

# MEMORANDUM

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE  
OFFICE OF THE SECRETARY

TO : Agency Representatives  
Intra-Departmental Committee on  
Deinstitutionalized Youth

DATE: JUN 12 1978

FROM : Director  
Youth Development Bureau

SUBJECT: Transmission of Strategy Paper, "A Departmental Response  
to the Deinstitutionalization of Status Offenders"

The purpose of this memorandum is to transmit the finalized version of the Strategy Paper, "A Departmental Response to the Deinstitutionalization of Status Offenders." This Paper is the result of an extensive research effort undertaken during the past 18 months to identify information and data necessary to the formulation of an appropriate response by the Department to the potential impact which the deinstitutionalization of status offenders would have upon youth-serving programs within the Department.

This Strategy Paper represents a synthesis and analysis of information and data generated from three separate, though interrelated, efforts: the activities and input of the Intra-Departmental Committee on Deinstitutionalized Youth (ICDY), chaired by the Youth Development Bureau (YDB); a review of State juvenile justice plans, conducted jointly by YDB Central and Regional Office staff; and, the conduct of case studies pertaining to the status of deinstitutionalization in ten selected States (a research initiative jointly funded by LEAA and YDB). The final section of this Strategy Paper provides a summary of the implications of these data and presents recommendations for a Departmental response to the emerging service needs of deinstitutionalized status offenders.

As you are aware, a draft of this Strategy Paper was previously circulated in early 1978 to each representative on the ICDY for review and comments. YDB has attempted to incorporate many of the comments and insights provided by the ICDY into the final version of the Strategy Paper. This Paper, however, including the recommendations presented in Section VI, is based upon the information and data generated by three separate initiatives, as previously

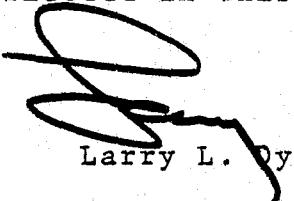
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indicated, and, therefore, may not represent all of the individual perspectives of those persons and agencies who participated in this total effort. Where divergent or dissenting opinions were apparent, an earnest attempt was made to reflect these views in the content of the Strategy Paper.

Attached also to this memorandum is a copy of the final report, "Cost and Service Impacts of Deinstitutionalization of Status Offenders in Ten States", the research initiative jointly funded by YDB and LEAA. I hope that you will find it of interest and utility. Additional copies should be available from the National Criminal Justice Reference Service, 1015 19th Street, N. W., Washington, D. C. 20036 (phone: 862-2900).

The participation of each of you, as representatives of youth-serving agencies within DHEW, has provided unique insights, perspectives, and information necessary to the completion of this overall initiative. Your interest in and contributions to this effort have been deeply appreciated and, I hope, are reflected in this document.



Larry L. Dye

Attachments

**NCJRS**

JUL 26 1979

**STRATEGY PAPER: ACQUISITIONS**

**A DEPARTMENTAL RESPONSE TO THE DEINSTITUTIONALIZATION  
OF STATUS OFFENDERS**

**DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE  
JUNE, 1978**

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## I. Introduction

In March of 1976, the Youth Development Bureau (then the Office of Youth Development) first focused its attention on the issue of deinstitutionalization of status offenders. At that time, the Bureau became concerned that the implementation of Federal juvenile justice legislation would have a substantial impact on youth-serving programs within the Department of Health, Education, and Welfare. Specifically, the Bureau contended that the States' compliance with Section 223(a)(12) of the Juvenile Justice and Delinquency Prevention Act of 1974 would result in the displacement of large numbers of youth from detention and correctional facilities into social service systems supported by Departmental programs. Section 223(a)(12) of the Act provides that States receiving funds under the Act must provide in their State plans that "juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult, shall not be placed in juvenile detention or correctional facilities, but must be placed in shelter facilities." It was the view of the Bureau that the States could best be aided in complying with this mandate and meeting the needs of deinstitutionalized status offenders through a carefully planned Departmental response.

In order to develop a response to the deinstitutionalization issue that was based on adequate and reliable information, the Youth Development Bureau initiated three data collection efforts. The Bureau organized and chaired the Intra-Departmental Committee on Deinstitutionalized Youth, a body composed of representatives from each of the youth-serving agencies within the Department. The role of the Committee was to identify those programs that have potential to provide services to status offenders and to identify the barriers--both legislative and regulatory--to the effective provision of services through these programs. Information from another project served to determine the magnitude of the target group of status offenders to be deinstitutionalized. YDB Regional personnel reviewed the annual plans required of the States by the Law Enforcement Assistance Administration (LEAA) and derived an estimate of the number of status offenders to be deinstitutionalized from the figures supplied by the States in response to LEAA's guidelines for the plans. Finally, the Youth Development Bureau participated in a cooperative effort with the Office of Juvenile Justice and Delinquency Prevention within LEAA. Through the conduct of ten deinstitutionalization case studies in selected States, the service needs of status offenders, gaps in services currently provided by the States and the cost of deinstitutionalization were identified.

The remaining sections of this paper provide a review of the information generated through the various research efforts of YDB and the other agencies that have expressed concern with the status

offender issue. Section II contains a discussion of the requirements of Section 223(a)(12), recent amendments to the legislation and the critical administrative interpretations of its requirements that have been written into the guidelines that implement the deinstitutionalization provision. In Section III, the history of the Department's activities related to the deinstitutionalization of status offenders is reviewed. Section IV presents a summary of the research findings generated by the Bureau's own research efforts as well as those undertaken in cooperation with the Law Enforcement Assistance Administration within the Department of Justice. Section V contains a report on the work of the Intra-Departmental Committee: a review of, and identification of barriers within, Departmental programs that have significant potential for the provision of services to status offenders. The final portion of the paper provides recommendations for a Departmental response to the emerging service needs of deinstitutionalized status offenders based on the research and other information gathering initiatives presented in the previous sections of the Strategy Paper.

II. The Requirements of Section 223(a)(12) of the Juvenile Justice and Delinquency Prevention Act of 1974

The original deinstitutionalization requirement provision appeared in the Juvenile Justice and Delinquency Prevention Act of 1974 in the following form:

In order to receive formula grants under this part, a State shall submit a plan for carrying out its purposes.... In accordance with regulations established under this title, such plan must ... provide within two years after submission of the plan that juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult, shall not be placed in juvenile detention or correctional facilities, but must be placed in shelter facilities.

Based on several projects conducted by the Council of State Governments, the Law Enforcement Assistance Administration has developed guidelines that interpret and define the key terms contained within this provision. In one of these efforts,<sup>1</sup> a taxonomy of youth at 45 different levels of involvement with the juvenile and criminal court systems was developed in order to define "youth who are charged with or who have committed offenses that would not be criminal if committed by an adult." The taxonomy was incorporated into LEAA's official guidelines<sup>2</sup> for purposes of determining compliance with the Act.

Perhaps even more important than the definition of status offender is that of "detention or correctional facility." The broader the definitions of these facilities (and, as a consequence, the narrower the definition of "shelter facility"), the greater the number of existing State structures that may no longer be used for the housing of status offenders. Consequently, the breadth of LEAA's definition is an important factor in assessing the impact of the legislation on the States. Selecting from the options generated in another Council of State Governments project,<sup>3</sup> LEAA adopted the following criteria<sup>4</sup> which define those terms:

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1 The Council of State Governments, Status Offenders: A Working Definition (Lexington, KY., 1975).

