developing speedier and more cost-effective gateways to services in the community.

An effective community-based system features the following hallmarks:

1. *Diversion from court.* Keeping kids out of court requires having mechanisms in place that actively steer families away from the juvenile justice system and toward community-based services.
2. *An immediate response.* Families trying to cope with behaviors that are considered status offenses may need assistance right away from trained professionals who can work with them, often in their home, to de-escalate the situation. In some cases, families also benefit from a cool-down period in which the young person spends a few nights outside of the home in a respite center.
3. *A triage process.* Through careful screening and assessment, effective systems identify needs and tailor services accordingly. Some families require only brief and minimal intervention—a caring adult to listen and help the family navigate the issues at hand. At the other end of the spectrum are families that need intensive and ongoing support and services to resolve problems.
4. *Services that are accessible and effective.* Easy access is key. If services are far away, alienating, costly, or otherwise difficult to use, families may opt out before they can meaningfully address their needs. Equally important, local services must engage the entire family, not just the youth, and be proven to work based on objective evidence.
5. *Internal assessment.* Regardless of how well new practices are designed and implemented, there are bound to be some that run more smoothly than others, at least at first. Monitoring outcomes and adjusting practices as needed are essential to be effective and also to sustain support for new practices.

Do community-based responses actually work?

Yes, when done well.

In Florida, for example, where a statewide network of nonprofit organizations operates 24 hours a day, seven days a week to assist families in crisis, courts handle only a tiny fraction of status offenses (four percent in fiscal year 2013), and a cost-benefit analysis in 2011 estimated that the state avoided more than \$160 million dollars in juvenile justice out-of-home placement costs as a result of the network's preventive services.¹⁰



Similar efforts in New York State—such as Orange County’s move to contract with community-based nonprofit organizations for immediate crisis intervention—led to legislative reforms encouraging and supporting court diversion statewide. Between 2003 and 2012, the number of status offense cases that went to court across the state dropped by 70 percent—from 17,418 to 5,278.¹¹



With support and technical assistance from the MacArthur Foundation’s Models for Change initiative, local practitioners and policy makers in Louisiana and Washington state have begun to witness the positive outcomes of changing how they respond to families in crisis.

In Calcasieu Parish, Louisiana, a Multi-Agency Resource Center (MARC) functions as a centralized point of intake for families. Since launching the MARC, the number of status offense cases petitioned in court has decreased to only one percent of all referrals, and the delay between seeking help and receiving help has dropped dramatically, from 50 days or more to roughly two hours.¹²



Because truancy is the top reason young people end up in court as status offenders, school-based interventions can be especially effective. In Rapides Parish, Louisiana, school officials are required to carry out and document a series of interventions before making a referral to the system for Families In Need of Services (FINS). And for those families that do become involved in the FINS system, staff use a validated tool—the Massachusetts Youth Screening Instrument-2 (MAYSI-2)—coupled with in-depth interviews to match a family’s needs with appropriate services and prevent court involvement. The results: a 40 percent drop in the total number of FINS referrals parish-wide and a 50 percent decrease in the number of FINS cases handled in court.¹³

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Across the country in Clark County, Washington, students that skip school are required to attend a truancy workshop where they learn about the short- and long-term consequences of not attending school and sign a statement promising to improve their attendance. Those who fail or are deemed at high risk of failure are enrolled in the Truancy Project. They receive a mix of support and supervision, including home visits, designed to help them re-engage in school. Truancy Project staff also use the MAYSI-2 to carefully assess mental health needs. In the 2011-12 school year, just 10 percent of truant youth ended up involved in family court proceedings, compared to nearly 40 percent in the 2008-09 school year.¹⁴



As these few examples show, it is possible to effectively respond to status offenses without involving the juvenile justice system. Moreover, there is some evidence that taking this kind of approach works in the long run—decreasing the likelihood that a troubled young person will have subsequent involvement in the system. In Florida, 91 percent of status offenders who received services in the community, many of whom come from high-crime neighborhoods and are at risk for delinquency, remained crime-free during the following six months.¹⁵ Similarly, youth who participated in Clark County’s Truancy Project were less likely to become involved in the juvenile justice system later on. The outcomes of projects like these merit further research to help practitioners and policy makers support the expansion and replication of effective approaches to status offenses.

