

JUVENILE JUSTICE: PINS and Status Offenders

Part 3 of 5

A Selected Annotated Bibliography

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JUVENILE JUSTICE

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JUVENILE JUSTICE: PINS and Status Offenders

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Item

- 1 Bonee, J. L., III.
Runaway Children, in Connecticut Bar Journal, December 1974.
vol. 48, 360-89.

ON ORDER

- 2 California. Board of Corrections.
California Correctional System Study: Final Report, Probation Task Force.

Vol. I - 101 p.
Vol. II - 134 p.

Sacramento, 1970.

364.6309794 qC153 75-383

Among the numerous recommendations is the removal of dependent children and "pre-delinquents" from the supervision of probation departments.

- 3 Coffey, Alan R.
Correctional Administration: The Management of Institutions, Probation, and Parole. Englewood Cliffs, N. J., Prentice-Hall, 1975.
255 p.

364.6 C674 75-6666

Although primarily on operation and management, includes a comparison of the system for juveniles vs. that for adults.

- 4 Connor, Richard J.
Constitutional Law--Minor's Right to Refuse Court-ordered Abortion,
in Suffolk University Law Review, Summer, 1973. vol. 7, 1157-73.

LAW

In re Smith, 16 Md. App. 209, 295A. 2d. 238 (1972). Parents petitioned juvenile court to order their daughter to have an abortion when the child refused. The Court found the daughter to be a CHINS, placed her in her parents' custody, and ordered her to obey her parents' wishes. The part of the decision on the abortion was reversed on appeal.

- 5 The Council of State Governments, States' Criminal Justice Information and Assistance Project.
Status Offenders: A Working Definition. Lexington, Ky., 1975. 30 p.

LEGIS REF

Focus is on the potential impact of the Juvenile Justice and Delinquency Prevention Act of 1974 on state juvenile courts. The act requires that within two years after approval of the justification plan, juveniles who have committed offenses which would not be criminal if committed by an adult, may not be placed in detention or correctional facilities.

- 6 Darling, Stanton G., II.
Youthful Offenders and Neglected Children Under the D. C. Crime Act, in American University Law Review, December 1970-March 1971. vol 20, 373-431.

LAW

Thorough explanation of provisions as they apply to delinquents, CHINS, and neglected children. The act contains provisions for the trial of 16- and 17-year olds in adult court, if they commit major felonies, or if they have been previously adjudged delinquent. Specific rules are set for the detention of children, including length of stay, type of facility, and commingling.

- 7 Dilemma of the "Uniquely" Juvenile Offender, in William and Mary Law Review, Winter 1972. vol. 14, 386-408.

LAW

Concerns evolution of, and constitutional issues surrounding, juvenile statutes covering status offenses. Due process, void-for-vagueness, self-incrimination, and the right of cross-examination are among the areas discussed. Concludes that the permanent solution should be the establishment of non-judicial systems of rehabilitation.

- 8 Goddard, Malcolm.
Statement to the New York State Assembly Judiciary Committee [on PINS],
 March 28, 1974. Albany, 1974.

ON ORDER

- 9 Grygier, Tadeusz.
Institutions for Children "Beyond Control". Ottawa, U. of Ottawa,
 Centre of Criminology, 1974.

ON ORDER

- 10 Haller, Alice Milmed.
California Runaways, in Hastings Law Journal, February 1975. vol. 26,
 1013-57.

LAW

Juvenile court jurisdiction over runaways stems from the state incorrigibility statute (Cal. Welfare and Institutions Code §625ff). Evaluates the current handling of runaways, from police encounters to community treatment. Analyzes such issues as vagueness, the right to treatment, and the right to the least restrictive alternative. Also discusses the probable impact of the Juvenile Justice and Delinquency Prevention Act of 1974 on California programs and legislation.

- 11 Institute for Public Policy Alternatives.
Summary of Statutes Governing Voluntary Child Care Agencies in New York State, by Aileen Leventon and Beth D. Russell. Stonybrook, N. Y., State University of New York, 1975. 65¢.

LEGIS REF

Covers the sections of the State Constitution and State laws pertaining to the care of children. Provides definitions, a summary of court cases, and the variety of legal dispositions for destitute, abandoned, abused, neglected, PINS, and delinquent children. Gives a thorough description of regulations and responsibilities of voluntary agencies.

- 12 The Institute of Judicial Administration.
The Ellery C. Decision: A Case Study of Judicial Regulation of Juvenile Status Offenders. New York, 1975. 101 p.