2 LEAA Guideline M4100, as amended.

3 The Council of State Governments, Juvenile Facilities: Functional Criteria. (Lexington, Ky., 1977).

4 M4100.1F, CHG-1, Amendment of May 20, 1977 to LEAA Guideline M4100.

For purposes of monitoring, a juvenile detention or correctional facility is:

- (a) Any secure public or private facility used for the lawful custody of accused or adjudicated juvenile offenders; or
- (b) Any public or private facility used primarily (more than 50% of the facility's population during any consecutive 30-day period) for the lawful custody of accused or adjudicated criminal-type offenders\* even if the facility is non-secure; or
- (c) Any public or private facility that has the bed capacity to house twenty or more accused or adjudicated juvenile offenders or non-offenders, even if the facility is non-secure, unless used exclusively for the lawful custody of status offenders or non-offenders, or is community based;\*\* or
- (d) Any public or private facility, secure or non-secure which is also used for the lawful custody of accused or convicted criminal offenders.\*\*\*

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\* Criminal-type offender - a juvenile who has been charged with or adjudicated for conduct which would, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult.

\*\* Community based - facility, program, or service means a small, open group home or other suitable place located near the juvenile's home or family programs of community supervision and service which maintain community and consumer participation in the planning, operation, and evaluation of their programs which may include, but are not limited to, medical, educational, vocational, social, and psychological guidance, training, counseling, alcoholism treatment, drug treatment, and other rehabilitative services.

\*\*\* Criminal offender - an individual, adult or juvenile, who has been charged with or convicted of a criminal offense in a court exercising criminal jurisdiction.

NOTE: The May 20, 1977 amendment to the guidelines, at Appendix I, precisely defines a number of terms contained within the four criteria above. The three definitions footnoted here were taken from those definitions.

Thus, a facility may be designated a detention or correctional facility under the Act for one or more of a variety of reasons: level of security; composition of population; and size and whether or not the facility is community based. Many of the States in planning for deinstitutionalization considered only the criterion of level of security in evaluating their institutions and group residences. Accordingly, the impact of deinstitutionalization on these States, and consequently their utilization of Departmental programs, may be greater than originally anticipated. The weight of this factor in assessing the impact of deinstitutionalization is discussed further in Section IV.

Since the initiation of the program, the States have reported that difficulties have been encountered in achieving compliance with the deinstitutionalization mandate. Among the problems encountered in implementation of the mandate have been the need for precise definitions (as indicated previously) as well as the need for a clearer understanding of the costs and service impacts associated with deinstitutionalizing status offenders (e.g., what services were needed or already existed, should services be purchased or developed). In fact, eleven States have elected not to participate in the Juvenile Justice program, citing Section 223(a)(12) as their most important objection. Perhaps primarily for this reason, an agreement was reached between the Chairman of the Subcommittee to Investigate Juvenile Delinquency, Senate Committee on the Judiciary, and Richard Velde, who was then Administrator of the Law Enforcement Assistance Administration within the Department of Justice. The agreement provided that "substantial compliance" with the requirements of Section 223(a)(12) would suffice for the continued funding of a State under the Act. Substantial compliance was explicitly defined by the terms of the agreement as a reduction by 1977 of 75% of the number of status offenders placed in detention and correctional facilities.<sup>5</sup>

The Conference Committee that resolved the differences in the House and Senate versions of a bill to extend the Act explicitly inserted the standard into a new Section 223(a). Moreover, under the amended Section 223(a)(12), the States are now given three years from the submission of their original State Plans (in most cases, this will be September 1978) to meet the 75% standard. Additionally, the legislation requires States to submit annual progress reports on their achievement of deinstitutionalization

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5 Teletype communication from Richard Velde, LEAA Administrator, to regional administrators concerning a "compliance standard for deinstitutionalization of status offenders--Section 223(a)(12) of the Juvenile Justice and Delinquency Prevention Act of 1974," June 16, 1976.

and a review of the progress made to provide that status offenders, if placed in detention or correctional facilities, are placed in facilities which "(i) are the least restrictive alternatives appropriate to the needs of the child and the community; (ii) are in reasonable proximity to the family and home communities of (the status offenders); and (iii) provide the (community-based) services described in Section 103(1) (of the original legislation)." Finally, the new legislation also provides a final resolution of an ambiguity once present in the deinstitutionalization mandate by explicitly including "non-offenders" (dependent and neglected children) within Section 223(a)(12).

In the bill enacted to extend the Juvenile Justice and Delinquency Prevention Act for an additional three years, the Congress followed all of the recommendations of the Conference Committee. Accordingly, in the immediate years to come, the States will continue to face a deinstitutionalization mandate, albeit one that has been somewhat "watered down" at least in its impact in the immediate future. Moreover, many of the States may face an impact greater than what they had been anticipating, due to LEAA's guidelines, which will no doubt remain effective after the implementation of the extending legislation. These, and other factors that will bear on the extent to which the States will be impacted by the deinstitutionalization mandate, are examined more fully in Section IV.

### III. Departmental Involvement in the Issue of Deinstitutionalization of Status Offenders

The contention that implementation of the deinstitutionalization legislation would impact upon Departmental programs was first expressed by the Youth Development Bureau (then the Office of Youth Development) in March, 1976. The Bureau had discovered that States that had deinstitutionalized status offenders through their own legislation or court rules were utilizing programs such as Title XX to provide services to these youth as alternatives to placing them in detention or correctional facilities.<sup>6</sup> The Bureau surfaced its concern within the Office of Human Development Services (then the Office of Human Development). The response of OHDS to the deinstitutionalization issue was formulated during the Spring of 1976. OHDS' plan specified that action was to be taken in three distinct areas: (1) The Youth Development Bureau was to organize and chair an Intra-Departmental Committee on Deinstitutionalized Youth, which would review Departmental programs that have the potential to provide services to status offenders and recommend changes to make them more effective in meeting the needs of these youth; (2) The Bureau was to develop an estimate of the number of status offenders to be deinstitutionalized through a review of the data supplied by the States in their annual plans for LEAA; and (3) The Bureau and LEAA, in a cooperative effort, were to initiate a joint research effort designed to generate needed information concerning the service needs of status offenders; gaps in the services provided to status offenders by the States; and the costs of providing services as alternatives to detention and correctional facilities.

Information from each of the three activities was collected and synthesized by the Youth Development Bureau during the remainder of 1976 and 1977. A draft of the Strategy Paper was completed in January of 1978 and transmitted to the Assistant Secretary for Human Development Services and to each of the agency representatives serving on the Intra-Departmental Committee on Deinstitutionalized Youth for comments. Following a review of the draft Strategy by Committee representatives and minor modifications to the document by YDB, a final version of the Strategy Paper, encompassing recommendations and conclusions was completed in April, 1978. These recommendations are set forth in Section VI.

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6 Office of Youth Development (Youth Development Bureau), Department of Health, Education, and Welfare, Issue Paper on Deinstitutionalization of Status Offenders, May, 1976.

#### IV. Summary of the Research Findings of the Youth Development Bureau

Generated by concern that implementation of the deinstitutionalization mandate by those States participating in the Juvenile Justice and Delinquency Prevention Act would impact on social services provided through DHEW-funded programs (an assumption tentatively validated through a preliminary examination of available information on the status of deinstitutionalization in mid-1976 and presented in an Issue Paper by YDB in May, 1976), YDB was delegated the responsibility of identifying and formulating an appropriate Departmental response to the deinstitutionalization of this target population. In order for the Department to formulate an effective response to the effects of the deinstitutionalization of status offenders, YDB initiated two extensive research efforts designed to more accurately identify and assess the potential impact which this mandate would have on Departmental programs and services. The purpose of Section IV is to provide an overview and synthesis of the information and data -- both objective and subjective -- which were collected and analyzed through these two research initiatives conducted by YDB and to present the implications of this information for a Departmental response to the deinstitutionalization of the status offender population.

