

UTAH:

A Case Study of  
Deinstitutionalization  
of Status Offenders

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## TABLE OF CONTENTS

	<u>Page</u>
<b>SUMMARY</b>	i
I. INTRODUCTION	1
II. ORGANIZATIONAL CONTEXT	2
III. STATE OF DEINSTITUTIONALIZATION	12
IV. SERVICE NEEDS	21
V. GAPS IN SERVICE DELIVERY	22
VI. COST AND FUNDING IMPLICATIONS	23
VII. OBSTACLES	30

## SUMMARY

Key factors which affect Utah's current situation with respect to de-institutionalization are:

- Utah has not applied for block grant funds from LEAA, pursuant to Title II, Part B of the Juvenile Justice and Delinquency Prevention Act of 1974 (The Act);
- the Utah Juvenile Court is a somewhat unusual agency, in that it functions as a state court through a series of five judicial districts;
- the Utah State Legislature recently passed legislation which removes the categories of ungovernable and runaway juveniles from the exclusive and original jurisdiction of the Utah Juvenile Court; and
- the Utah Council on Criminal Justice Administration has conducted some analyses of deinstitutionalization since 1974, and estimated the cost of providing alternative residential treatment for status offenders in detention or correctional institutions at \$420 - \$430,000 in 1974.

Utah is the only state of the ten on which case studies were written, which (as of that time) had chosen not to participate in the grants program authorized by the Juvenile Justice and Delinquency Prevention Act of 1974. Our findings regarding cost and service impacts are as follows:

- Approximately 10% of the state's only delinquency institution consists of status offenders. While there is a general belief expressed that such commitments should not be made, the evidence suggests that current law and practice results in a small number of status offenders in the Youth Development Center, and that such practice will probably continue for the foreseeable future.
- Recent legislation has transferred responsibility for ungovernable and runaway youth from the juvenile court to the State Division of Family Services. However, a residual authority remains in the court to hear cases referred to it by DFS where, "despite earnest and persistent efforts" the children remain out of control or have run away from home. The effect of this two-step process on the need for or the cost of institutionalization or alternatives thereto cannot yet be evaluated, since the new Act only went into effect on May 11, 1977.
- Over the past few years, the number of court referrals for status offenses have substantially decreased. Use of detention for status offenders has decreased by roughly one-fourth despite an overall increase in the use of detention, and commitments to the Youth Development Center have been reduced about 75%.

- Such strong emphasis has been placed upon parental responsibility that alternatives to institutionalization have tended to focus upon non-residential services. Foster care and group homes exist but do not appear to have grown in a manner commensurate to the reduced use of detention and correctional facilities for status offenders.

## I. Introduction

As part of a ten-state analysis of the cost and service impacts of de-institutionalization of status offenders, a three-person team from Arthur D. Little, Inc., visited the State of Utah during the week of August 1, 1977. The purpose of the analysis, sponsored jointly by the Office of Juvenile Justice and Delinquency Prevention (LEAA) and the Office of Youth Development (HEW) is to collect and present information concerning the impacts upon service systems and costs resulting from efforts to remove status offenders from detention and correctional facilities.

After conducting a number of interviews in Salt Lake City with the Utah Council on Criminal Justice Administration (UCCJA) and other state agencies involved in the juvenile justice system and in provision of services to youth, the ADL team, Paul Bradshaw, Herman Prescott, and Joseph White traveled to three of Utah's 29 counties to interview people involved in the delivery of services to young people at the local level. The counties visited were Salt Lake (Salt Lake City), Uintah (Vernal and Roosevelt), and Weber (Ogden).

## II. Organizational Context

Because organizational issues are central to cost and service questions, we will begin our case study discussion with a short sketch of how youngsters flow through the juvenile justice system and how responsibilities for youth fall upon various organizational actors. As is the case in most states, responsibility for young people who come into contact with the court is split along state-local lines and among various agencies at each level of government. At the state level, the Utah Department of Social Services and the Utah Juvenile Court are unquestionably the most critical agencies to our study. At the local level, the Department of Social Services operates, finances and coordinates most of the relevant juvenile justice services. Each of these agencies is further divided into sub-agencies which deserve closer analysis.