How can the Status Offense Reform Center at the Vera Institute of Justice help me?

The Status Offense Reform Center—to be launched in December 2013—will help states and localities develop effective community-based responses to young people who commit non-criminal status offenses—effectively repositioning juvenile courts as a last resort in these situations instead of the default response.

The Center will publish tools to help guide a reform process, host webinars, podcasts, and a blog that explores the latest research as well as lessons learned from the field, and run a helpdesk to provide additional information and assistance.

Consult the Status Offense Reform Center to...

- Successfully engage diverse stakeholders in a reform process
- Use data to assess current practices and design alternatives
- Develop a comprehensive plan for system change that is responsive to local needs and sustainable
- Monitor outcomes and modify practices to achieve desired results

For more information, please contact Vidhya Ananthakrishnan at vananthakrishnan@vera.org, or visit the Center's website (www.statusoffensereform.org) after its anticipated mid-December launch.

About the Vera Institute of Justice

For more than 50 years, the nonpartisan, nonprofit Vera Institute of Justice (www.vera.org) has been helping leaders in government and civil society improve the systems people rely on for justice and safety. Vera operates several centers of expertise, including the Center on Youth Justice (CYJ), which developed the Status Offense Reform Center. CYJ works with policymakers and practitioners who want juvenile justice to be rooted in the community, more effective and smaller in scale, and touching the lives of fewer children.

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About the Models For Change Resource Center Partnership

The Resource Center Partnership works to advance juvenile justice systems reform across the country by providing state and local leaders, practitioners, and policymakers with technical assistance, training, and the proven tools, resources, and lessons developed through the John D. and Catherine T. MacArthur Foundation's Models for Change: Systems Reform in Juvenile Justice initiative.

The Partnership is anchored by four complementary, connected Resource Centers that address four important issues in juvenile justice:

- Mental health: The Mental Health and Juvenile Justice Collaborative for Change, led by the National Center for Mental Health and Juvenile Justice. For more information, visit: cfc.ncmhjj.com
- Stronger legal defense for indigent youth: National Juvenile Defender Center. For more information, visit: njdc.info/resourcecenterpartnership.php
- Appropriate interventions for youth charged with non–delinquent—or status—offenses: The Status Offense Reform Center, led by the Vera Institute of Justice. For more information, visit: www.statusoffensereform.org
- Coordinated systems of care for young people involved in both the juvenile justice and child protective systems: The Robert F. Kennedy National Resource Center for Juvenile Justice, led by the RFK Children's Action Corps. For more information, visit: www.rfknrcjj.org

The Partnership also includes a strategic alliance of national experts and organizations representing state leaders, mayors, judges, law enforcement, prosecutors, corrections professionals, court personnel, and justice reform advocates. These partners further enrich the tools, best practices, and training offered by the Centers and provide direct connections to professionals working in juvenile justice.

For more information about the Models for Change Resource Center Partnership, visit: modelsforchange.net/resourcecenters