LEGIS REF

Describes, evaluates, and projects the effects of this case [32 N.Y.2d 588, 300 N.E. 2d 424, 347 N.Y.S. 2d 51 (1973)] in which the confinement of a PINS in a state training school was successfully appealed. The decision was that persons so confined are contaminated by the presence of juvenile delinquents in need of incarceration. The Institute concludes that although there is now provision of different facilities for PINS and juvenile delinquents, there is still no meaningful difference in the services, supervision, or treatment provided. Espouses totally differentiated treatment between juvenile delinquents and PINS (See Items 8, 24)

- 13 Institute of Judicial Administration.
PINS: The Juvenile Status Offenders. Cambridge, Mass., Ballinger, 1974.

ON ORDER

Temporarily out of print.

- 14 Juvenile Status Offender: Neither Fish nor Fowl, by Jack Horn, in Psychology Today, August 1975. vol. 9, 31-2. (in the "Newline" Column)

GEN REF

Estimates that of the 100,000 children who are placed in correctional institutions in 1975, 23% of the males and 70% of the females are status offenders. Comments on detention and jail abuses. Also discusses the peculiar situation in which some youths find themselves when they cross state lines from states in which they are considered adults into states in which they come under the juvenile code. Includes address of sources for information on each of these aspects.

- 15 Klaber, Jane K.
Person in Need of Supervision: Is there a Constitutional Right to Treatment?, in Brooklyn Law Review, Winter, 1973. vol. 39, 624-57.

LAW

Despite the fact that the juvenile justice system was designed to help children in trouble, the treatment implied has been denied; children are merely warehoused. Discusses related legal and constitutional issues. Concludes that it is the duty of the court to intervene in such cases.

- 16 Kravitz, Max.
Due Process in Ohio for the Delinquent and Unruly Child, in Capital University Law Review, No. 1, 1973. vol. 2, 53-85.

LAW

Describes the differentiation between the delinquent and the unruly child, and the due process requirements of the Ohio juvenile code for both. [Ch. 21, Ohio Rev. Code Ann. (Page Supp. 1970)]

- 17 Martin, Lawrence H. and Phyllis R. Snyder.
Juvenile Court Jurisdiction over Status Offenses: Jurisdiction Over Status Offenses Should Not Be Removed from Juvenile Court, in Crime and Delinquency, January 1976. vol. 22, 44-7.

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Argues that a change in jurisdiction over status offenses would result in a lessening of services to families in crisis situations, and that subsequently, the children of these families would have deeper and more severe problems. Also see the following article, "How to Retain Jurisdiction Over Status Offenses: Change Without Reform in Florida".

- 18 McConnell, Maxine T.
Delinquent Children and Children In Need of Supervision Under the Texas Family Code, in Family Law Quarterly, Summer 1974. vol. 8, 157-68.

LAW

An analysis of Title 3 of the Texas Family Code (Vernon's Texas Civil Statutes, §51ff., 1974), leads to the conclusion that the child's constitutional rights have been satisfied by the new requirements.

- 19 McNulty, Jill K.
The Right to be Left Alone, in American Criminal Law Review, Fall 1972. vol. 11, 141-64.

LAW

Concerns the overreach of the juvenile court system into dealing with children engaged in undesirable, but non-criminal, behavior. Claims such juveniles are helped the least and abused the most by the system. Espouses removal of all MINS (PINS) cases from juvenile court jurisdiction, and the establishment of legal representation for the child.

- 20 [The Mid-Bronx Neighborhood Youth Diversion Project]. New York City 1973. 10 p.

ON ORDER

Program description highlights three major features; the Advocate (paraprofessionals who counsel children and parents to advise them of their rights and of the services available); the Forum (mediation and conciliation hearings conducted by trained community members); and the Assessment (data collection to analyze youth problems in terms of social patterns). (see Item 27)

- 21 Mueller, Gerhard O. W.
Legal Norms of Delinquency: A Comparative Study. South Hackensack, N. J., Criminal Law and Education Center, New York University School of Law and Fred B. Rothman, 1969. 76 p.

LAW

Comparison of the juvenile delinquency laws of Colorado, (representing the U.S.), Poland, Yugoslavia, Israel, and Puerto Rico. In defining juvenile delinquency, only Colorado included offenses which are not punishable if committed by an adult. Covers entire juvenile justice system, from definitions through disposition.

- 22 National Council on Crime and Delinquency.
Jurisdiction over Status Offenses Should be Removed from the Juvenile Court: A Policy Statement. Hackensack, N. J., 1974. 8 p.

ON ORDER

- 23 New York (State). Division of Probation.
Schenectady County Family Court Probation Demonstration Project: General Description. Albany, 1972. 13 p. (Memoranda No. 1 + 2)

LEGIS REF

Describes an intensive probation project for juvenile delinquents and PINS cases, a joint Federal, State and local effort.