Responsibility for juvenile pre-hearing detention is local, with state support. Dispositional commitments to residential correctional placements are most frequently made to the state's only juvenile correctional institution. Non-residential services, particularly to status offenders, are provided through a somewhat atypical admixture of local and state services.

In the spring of 1977, the Utah Legislature passed H.B. 340, which critically affected the manner in which status offenders were to be handled. Prior to May 11, 1977, the effective date of H.B. 340, the juvenile court had exclusive and original jurisdiction over children who violated any federal, state, local laws or ordinances; children defined as dependent or neglected; children who are beyond the control of responsible adults; children who endanger their own or others' welfare; children who are habitually truant from school; and several other categories of children and parents not relevant to our inquiry. Technically speaking, Utah's method of defining court jurisdiction was intended to avoid labeling. Children were not declared delinquent, incorrigible, dependent or neglected: they were simply subject to court jurisdiction by virtue of being within the purview of Section 55-10-77, Utah Code Annotated 1953, as amended (UCA).\*

H.B. 340, in effect, deleted from the description of the juvenile courts' "exclusive and original jurisdiction" any child "who is beyond control of his parents, guardian, or other lawful custodian to the point that his behavior or condition is such as to endanger his own welfare or the welfare of others," and transferred jurisdiction over them to the Utah Department of Social Services, Division of Family Services (DFS). In the same bill, Section 55-15b-6, UCA, was amended to enable DFS to provide services to youth and their families when a child's behavior indicates that he is a runaway or otherwise beyond the control of "his

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\*Effective July 1, 1977, Sections 55-10-63 to 55-10-10-123 were redesignated Sections 78-3a-1 to 78-3a-62, pursuant to recommendation by the Board of Juvenile Court Judges. Pertinent Sections 55-10-77 and 55-10-77.5 were redesignated Sections 78-3a-16 and 78-3a-16.5.

parents or his lawful custodian or school authorities..." If, "after earnest and persistent efforts" by DFS have been unsuccessfully offered, and the condition is not corrected, then DFS may file a petition with the juvenile court. In such event, the court would assume jurisdiction. So, while there are a large number of status offenders over whom the juvenile court no longer has exclusive original jurisdiction, the ultimate scope of the Court's status offender jurisdiction has not theoretically been altered by virtue of H.B. 340. But the bill is extremely significant as an expression of philosophy within Utah that favors diversion of non-criminal juveniles from a judicial to a social milieu.

#### A. Local Agencies

##### 1. County Departments of Social Services (CDSS)

The CDSS is the umbrella agency at the local level for delivering a wide variety of human services. For example, in Salt Lake County, which is Utah's most populous county and which contains almost half the state's delinquency problems, it serves as the administrative vehicle for operating the county detention center; its three catchment-area mental health centers; a Youth Services Center; and a series of alcohol and drug programs. Programs for juveniles are integrated through a county Office of Youth Planning and Coordination. While similar departments in other counties operate fewer programs, they appear to be within the range of services mentioned above.

Funding for the CDSS comes from county, state and federal funds. For example, the Office of Youth Planning and Coordination is locally financed. CDSS acts as a provider and purchaser of mental health, alcohol and drug services with state and federal funds passed through from the state department's Division of Alcoholism and Drugs (DAD) and the Division of Mental Health (DMH). Up to one-half the cost of juvenile detention services is paid to the counties from state funds administered by the state's Division of Family Services (DFS). In addition, county Title XX funds are administered through CDSS, as are limited amounts of Omnibus Crime Control Act funds, used to support activities such as the Youth Services Center or at the Detention Center.

Although detention is operated by local government, with state subvention, the Board of Juvenile Court Judges exercise considerable control over them, as does DFS. The judges determine intake and release procedures,\* while DFS promulgates, monitors and enforces its Minimum Standards of Care for the Detention of Children.\*\* Within these constraints, the detention home operates fairly autonomously, and determines its own programs.

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\*See, for example, Guidelines Pertaining to Runaway and Ungovernable Youth (Administrative Office, Utah State Juvenile Court, May, 1977).