##### Secondary Analysis of LEAA State Plans

A secondary analysis of LEAA State Plans was initiated by YDB during the Summer of 1976 in order to determine more precisely the number of status offenders to be deinstitutionalized in participating States and to determine the geographic distribution of these youth. Conducted as a joint effort by Central and Regional Office YDB staff, this initiative focused on a review of the data presented in the juvenile justice portion of the LEAA State Plans.

The Guidelines formulated by LEAA for the preparation and submission of these Plans require that a State Plan should include "a summary of the number and characteristics (age, sex, national origin and race) of youth (utilizing the States' definition of 'juveniles' within the State), and a summary of the number and characteristics of youths handled (offense, age, sex, national origin and race), including arrests and petitions, by each unit of the juvenile justice system within each calendar year, and disposition made by each...."<sup>7</sup> The data provided by the participating States were incomplete in many categories, particularly with respect to age, sex, and race-specific data. Additionally, a large number of States failed to provide information on the number of status offenders detained and placed in correctional facilities. (A summary of these data is presented in Table 1 of Appendix A.)

<sup>7</sup> LEAA Guideline, M4100.1E, Part III, Chapter 3, Section 5, Par. 77(c)(2)(b), January, 1976

## Detention

Of the 40 States, including the District of Columbia, which are participating in the deinstitutionalization of status offenders, only 21 provided information on the detention of these youth. These States, comprising approximately 69% of the total 1970 population of all of the participating States, reported a total of 105,435 status offenders in detention. These data are presented in Table 2 (Appendix A). A projection of this figure to include all participating States yields an estimated total of 155,000 status offenders annually held in detention. There are reasons, however, which suggest that this estimate may be conservative:

- . Few States included in their figures the number of status offenders annually confined in jails. This situation is reported as a serious problem by some States, particularly rural States, which have few juvenile detention facilities.
- . Dependent and neglected youth placed in detention facilities were not reported in the State Plans. Since this target group is now included within the purview of the Act, YDB's detention estimate may be too low.
- . A rank-ordering of reporting States by the number of status offenders held in detention relative to the States' population (Table 3, Appendix A) demonstrated not only the extent of the detention problem but also highlighted geographic differences of the extent of the problem, with five Western States reporting the greatest number of detained status offenders relative to population. If these States are any indication of the incidence of detention in the rather large number of participating Western States which did not report figures for detained status offenders, the total estimate of 155,000 may also be artificially depressed.
- . There appeared to be a strong positive correlation between a State's ability to report data on detained status offenders and the sophistication and extent of implementation of its plan to deinstitutionalize these youth. States, therefore, which may be experiencing significant problems in removing youth from detention facilities may have been underrepresented in the numbers of youth which they reported.

## Institutionalization

Twenty-two States, representing approximately 66% of the total population of the 40 participating States, reported the actual institutionalization of 3,600 status offenders. Projection of these figures, again, yielded an estimate of 5,500 status offenders institutionalized annually. These data are presented in Table 4 (Appendix A).

Many of the factors which were apparently operating to depress the estimated numbers of status offenders in detention also seem applicable to the estimate of those institutionalized -- namely the omission of dependent and neglected youth, the generally higher ratio of detainees to the general population in the Western States, and the possible underrepresentation of States having serious problems with deinstitutionalization in the sample. Table 5 (Appendix A) presents a rank-ordering of reporting States by the number of status offenders institutionalized relative to the States' populations. Additionally, at the time when the State Plans were reviewed, LEAA had not yet fully developed Guidelines to distinguish differences between "correctional facilities" and "shelter facilities." A State's assertion that a facility was not secure was accepted without further consideration; thus, the youth in these residences were counted as detainees. The estimate of institutionalized status offenders, therefore, must be viewed as a conservative figure since the definition of "correctional facilities," as now delineated by LEAA, is more inclusive and broader than that utilized by most States in the preparation of their juvenile justice plans. This issue is more fully addressed in Section II of this Strategy Paper.

## Case Studies of Selected States in the Deinstitutionalization of Status Offenders

A second major research effort, undertaken as a joint initiative between YDB and the Office of Juvenile Justice and Delinquency Prevention (LEAA), was designed to identify State and local perspectives on the service needs of status offenders, to identify services provided or available to this target group by States and localities, and to assess the costs associated with the provision of services to these youth. The approach utilized in this effort was that of a case study methodology, which permitted a uniformity of approach to the collection of information while allowing for differences in individual State strategies to the process of deinstitutionalization. This effort examined closely the experiences of ten States, each of which was in a different stage of deinstitutionalization. Interviews were conducted with a broad range of individuals for these case studies, including social services and juvenile justice workers, State legislators, court judges and State juvenile justice planners. The contents

of the case studies represent a synthesis of the views of these various perspectives.

The ten States identified for inclusion in this study were selected on the basis of a broad set of criteria and, therefore, do not represent a truly random sample. These States were selected, however, to provide a combination of factors and variables which were believed to be relevant to the problems and issues of deinstitutionalization at the State and local level. The ten selected States included the following mix of factors: one from each Federal Region; urban and rural; geographically large and small areas; States with centralized vs. local social service delivery systems and unified vs. fragmented court systems; and representation of a variety of methods and approaches to comply with the deinstitutionalization mandate. The ten States studied were Arkansas, California, Connecticut, Florida, Iowa, Maryland, New York, Oregon, Utah, and Wisconsin.

#### The Current Status of Deinstitutionalization

Each of the ten States which were examined is noticeably at different stages in the process of deinstitutionalizing status offenders. Although the Juvenile Justice and Delinquency Prevention Act has affected all of these States, none has thoroughly complied with the Act's deinstitutionalization provision. Additionally, the strategies which individual States have employed to meet the requirements of the Act reflect a wide variety of approaches.

Three basic approaches utilized by the case study States to prohibit confinement or to create alternatives for status offenders were identified: (1) manipulation of the ways in which status offenses are defined or classified; (2) prohibition or discouragement of the use of criminal or juvenile justice facilities for these youth (accomplished through legislation or financial disincentives); and (3) encouragement of the provision of alternative services to status offenders.

Although legislative initiatives targeted at status offenders have not traditionally received much attention, a review of State codes revealed legislative efforts relating to the confinement of these youth. All of the ten sample States prohibit the placement of status offenders in adult correctional facilities. Additionally, eight States have ceased commitments to training schools and other juvenile correctional facilities. The use of detention, although still utilized, has decreased over the past three years. Other legislative initiatives in the sample States have been passed or are pending which affect status offenders. A summary of these initiatives is presented in Tables 6 and 7 (Appendix A). The broad interpretation of the States' legislative strategies to the deinstitutionalization of status offenders is

that while most of the States agree with the premise, many do not / favor complete deinstitutionalization of these youth.

The States' approaches to the provision of alternatives to the deinstitutionalization of status offenders have been either residential or non-residential. An overwhelming similarity of response was provided by juvenile justice workers, juvenile services personnel, and private service providers in the case studies to the identified service needs of status offenders. The service needs of the youth parallel those of most other troubled youth and emanate from similar "problem backgrounds," including troubled family conditions, individual emotional problems, and learning disabilities or difficulties involving the school milieu. The principal exception to this perceived similarity in service needs to other juvenile subpopulations which exhibit anti-social behavior is the need for community-based alternatives to secure detention which can insure the safety and court appearance of youth who are placed there.

In the ten States sampled, a wide range of residential options to detention facilities are provided for juveniles. Pre-adjudication services include crisis care through the use of foster homes, group homes, and runaway shelters generally operated privately or through the use of "structured shelter care" for accused and adjudicated status offenders with serious behavioral problems who cannot be placed in detention homes or jails. Post-adjudicative residential services exist in all ten case study States, with foster and group homes being most frequently found.