- 24 New York (State). Division for Youth.
Responses to Questions from the Governor's Office Regarding the Division for Youth's Proposal for Separating Juvenile Delinquents and PINS. Albany, 1973.

ON ORDER

- 25 New York (State). Judicial Conference. Office of Children's Services. The PINS Child: A Flethora of Problems. New York, 1973. 82 p. + appendices.

LEGIS REF

A survey of 316 case histories of PINS cases was made to determine common characteristics: from background similarities, through types of services required, to kinds of residential facilities which might be needed. Among the recommendations are the retention of PINS cases under juvenile court jurisdiction, the development of broader treatment resources, and closer investigation and monitoring of voluntary agencies.

- 26 New York (State). Temporary State Commission on Child Welfare. The Children of the State. A Time for Change in Child Care. The Preliminary Report. New York, 1975. 108 p.

LEGIS REF

Description and evaluation of PINS laws in New York State. Points out that children passing through the juvenile justice systems in the PINS category spend, on the average, more time in Division for Youth facilities, than do juvenile delinquents. Reports that a great deal of the frustration with, and criticism of, the system is traceable to this situation.

- 27 Non-delinquent Children in New York: The Need for Alternatives to Institutional Treatment, in Columbia Journal of Law and Social Problems, Spring, 1972. vol. 8, 251-84.

LAW

A study of the institutional treatment of PINS children in New York State, with suggestions for alternatives. Describes the Mid-Bronx Neighborhood Youth Diversion Program, among others. Strongly advocates deinstitutionalization of PINS cases. (See Item 20)

- 28 Novak, Raymond A. The Incurable Child Under the New Pennsylvania Juvenile Act: An Unsound, Unsupportable, and Unfortunate Policy Choice, in University of Pittsburgh Law Review, Fall 1973. vol. 35, 73-92.

LAW

Disputes the decision of the Pennsylvania legislature to classify the incurable child "delinquent" under the Pennsylvania

Juvenile Act (11 Pa.S. § 50-101 et seq.). Describes alternatives, provides descriptive cases.

- 29 Rose, Robert G.
Juvenile Statute and Noncriminal Delinquents: Applying the Void-for-Vagueness Doctrine, in *Seton Hall Law Review*, Fall-Winter 1972. vol. 4, 184-209.

LAW

Analyzes the PINS, CHINS, incorrigibility, and stubborn child laws of a number of states to determine constitutionality of such statutes. Concludes that most of the statutes are void due to vagueness and that they require legislative revision.

- 30 Runaways: A Non-Judicial Approach, in *New York University Law Review*, April 1974. vol. 49, 110-30.

ON ORDER

Issue missing. Replacement on order.

- 31 Sidman, Lawrence R.
The Massachusetts Stubborn Child Law: Law and Order in the Home, in *Family Law Quarterly*, Spring 1972. vol. 6, 33-58.

LAW

Re *Commonwealth v. Brasher* [1971 Mass. Adv. Sh. 907, 270 N.E. 2d. 389]. A minor in a foster care institution refused to submit to a physical examination, and was taken to court under the "Stubborn Child Law". A suit to test the law's constitutionality was unsuccessful. The author examines the constitutional issues involved: due process, vagueness, and equal protection.

- 32 Steinberg, David M.
 "The Child Welfare Act, Part II. Children in Need of Protection", in Family Law in the Courts, H. T. G. Andrews, ed. Toronto, Carswell, 1973. pp. 71-99.

LAW 74-15830

Synopsis of the law plus a listing of pertinent cases. The law in Canada covers children associating with unfit or improper persons, children whose parents are unable to control them, and habitual truants.

- 33 Stiller, Stuart and Carol Elder,
PINS - A Concept in Need of Supervision, in American Criminal Law Review, Summer 1974, vol. 12, 33-60.

LAW

Emphasizes possible constitutional defects in PINS laws, especially on the grounds of vagueness and overbroad application. Discusses the importance of procedural safeguards in PINS proceedings. Advocates removing PINS cases from juvenile court jurisdiction as a better solution.

- 34 Treatment for Misbehaving Minors, in Catholic Lawyer, Spring 1974, vol. 20, 106-29.

ON ORDER

Issue missing. Replacement on order.

- 35 Ungovernability: The Unjustifiable Jurisdiction, in Yale Law Journal, June 1974, vol. 83, 1383-1409.

LAW

Concerns jurisdiction over non-criminal juvenile behavior. Contends that 25% of all juvenile court proceedings and 40-50% of all incarcerations are for status offenses. Supports abolition of court jurisdiction over such offenses.



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