JUVENILE JUSTICE: PINS and Status Offenders
Part 3 of 5

A Selected Annotated Bibliography

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JUVENILE JUSTICE

Table of Series

Part 1: The System

Part 2: Juveniles and Criminal Law

Part 3: PINS and Status Offenders

Part 4: Child Advocacy

Part 5: Community Corrections
JUVENILE JUSTICE: PINS and Status Offenders

Part 3 of 5

Item


ON ORDER

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


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


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


LAW
In re Smith, 16 Md. App. 209, 295 A. 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.


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.


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.


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.
Juvenile Justice: PINS...

8 Goddard, Malcolm.  

ON ORDER

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

ON ORDER

10 Haller, Alice Milmed.  

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.  

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.  

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)


ON ORDER
Temporarily out of print.


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.

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.

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.

S364.6 M11i

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.

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.

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)


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.


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.


ON ORDER

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.


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.


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)


LAW

Disputes the decision of the Pennsylvania legislature to classify the incorrigible child "delinquent" under the Pennsylvania
Juvenile Justice: PINS

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

29 Rose, Robert G.


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.


ON ORDER

Issue missing. Replacement on order.

31 Sidman, Lawrence R.


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.

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,

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.


ON ORDER
Issue missing. Replacement on order.


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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