Non-residential options and services identified through the case studies revealed two major foci: those that focus on problem or crisis resolution and those which offer supplemental education and training to youth who lack the skills to cope with the problems and pressures which they confront. Problem/crisis resolution services include a wide variety of counseling services (private and public child care agencies and individual therapists) and crisis intervention programs at the law enforcement and court intake points of contact. Considerable satisfaction was noted with these programs in their ability to decrease reliance on the use of institutions in several communities. Coping services were found to include tutoring, special education, drug treatment, alternative schools, vocational education, job development, and birth control information programs. An important finding which should be made clear, however, is that seldom are such programs established as a response to the perceived or identified needs of status offenders. Rather, these programs, while serving status offenders, are established to serve many juveniles with specialized needs.

Several concluding remarks should be made which relate to the current status of deinstitutionalization in the ten case study States. Although it was not possible to verify the reliability of some States' figures on status offenders or their definition of facilities for juveniles, it appears that the detention and commitment of status offenders was declining in 1977, as compared with 1976. Additionally, every State in the study continues to confine accused or adjudicated status offenders in detention or correctional facilities to some extent. However, even in those States which permit accused or adjudicated status offenders to be placed in detention facilities, the frequencies appear to be in decline.

#### Services Available to Status Offenders

##### 1. Existing Services

Discussions with both State officials and private social service workers indicated that although the services required by status offenders are diverse, the problems and characteristics of these youth--and hence the services needed--are remarkably similar to other troubled youth. None of the individuals who were interviewed advocated the development of specific services designed solely for this target group.

In terms of existing services which are available for status offenders, the case studies revealed a heavy reliance on community-based shelter as an alternative to detention and on the provision of group and foster home placements for those youth who require longer-term residential placement outside their own homes. Specialized residential services for exceptional and developmentally disabled children are also available, although primarily in State and private institutions which are not community based. "Structured" shelter care for youth who need intensive supervision has been implemented in Maryland and New York. Wide differences are apparent, however, in the degree and extent to which services have been developed and grown as a result of deinstitutionalization and the ways in which services are used by status offenders in those States that have a core of residential services for troubled youth. One example is Florida, which has redefined status offenders as dependent children (CINS) with the consequence that many status offenders have dropped out of the juvenile justice system. This redefinition of status offenders as CINS has resulted in the use of foster family care as the only type of facility available to status offenders and resources devoted once to status offenders in institutions have been redirected to a larger delinquent population. While the most important service gap in Florida seems to be the absence of virtually all residential options except foster care, a specific need for group home placements for these youth was indicated by program staff responsible for serving CINS.

Maryland, however, has increased the number of community-based residential places since the initiation of deinstitutionalization in 1974.

With respect to nonresidential services, the case studies revealed that the availability of a range of crisis intervention services is limited with the exception of the provision of counseling and immediate crisis intervention services. An obvious service need for status offenders, as indicated by officials and workers interviewed, is counseling or mediation services for youth with school or family problems. The availability and/or utilization of family counseling, legal aid, and mental health services for youth on an outpatient basis was not obvious in most of the States studied. Services targeted at the provision of special education, job training or location of work, or helping youth with school work were likewise in short supply. In general, the provision of preventive and skill development services (alternative schools, youth service centers, vocational education, and job development) was limited in most of the ten States. Youth Service Bureaus currently serve as the most discernible form of prevention and offer a variety of services including tutoring, organized recreation, counseling, and drug education.

## 2. Gaps in Available Services

Based on interviews with juvenile justice officials and youth service workers, the case studies revealed a number of services at the State and local levels which require strengthening or initiation and development in order to meet the perceived service needs of deinstitutionalized status offenders. Youth service workers, particularly in those States with the greatest diversity of services, indicated gaps primarily in nonresidential services even though these services have been more extensively developed in these States (California, New York, Maryland, Wisconsin). Nevertheless, gaps in services available to troubled youth in the ten case study States were identified as follows:

- . The need for additional residential services, including more alternatives and improvements in the quality of existing services. Special needs include detention alternatives for runaway and self-destructive youth; residential placements which offer a therapeutic component for disturbed, retarded or developmentally disabled children; improvements in the quality of foster care and group homes; and halfway houses to assist youth in the development of independence and competency skills.

- . The need for problem resolution services, including more extensive family counseling, outpatient mental health services for youth, and the use of additional crisis intervention facilities (self-referral "free clinics" or hostels where youth can find someone to listen and a place to stay).
- . The need for skill development services in order to help troubled youth develop and achieve social responsibility, including drug, sex, and family life information services as well as job placement services.

Quantification of the service needs of deinstitutionalized status offenders remains a problem, based upon the identification of the basic service needs of these youth, the services currently available, and what is needed to fill the gaps between needs and availability. At the individual State or community level, the services needed for status offenders often remain a matter of policy choices. A choice, for example, to focus on the development of services to keep families intact might result in the major development of day care services and little investment in group homes or foster care. The case studies have indicated that most States have initially focused on the development of residential services, although the existence of many of these services may not have been the result of a conscious policy choice. Youth service systems, for example, have developed in a fragmented and uncoordinated manner without overall design.

The fragmentation and lack of coordination in youth services within many of the case study States has made it difficult to collect and analyze valid and reliable information on the services which they provide or are needed by these youth. The lack of overall policy direction and the failure to coordinate services for youth is not a consequence of the deinstitutionalization of status offenders or other target groups; rather, the process of providing community-based services for larger numbers of troubled youth clearly demonstrates a contrast in providing social services to youth in institutions and providing the same services in community settings. Without a central physical setting which dispenses services, the involvement of many more independent agencies is necessary to organize, coordinate, and deliver services. Although some States and service workers have attempted to deal with these problems, coordination problems and fragmented youth service systems remain. The results for youth in need are multiple. "Hard-core" status offenders are often difficult to help, as access to existing services for these youth, even if the availability of services is known to various agencies, is not always attained. Such youth, who may be in greatest need of services, are also vulnerable to "falling through the cracks" of the social service system and not receiving any services. Over-

development of residential placement services to the exclusion of day services may also be a consequence of fragmentation. Requisite to the provision of services is the necessity of creating greater coordination in the provision of youth services, more effective evaluation and screening resources, and an improved capacity to collect data and monitor programs.

#### An Assessment of the Costs of Deinstitutionalizing Status Offenders

A third major purpose of the case study initiative of ten States was to determine the costs of deinstitutionalization in those States which had experience in these activities. A complex of variables must be addressed in making such a determination. What the case studies indicated, however, was that the cost impacts of deinstitutionalizing status offenders are not predictable according to an analytic model. Cost increments or savings which result from the removal of these youth from detention and correctional facilities are dependent on the strategy a State adopts; the number of status offenders involved; and the nature and scope of the existing youth service system in the State. Other coincident changes occurring in a State during the period of deinstitutionalizing--including inflation, reorganization and statutory changes affecting definitions of status offenders--further complicate attempts to determine the costs of deinstitutionalization. Perhaps most importantly, the quality of information pertaining to these youth, services and costs is largely inadequate at the State levels, thus making costs impact assessments additionally difficult and their validity more questionable.

The determination of cost impacts, therefore, which was provided through these ten State case studies must be interpreted with caution. Some cost impacts will only become evident as a State's experience with deinstitutionalization increases. These case studies did provide evidence that no significant net incremental costs are associated with deinstitutionalization, while possible cost savings may indeed be evident over time. The increase or decrease in a State agency's budget for youth services appears relatively independent of the costs of providing services to status offenders. Increases in the costs of youth services may, in fact, be attributable to the non-transferability of funds/resources in serving a broad spectrum of youth, thus resulting in higher total expenditures but at reduced costs of serving status offenders.