- 1 Includes status offense cases petitioned and disposed in family or juvenile court. Charles Puzzanchera and Sarah Hockenberry, *Juvenile Court Statistics, 2010*, (Pittsburgh, PA: National Center for Juvenile Justice, 2013) p. 66.
- 2 Cases resulting in out-of-home placement increased by 52 percent between 1995 and 2000, from 9,600 to 14,600. *Ibid.*, p. 80.
- 3 The use of out-of-home placement decreased by 58 percent between 2000 and 2010, from 14,600 to 6,100. *Ibid.*, pp. 66, 80.
- 4 Individual youth may account for more than one court petition, or case. *Ibid.*, p. 66.
- 5 Puzzanchera and Hockenberry, 2013, p. 66
- 6 *Ibid.*, p. 77, 80.
- 7 Amelie Petitclerc, Uberto Gatti, Frank Vitaro, and Richard E. Tremblay, "Effects of juvenile court exposure on crime in young adulthood," *Journal of Child Psychology and Psychiatry* 54, no. 3 (2013): 291–297. See also *Juvenile Diversion Guidebook*. (The Models for Change Juvenile Diversion Workgroup, 2011), accessed at <http://www.modelsforchange.net/publications/301>. See also Anthony Petrosino, Carolyn Turpin-Petrosino, and Sarah Guckenbug, "Formal system processing of juveniles: Effects on Delinquency," (Campbell System Review, 1, 2010) p. 1-88.
- 8 See a summary of the research in National Institutes of Health, "Preventing Violence and Related Health-Risking Social Behaviors in Adolescents," NIH State-of-the-Science Conference Statement, October 2004. See also Thomas A. Loughran, Edward P. Mulvey, Carol A. Schubert, Jeffrey Fagan, Alex R. Piquero, and Sandra H. Losoya, "Estimating A Dose-Response Relationship Between the Length of Stay and Future Recidivism in Serious Juvenile Offenders." *Criminology* (2009), 47: 699–740. doi: 10.1111/j.1745-9125.2009.00165. See also Christopher Lowenkamp and Edward J. Latessa, "Understanding the Risk Principle: How and Why Correctional Interventions Can Harm Low-Risk Offenders," *Topics in Community Corrections* (2004), 6-8. Edward J. Latessa and Christopher Lowenkamp, "What Works in Reducing Recidivism?," *University of St. Thomas Law Journal* 3, no. 3 (2006): p. 522-523. Theresa A. Hughes, "Juvenile Delinquent Rehabilitation: Placement of Juveniles Beyond Their Communities as a Detriment to Inner City Youths," *New England Law Review* 36, no. 1 (2008): 162, quoting *Panel on Juvenile Crime: Prevention, Treatment, and Control, Juvenile Crime Juvenile Justice*, edited by Joan McCord et al., 2001. See also Elizabeth K. Drake, Steve Aos, and Marna G. Miller, "Evidence-based Public Policy Options to Reduce Crime and Criminal Justice Costs: Implications in Washington State," *Victims and Offenders* 4 (2009): 170-196, p. 186. See also Holman and J. Ziedenberg, *The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities* (Washington, DC: Justice Policy Institute, 2006).
- 9 While the original 1974 Juvenile Justice and Delinquency Prevention Act called for the elimination of incarceration of status offenders, in the 1980 re-authorization, the Act was amended to allow the incarceration of status offenders who had violated a "valid court order." Gordon A. Raley and John E. Dean, "The Juvenile Justice and Delinquency Prevention Act: Federal Leadership in State Reform," *Law & Policy* 8, no. 4 (1986): 397-417.
- 10 Court data provided by the Florida Network to the Vera Institute of Justice on November 13, 2013. Cost avoidance information drawn from Kristin Winokur Early, Gregory A. Hand, Julia L. Blankenship, Stephanie Bontrager Ryon, and Shannen Parrish Mohr, *2011 Florida Network Evaluation* (February, 2011).
- 11 Data provided to the Vera Institute of Justice on September 11, 2013 from the New York State Unified Court System Division of Court Research.
- 12 Court referral information provided in *Sustaining Juvenile Justice System Reform: A Report to the Louisiana Juvenile Justice Implementation Commission*, (The Louisiana State University's Institute for Public Health and Justice, 2013). Information on a decrease in the time to respond to referrals provided from the MARC to the Vera Institute of Justice on April 12, 2013.
- 13 K. Childs and P. Frick, *An Interim Summary of Louisiana Models for Change Data Deliverables*, 2012.
- 14 Data provided to the Vera Institute of Justice on June 18, 2013 from the Truancy Project.
- 15 *2012 Florida Network Annual Report*, accessed at <http://www.floridanetwork.org/PDFs/2012AnnualReport.pdf>.