A limited number of States (California, Oregon and Utah) have conducted cost impact analyses of deinstitutionalization. Although these specific States have projected that deinstitutionalization will result in significant net incremental costs in the future, examination of cost impacts in States which have already implemented deinstitutionalization did not clearly indicate substantial

incremental costs as a result of these endeavors.

Although a precise comparison of costs and savings between maintaining a juvenile in detention/correctional facilities or providing alternative services cannot be made, Table 8 (Appendix A) presents illustrative costs for selected residential services in the ten case study States. Several general conclusions are indicated by these data: (1) the costs of alternatives to detention and correctional facilities are less than the costs of placement in detention or correction; (2) the range of detention and correctional costs among States is small (with the exception of New York); and (3) the costs of alternatives to detention and correctional facilities vary widely. The cost estimates for alternative services are largely based on purchase of service contracts.

Although the case studies reveal potential savings in the utilization of alternative services, the existence of certain factors may nullify these savings. These factors include: the failure to realize potential cost savings associated with the removal of status offenders from costly institutional settings; the fact that cost savings may accrue at one level and new service demands may appear at another level; and a tendency for the budgets of public agencies to steadily increase regardless of changes external to the agency. In States where cost savings have been evident, principally New York and Maryland, a number of conditions existed which appear to have facilitated these savings. Among these have been the closing of institutions (or portions of them), the existence of delivery systems which incorporate both institutional care and alternative services, the dropping out of some youth from the social service system when institutionalization no longer was an option, and the generally lower costs associated with the use of noninstitutional services (group homes, foster care, day services).

The State case studies indicated that there were two uses of Federal funds which appeared most relevant for the deinstitutionalization of status offenders. Most of the case study States in their deinstitutionalization efforts have utilized project grants to provide services specifically targeted for status offenders, for coordinating deinstitutionalization efforts, for youth advocacy and for the development of monitoring systems. The sources of these funds have included Crime Control funds (discretionary and bloc), Juvenile Justice funds (including Special Emphasis Grants), and YDB funding for runaway services.

A second use of Federal funds has been continuing service support funds which typically support general social services that are utilized in all probability by some status offenders. Although State data systems do not generally identify subpopulations to

whom services are provided, these systems are clearly perceived as a primary resource for alternative services by those individuals directly involved with deinstitutionalization. The sources of these funds identified by social service providers interviewed in the ten States, included Title XX of the Social Security Act as well as Title IV-A (AFDC-Foster Care) of the same Act.

Although it was not possible to determine the range of services which Title XX funds were purchasing for a specific number of status offenders, these funds were found to be distributed to agencies which would most likely be providing services to these youth. The use of Title IV-A funds also appeared to offer significant support for court-related children placed in out-of-home care. Nevertheless, gathering data specifically on the number of status offenders within this population was not possible. Not specifically identified as a possible source of services for status offenders was Title IV-B (Child Welfare Services) of the Social Security Act.

Based on the ten State case studies, the Children's Bureau, the Office of Education(OE), and the National Institute of Mental Health(NIMH) appear to be less frequently used as funding sources for serving status offenders. State and local officials indicated, nevertheless, that some services receiving Federal funds--including mental health, retardation and developmental disabilities services, and alternative educational programs--are absorbing some deinstitutionalized status offenders without recognizing these youth as such. A noticeable influx of clients into these systems, however, has not been reported.

The role of Federal funding in the deinstitutionalization of status offenders appears to depend upon the strategies and decisions made by States and localities and/or the extent of their existing youth service programs. What has become evident from the case studies is that massive gaps in social services which might require major Federal funding initiatives do not appear in the States examined. Status offenders are a small population and the numbers of these youth as potential clients appear to be decreasing. Problems that have arisen relative to the provision of services to status offenders appear to emanate from problems that are inherent in youth service systems generally. The information collected on the cost impacts of deinstitutionalization, therefore, suggests neither the infusion of mass amounts of funds nor the development of major new programs to provide services specific to status offenders.

V. Summary of the Findings of the Intra-Departmental Committee on Deinstitutionalized Youth: Departmental Programs with Significant Potential to Meet the Service Needs of Status Offenders and the Legislative and Administration Barriers to the Provision of These Services to the Target Group Population

The review of Departmental programs with potential for meeting the service needs of status offenders and the identification of service barriers within those programs--activities which OHDS determined should be undertaken in response to the deinstitutionalization issue--required the existence of an organizational vehicle with multiple-agency representation. In response to this need, YDB organized and chaired the Intra-Departmental Committee on Deinstitutionalized Youth. Representatives from thirteen agencies within the Department and one agency within the Department of Justice\* were invited to attend the initial meeting of the Committee, which was held in November, 1976. A complete list of the agencies and representatives participating on the Committee is presented in Appendix B.

One of the initial tasks of the Committee was to identify those programs with significant potential to provide services to status offenders. The Committee members identified sixteen such programs, which are listed below:

Programs with Significant Potential to Provide Services to Status Offenders.

Office of Human Development Services:

Title XX, Social Services  
Title IV-B, Child Welfare Services  
Runaway Youth Program  
Child Development--Child Abuse and Neglect  
Prevention and Treatment  
Child Development--Child Welfare Research  
and Demonstration Grants

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\*A representative of the Law Enforcement Assistance Administration within the Office of Juvenile Justice and Delinquency Prevention, Department of Justice, served as an ex officio member of the Committee.

Public Health Service:

Comprehensive Alcohol Grants--Youth and Young  
Adult Service Programs  
Community Mental Health Centers  
Research and Demonstration--Center for Studies  
of Crime and Delinquency  
Drug Abuse Community Service Programs  
Drug Abuse Demonstration Programs  
Drug Abuse Prevention Formula Grants  
Drug Abuse Education and Prevention Grants  
Drug Abuse Training Programs

Office of Education:

Dropout Prevention  
Alcohol and Drug Abuse Prevention

Social Security Administration:

AFDC--Foster Care

The second phase of the Committee's efforts was the identification of legislative and administrative barriers to the effective provision of services to status offenders through Departmental programs. To initiate this task, the Youth Development Bureau solicited information from the Committee members concerning the legislative and regulatory requirements of their programs. These requirements were then reviewed in order to identify potential barriers. "Barriers," for the purpose of this Strategy, are defined as those aspects of Departmental legislation and regulations that interfere with the meeting of the priority service needs which were discussed in Section IV. To summarize, those priority needs, as identified in the ten State case studies, are:

- (1) Additional residential alternatives, including:
  - (a) Therapeutic placements for disturbed, retarded, and developmentally disabled youth;
  - (b) Non-secure placements which allow for sufficient supervision of runaway and self-destructive youth; and
  - (c) Continuation of existent foster, group home and halfway house care and improvements in the quality of these services.

- (2) Problem resolution services which enhance the ability of youth to cope within the existing family situation, including:
  - (a) Family counseling and mediation services;
  - (b) Outpatient mental health services for youth; and
  - (c) Additional crisis intervention facilities.
- (3) Skill development services which promote the independence and achievement of social responsibility of youth, including:
  - (a) Drug abuse education, prevention and treatment services;
  - (b) Sex and family life information services; and
  - (c) Job placement services.

YDB staff reviewed the authorizing legislation and regulations for each of the sixteen programs and identified specific provisions which were believed to inhibit the meeting of these priority service needs. The only barriers or limitations identified by YDB were within the Title XX--Social Service program legislation and Regulation.

Title XX Legislation: P.L. 93-647, as amended, P.L. 94-401

One of the goals for services specified in the Title XX legislation, as provided in Section 2002(a)(1)(D) of the Act, is that of "preventing or reducing inappropriate institutional care by providing for community-based care, home-based care, or other forms of less intensive care." The ability of the States to provide services in furtherance of this goal, however, is inhibited by other provisions of the legislation. Although Title XX does not actively prevent a State from providing any forms of shelter care, it does set limits on the type and duration of shelter care to be supported by Title XX monies. Section 2002(a)(7)(E) prohibits Federal reimbursement for the provision of room or board other than that "provided for a period of not more than six consecutive months as an integral but subordinate part of" (another service permitted under the Act). The one exception to this provision is set forth in Section 2002(a)(11)(C), which allows for the "provision of emergency shelter provided to a child, for not in excess of thirty days, as a protective service." This exception is too narrow to allow for the effective accomplishment of the Title XX goal of

removing individuals from institutions, and serves as a barrier or, at least, a limitation to the provision of all forms of service priority (1), additional residential alternatives. To ameliorate this problem, a more liberal exception could be inserted into the legislation, allowing for the provision of certain types of shelter care for a period of six months in a given year. The program legislation, if thus amended, would allow for the provision of shelter care to status offenders for short to moderate periods of time--one of the priority service needs identified in Section IV of this paper. For those States which have not reached their Title XX ceiling, such an amendment would potentially permit States to identify and use additional residential alternatives for those status offenders requiring emergency shelter in excess of 30 days. The forms of shelter care eligible for funding should be strictly limited to foster family care and group home care in non-secure facilities, with the capacity to house twenty or fewer individuals. Such restrictions would allow for the provision of services to youth in need of an alternative environment while family problems are resolved, while preventing States from utilizing Title XX funds for the maintenance of persons in large, isolated and secure institutions.

Title XX Regulations, 42 Fed. Reg. 5848 (1977).

The Title XX Regulations underscore the aspects of the legislation which prevent the use of these funds by States for shelter care in excess of 30 days and which, in effect, prevent the effective provision of a needed service to status offenders. Specifically, Section 228.41 of the Regulations disallows Federal reimbursement for shelter services other than emergency shelter care unless the room and board is an integral, but subordinate, component of a service. The prohibition on reimbursement for foster or group home services is then explicitly made in Section 45 CFR 228.41(b) and (c) which provides that room or board "shall not be considered an integral but subordinate part of a service when provided to an individual in a foster family home or other facility...whose primary purpose is to provide board, room and care or supervision." Moreover, the legislative "emergency shelter care" exception to the prohibition is strictly circumscribed in Section 228.46, which specifies that such care must be a "protective service" for a child which meets the following three conditions:

(1) the child is in danger of abuse, neglect or exploitation;

(2) the need for emergency shelter is documented by personnel authorized by State law to place children, or by an Indian tribal council; and (3) emergency shelter is provided for not in excess of 30 days in any 6 month period..."

The implications of these perceived limitations in the use of Title XX funds for emergency shelter care in excess of 30 days are addressed in the conclusions and recommendations of Section VI of this Strategy Paper.

## VI. A Departmental Response to the Deinstitutionalization Issue: Conclusions and Recommendations

The following conclusions and recommendations are proposed as potential and viable Departmental responses to and roles in the provision of social services to deinstitutionalized status offenders. These recommendations are based upon the findings of the research initiatives undertaken by the Youth Development Bureau (a secondary analysis of LEAA State Juvenile Justice Plans) and by YDB and LEAA in their cooperative research effort (an assessment of the costs and service impacts of deinstitutionalization in ten States) as well as the results of the Intra-Departmental Committee's review of DHEW programs targeted at youth. The conclusions and recommendations generated in this Strategy Paper should not be interpreted as representing the specific and individual recommendations or views of each participating agency on the Intra-Departmental Committee. In general, consensus was provided on recommendations one, three and four. Recommendation two represents the specific perspective of the YDB (as well as a number of other agencies on the Committee). The divergent viewpoints of other Committee representatives are presented, however, as part of the discussion of this recommendation.

1. It is recommended that no major new programs targeted specifically for deinstitutionalized status offenders be initiated by the Department.

Research activities indicate that the service needs of deinstitutionalized status offenders do not differ significantly from those of other youth in need, including juvenile delinquents, dependent children and emotionally disturbed children and youth. One significant exception to this is the need for residential alternatives to detention, which is more fully explored in recommendation two. The way in which a youth comes to public attention appears closely related to the label under which an individual is identified. Service needs, however, do not emanate from such labels but from the circumstances specific to each youth. A similarity of service needs, in fact, exists for each of these groups. In general, therefore, State and community programs which currently exist or are being developed appear both adequate and appropriate for meeting the needs of deinstitutionalized status offenders. Additionally, the development and implementation of new Federal programs would contribute to additional fragmentation within youth service delivery systems at the State and community levels.

2. It is recommended that the Department initiate efforts to further examine the utility and flexibility of Departmental programs in providing short- to moderate-term shelter care to status offenders.

The most significant service need and the first gap to be identified by States in the YDB/LEAA case study initiative was the need for alternatives to detention and additional residential alternatives for status offender youth. As identified in this research effort, emergency and "structured" shelter care, foster care, group homes and runaway houses are currently being utilized at the State and local levels to meet these needs.

Although individual States may provide residential alternatives--e.g., group homes or foster care--in excess of 30 days through their own resources, the use of Title XX funds for these purposes is precluded by the legislation and Regulations. In addition to Juvenile Justice and Crime Control monies, the case studies indicated that the primary sources of Federal funds which have been utilized for short-term care (30 days or less) have been Title XX and Title IV-A (AFDC-Foster Care).\* The need remains, however, for the provision of short- to moderate-term shelter care to status offenders.

This need warrants an extensive effort by the Department to identify those existing programs which would permit States a greater degree of flexibility with respect to the provision of longer-term, though limited (e.g., less than six months), residential services to status offenders.

While YDB is supportive of the policy considerations which underlie Title XX's prohibition of the use of Federal funds for the maintenance of individuals in institutions, it is YDB's view that the current legislation and Regulations, which prevent the use of Title XX funds for the provision of shelter care in excess of 30 days, inadvertently restrict States from utilizing an important resource to meet an existing critical service need of status offender youth--foster family or group home care (in excess of 30 days) as an alternative to institutionalization.

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\* For those status offenders who only require short-term residential alternatives, it is appropriate that the Department stress the continued legitimacy of these youth as clients for Title XX programs, foster care as well as mental health programs which receive Federal funding.

Although it is not the consensus of all member agencies of the Intra-Departmental Committee (ICDY), it is the view of YDB that the Department should consider an amendment to the Title XX legislation, Section 2002(a)(11)(C), which would allow emergency shelter care for children and youth for a period not in excess of six months in a year rather than for only 30 days. Any such amendment, however, should contain the safeguarding provisions mentioned in Section IV of this Paper which would insure that Title XX funds are not used for institutional care. It is also the view of YDB that the Title XX Regulations should be amended to conform to the recommended amendments to the legislation. Additionally, the desirability of adding new regulations to define precisely key terms in the legislative amendments should be considered. However, the Administration for Public Services, OHDS, currently has a project under consideration which, if implemented, would refine the definitions in the Social Security Reporting Requirements. This would help resolve ambiguities in the interpretation of such key terms.

Differing perspectives on the desirability of amending the Title XX legislation and Regulations have been expressed by some Departmental agencies represented on the ICDY. Clearly, any change in the legislation which would permit the provision of shelter care for up to, but not exceeding, six months duration in a year potentially would not meet the needs of those status offenders characterized as having more serious behavioral and/or familial problems and who lack other available supportive environments for placement. It was the view of one Committee member that Title XX should be amended to permit States the flexibility of providing shelter care for a period not to exceed six months unless an administrative and diagnostic review at the end of each six-month period determines that additional shelter care is needed. Additional opinions of representatives from four agencies expressed non-concurrence with any recommendation to amend Title XX in order to permit the provision of shelter care in excess of 30 days but less than six months in a year. The primary objection focused on the use of Title XX to pay for maintenance costs and a liberalization which would result in inappropriate expenditures.

Nevertheless, in view of the pressing need for alternative living arrangements for deinstitutionalized status offender youth, it is the view of YDB that consideration should be given to amending the Title XX legislation and Regulations to permit the States a greater degree of flexibility in serving these youth.

3. It is recommended that the Department enhance its efforts to explore the development and strengthening of existing community-based programs to provide comprehensive social services to youth and families in crisis.

With the exception of limited crisis intervention and counseling services, nonresidential services for youth (including status offenders) and families in crisis are not widely available. Existing information suggests a necessity to insure the availability of needed services and to minimize the fragmentation which characterizes youth service delivery systems in many States. The fact that these service delivery systems in many States are fragmented and uncoordinated reinforces the need for a more systematic and comprehensive approach to providing needed services to youth in crisis and, at the same time, to strengthen the family as a positive interpersonal social milieu for youth development. The development and implementation of a more comprehensive approach to the provision of social services would reduce the gap between existing services and the levels of need within these youth and families. Currently unmet service needs which could be addressed within nonresidential service settings and which are not adequately addressed in many States include counseling and mediation services for youth with school and family problems; family counseling; legal aid; mental health services for adolescents; special education and tutoring services; vocational education; and preventive and skill development services (alternative schools, job training and placement).

Also absent in many States are highly structured, intensive, nonresidential day treatment programs which provide education, recreation, drug and alcohol counseling, abuse and neglect services for youth, and individual and family counseling. The potential capacity of existing Departmental programs, e.g., the Runaway Youth Program, to more comprehensively address some of these needs should be explored.

Additionally, the Department should pursue efforts which would result in the improved coordination of services and programs to youth and families in crisis, thus avoiding duplication of efforts and facilitating the planning of comprehensive services intra-Departmentally. The Department should also advocate for improved evaluation and screening procedures to improve assessment of individual youth needs and the placement of these youth in existing services.

4. It is recommended that the findings of the Intra-Departmental Committee, as well as those generated by YDB's research efforts, be disseminated to key persons in juvenile justice and social service planning positions.

One of the initial rationales for the conduct of Departmental research efforts related to deinstitutionalization was the paucity of data concerning the impact of deinstitutionalization on the States and the implications of this impact for Federal programming efforts. These research initiatives, now completed, have provided extensive information concerning the service needs of status offenders, the costs of deinstitutionalization, the problems encountered by the States in complying with the deinstitutionalization mandate, and the programs available for the provision of needed services to this target group. It is therefore recommended that these findings, in the form of this report and the report, Cost and Service Impacts of Deinstitutionalization of Status Offenders in Ten States, be disseminated to State and Federal planners who are charged with implementing deinstitutionalization and providing alternatives to the detention and institutionalization of status offenders. Specifically, it is recommended that these two reports be disseminated to:

- (a) LEAA State Planning and Regional Planning personnel;
- (b) State officials responsible for the development of Comprehensive Annual Service Plans under Titles IV-B and XX;
- (c) Governors' Task Forces and Committees on Juvenile Justice; and
- (d) National and State-based groups that provide input into the activities of State legislatures, e.g., LEJIS 50 and the National Institute of Juvenile Justice and Delinquency Prevention.

It is hoped that this information will prove helpful to these individuals in accomplishing their mission of deinstitutionalizing status offenders while assuring that the service needs of these youth are met.

**APPENDIX A**

TABLE 1

Summary of the Number of Status Offenders Detained and Institutionalized  
by States Participating in Deinstitutionalization<sup>1</sup>

Region	State	SO's Detained	SO's Inst'd	State pop. in Millions	SO's D'd/ 10,000 pop.	SO's Inst'd/ 10,000 pop.
I	CT	---	41	3.0	---	.14
	ME	---	0	1.0	---	.00
	MA	885	0	5.7	1.5	.00
	NH	---	---	---	---	---
	RI	---	---	---	---	---
	VT	---	---	---	---	---
II	NJ	4192	---	7.2	5.8	---
	NY	2315	11	18.2	1.3	.01
III	DE	849	80	.5	17.0	1.60
	DG	---	---	---	---	---
	MD	0	0	4.0	.00	.00
	PA	---	259	11.8	---	.22
	VA	4700	386	4.6	10.2	.84
IV	FL	5645	369	6.8	8.3	.54
	GA	3348	—	4.6	10.2	.84
	SC	1592	---	2.6	6.1	---
V	IL	3000	---	11.1	2.7	---
	IN	---	281	5.2	---	.54
	MI	---	---	---	---	---
	MN	0	119	3.8	0	.31
	OH	5466	—	10.7	5.1	---
	WI	8677	49	4.4	19.7	.11
VI	AR	---	295	1.8	---	1.64
	LA	1567	0	3.6	4.4	.00
	NM	2864	24	1.0	28.6	.24
	TX	7662	0	11.2	6.8	.00
VII	IA	---	---	---	---	---
	KS	---	---	---	---	---
	MO	---	---	---	---	---
	NE	383	381	1.5	2.5	2.54
VIII	CO	5509	187	2.2	25.0	.85
	MT	1614	—	.7	23.1	---
	ND	---	---	---	---	---
	SD	---	117	.7	---	1.67

TABLE 1 CONT'D

IX	AZ	3965	608	1.8	22.0	3.38
	CA	41202	174	20.0	20.6	.09
X	AK	---	---	---	---	---
	ID	---	---	---	---	---
	OR	---	---	---	---	---
	WA	---	---	---	---	---
	TOTAL	105,435 <sup>2</sup>	3619 <sup>2</sup>	178.3 <sup>2</sup>		

1 Most reported data are for calendar year 1975. Primary exceptions are: Ohio (1973 data); New Mexico and Texas (1976 data).

2 Totals for all participating States

TABLE 2

**Rank-Order of Reporting States by Total  
Number of Status Offenders Detained**

STATE	SO'S DETAINED
California	41,202
Wisconsin	8,677
Texas	7,662
Florida	5,645
Colorado	5,509
Ohio	5,466
Virginia	4,700
New Jersey	4,192
Arizona	3,965
Georgia	3,348
Illinois	3,000
New Mexico	2,864
New York	2,315
Montana	1,614
South Carolina	1,592
Louisiana	1,567
Massachusetts	885
Delaware	849
Nebraska	383
Maryland	0
Minnesota	0
<b>TOTAL</b>	<b>105,435</b>

TABLE 3

Rank-Order of Reporting States by Number of Status  
Offenders Detained Relative to Total Population

STATE	SO's DETAINED/ 10,000 pop. <sup>1</sup>
New Mexico	28.6
Colorado	25.0
Montana	23.1
Arizona	22.0
California	20.6
Wisconsin	19.7
Delaware	17.0
Virginia	10.2
Florida	8.3
Georgia	7.3
Texas	6.8
South Carolina	6.1
New Jersey	5.8
Ohio	5.1
Louisiana	4.4
Illinois	2.7
Nebraska	2.5
Massachusetts	1.5
New York	1.3
Maryland	0.0
Minnesota	0.0

<sup>1</sup> Population figures based on 1970 Bureau of Census data.

TABLE 4

Rank-Order of Reporting States by Total  
Number of Status Offenders Deinstitutionalized

STATE	SO'S DEINST'D
Arizona	608
Virginia	386
Nebraska	381
Florida	369
Arkansas	295
Indiana	281
Pennsylvania	259
Georgia	238
Colorado	187
California	174
Minnesota	119
South Dakota	117
Delaware	80
Wisconsin	49
Connecticut	41
New Mexico	24
New York	11
Maine	0
Massachusetts	0
Maryland	0
Louisiana	0
Texas	0
<b>TOTAL</b>	<b>3619</b>

TABLE 5

Rank-Order of Reporting States by Number of Status  
Offenders Institutionalized Relative to Total Population

STATE	SO's INST'D/ 10,000 pop. <sup>1</sup>
Arizona	3.38
Nebraska	2.54
South Dakota	1.67
Arkansas	1.64
Delaware	1.60
Colorado	.85
Virginia	.84
Florida	.54
Indiana	.54
Georgia	.33
Minnesota	.31
New Mexico	.24
Pennsylvania	.22
Connecticut	.15
Wisconsin	.11
California	.09
New York	.01
Maine	.00
Massachusetts	.00
Maryland	.00
Louisiana	.00
Texas	.00

<sup>1</sup> Population figures based on 1970 Bureau of Census data.

TABLE 6

## Related Status Offender Legislation by State

## STATE

Arkansas	1977	- Created a State Division of Youth Services, as focal point of statewide juvenile services.
California	1975	- Children with school-related behavioral problem must first be referred to school districts' school attendance review boards (SARBS) before they can be referred to court.
	1977	- Informal supervision and diversion are authorized at court intake.
Connecticut	1971	- State Department of Children and Youth Services may make direct community placements of court commitments.
Florida	1975	- Redefined as dependent children and made them clients of State Social Services agency.
Iowa	1975	- Separated status offenders (CINAs) from delinquent offenders.
Maryland		NONE
New York	1970	- Counties are required to provide non-secure detention.
	1974	- Subsidy provided for comprehensive planning and project funding for county delinquency prevention programs.
Oregon		NONE
Utah	1977	- Created original jurisdiction over runaways and ungovernable children in State Division of Family Services, with possibility of court referral if "earnest and persistent" efforts to help have failed.
Wisconsin		NONE

TABLE 7

## Pending Status Offender Legislation by State

## STATE

Arkansas None close to passage.

California A.B. 958 would again enable local government to securely detain 601's, but only with stringent time limits and in quarters segregated from 602's. Liability of the state to pay for segregated quarters is, at present, unclear.

Connecticut None close to passage.

Florida None close to passage.

Iowa H.F. 248 transfers original jurisdiction over offenders from department of social services to juvenile court.

Maryland None close to passage.

New York None close to passage.

Oregon None close to passage.

Utah None close to passage.

Wisconsin Children Code Reunion pending which would specifically allow police to take runaways to a runaway program; limit detention by making selection criteria more selective; and remove the CINS category from the law and replace it with Child in Need of Protection and Services.

TABLE 8

**Illustrative Costs for Selected Residential Services  
in Ten States**

		A. Reduced (Increased) Confinements 1974-1976	B. Average Length of Stay (Days)	C. Average Daily Cost of Detention or Correction	D. Total Cost of SO Confinement (In Thousands)	E. Average Length of Stay in Most Frequent Alternative	F. Average Daily Cost of Most Frequent Alternative	G. Total Cost of Most Frequent Alternative (in Thousands)	
<b>Arkansas:</b>		Detention	445	3 <sup>1</sup>	N.A.	N.A.	3 <sup>1</sup>	\$5	\$7
		Correction	246	180 <sup>1</sup>	\$26.44	\$1,170	180 <sup>1</sup>	\$30	\$1,328
<b>California:</b>		Detention	47,048	3	\$41.67	\$5,881	3	\$38.27	\$5,401
		Correction	1,800	162.0	\$48.60	\$14,171	162.0	\$38.27	\$11
<b>Connecticut:</b>		Detention	146	3 <sup>1</sup>	N.A.	N.A.	N.A.	\$16.67	N.A.
		Correction	30	180 <sup>1</sup>	\$54.79	\$296	180 <sup>1</sup>	\$26.33	\$142
<b>Florida:</b>		Detention	9,839	10.4	\$32.39	\$3,314	11.5	\$6.68	\$750
		Correction	215	180.0	\$34.35	\$1,329	180.0 <sup>1</sup>	\$5.64	\$218
<b>Iowa:</b>		Detention	(47)	24	N.A.	N.A.	N.A.	N.A.	N.A.
		Correction	87	180	\$41.55	\$651	180 <sup>1</sup>	\$45	\$705
<b>Maryland:</b>		Detention	1,548 <sup>3</sup>	15	\$35.00	\$813	10	\$10	\$155
		Correction	675	210	\$35.00	\$4,900	180	\$23	\$2,795
<b>New York:</b>		Detention	0	3 <sup>1</sup>	\$115.00	0	3	\$60	0
		Correction	465	180 <sup>1</sup>	\$71.27	\$5,960	180 <sup>1</sup>	\$40.45	\$3,385
<b>Oregon:</b>		Detention	N.A.	3.25	\$35.75	N.A.	3 <sup>1</sup>	\$8.15	N.A.
		Correction	125	180.0 <sup>1</sup>	\$42.87	\$965	180 <sup>1</sup>	\$18.13	\$408
<b>Utah:</b>		Detention	941	3	\$22.70	\$64	3	\$6.50	\$18
		Correction	36	243	\$46.66	\$408	243	\$16.27	\$142
<b>Wisconsin:</b>		Detention	N.A.	3 <sup>1</sup>	\$40.00	N.A.	3 <sup>1</sup>	\$30	N.A.
		Correction	N.A.	180 <sup>1</sup>	\$63.43	N.A.	180 <sup>1</sup>	\$28.13	N.A.

1/ Standard lengths of stay have been assumed in absence of state data; 3 days for detention and alternatives, 180 days for corrections and alternatives.

2/ Period of reductions 1973-1976.

3/ This figure does not include reductions in detentions in jails - State institutions only.

**APPENDIX B**

**INTRA-DEPARTMENTAL COMMITTEE ON  
DEINSTITUTIONALIZED YOUTH**

Thomas Albrecht  
Department of Justice  
Law Enforcement Assistance Administration  
Office of Juvenile Justice and Delinquency Prevention

Paula Brown  
Administration for Public Services  
Office of Human Development Services

Robert Church  
Office of Human Development Services  
Rehabilitative Services Administration

William Daniels  
OASPE, Office of Human Development Services

Madeline Dowling  
Administration for Public Services  
Office of Human Development Services

Joyce Fernandez  
Office of Family Assistance  
Social Security Administration

Carl Hampton  
Criminal Justice Branch, NIDA

James A. Hart/Jeanne Weaver  
Office of Human Development Services  
Youth Development Bureau

Helen Howerton  
Office of Human Development Services  
Children's Bureau

James Huddleston  
Administration for Public Services  
Office of Human Development Services

Thomas Lalley  
Center for Studies of Crime and Delinquency  
Public Health Service, ADAMHA, NIMH

Pat O. Mancini  
Division of Education for the Disadvantaged  
Office of Education

Paul Menszer  
Office of General Counsel  
Human Resources Division

Sheila Morgenstern  
Office of Human Development Services  
Youth Development Bureau

William Prosser  
OASPE, Office of Human Development Services

Larry Ray  
Public Health Service, NIAAA

James Rich  
Office of Human Development Services  
Children's Bureau

James Stanceu  
Office of Human Development Services  
Youth Development Bureau

Darryl Summers  
Office of Human Development Services  
Youth Development Bureau

**END**