\*\*Division of Family Services, Bureau of Family and Children's Services (1972).

There are seven juvenile detention facilities in Utah. Each one serves more than one county, but, primarily because of distance, a number of counties rely entirely on adult jails where detention facilities are unavailable. In counties where juvenile facilities do exist, occasional use is made of jails for either uncontrollable youth or for those who have been certified to stand trial as adults, despite statutory prohibitions. State law sanctions this practice for youth over sixteen years of age. In 1975, 48 juveniles were confined in jails: only three of them had been certified to stand trial as adults. In the previous year, there were 105 instances of confinement. Although hard data is not available for the past eighteen months, interviews suggest that jails are now being used less frequently for purposes of detention and control of juveniles. In Salt Lake County, for example, no such transfers have occurred in ten months. The judges do seem to be making a concerted effort to reduce the use of jails for juveniles and detention centers for status offenders. However, both practices can be observed at the present time.

Only three of the seven detention centers offer a variety of services and programs, including counseling and education. The other facilities essentially serve as lockups. Those facilities which do offer a broader range of services also make provision for non-secure detention through shelter facilities or home detention. The former services are usually paid for by DFS through contractual arrangements with the counties.

Post-dispositional placements are provided in two distinct ways: either through CDSS or through DFS. In cases where CDSS is occasionally called upon to provide residential services, it relies, at least in the larger counties, upon its subsidiary mental health agencies. In reality, such care constitutes a diversion from the need for detention services, since these short-term placements are voluntary in nature.

The largest amount of public residential services exists, as might be expected, in Salt Lake County. The Adolescent Residential Treatment and Education Center (ARTEC) serves Salt Lake and Tooele counties and operates two group homes for disturbed adolescents. Foster care is provided through Title XX and DFS funds on a purchase-of-service basis. In addition, there is a ten bed facility operated by the Salt Lake County Salvation Army, known as the Manhattan Project, which provides an intensive group life experience for dyssocial youth. It originally began as a teenage drug program but has since broadened its intake policy.

The real focus in mental health services, however, is not upon providing alternative living arrangements. Rather, the focus appears to be on crisis counseling and family reintegration, individual and parental responsibility, and upon dealing with young people having interpersonal conflicts. As a result, while non-secure

residential alternatives are quite limited in Utah, there did not appear to be a strong opinion expressed that they were wholly inadequate. The major consensus appeared to be that individual foster care placements with good families were lacking but the need for group care facilities was not very intense. In Utah, numerous interviews strengthened the observation that rapid family reintegration is viewed as "the first line of defense" against delinquency. Indeed, most court referral cases involve children from intact families with employed parents.

The Mental Health Centers frequently provide staff, instead of funds, to create new, hybrid services. For example, a number of counties have juvenile court "schools," to which appropriate assignments of juveniles are made. These drug, alcohol, shoplifting and traffic schools are staffed by Mental Health Center employees. In Salt Lake County, ARTEC, the mental health counseling centers and the state's DFS all contribute staff to the Youth Services Center (YSC). This counseling agency has become the most significant status offender counseling agency in Salt Lake County. Currently, it operates under a contract with DFS and serves as its referral agent under H.B. 340 for accepting ungovernable and runaway youth.

## B. State Agencies

### 1. Juvenile Courts

One of the more unique aspects of Utah's juvenile justice system may be found in its juvenile court. The Utah State Juvenile Court is a state agency. Its eight judges, appointed for six-year terms by the Governor, after nomination by a Juvenile Court Commission, are each assigned to one of five multi-county, judicial districts. Referees are permitted by statute but are used sparingly: to date, two full-time and two part-time positions have been created in the most populous districts. Referees hear traffic offenses and cases of a minor nature. Their decisions are subject to ratification by a judge and are appealable de novo. Minor juvenile traffic cases are heard by either the Juvenile Court or the City Courts, on a shared jurisdictional basis.

The Utah State Juvenile Court provides for its own administration, through five district and one central offices. Probation is, likewise, a state administered service, provided through twelve subdistrict offices, subdivided among the five judicial districts. These probation offices also serve as bases for the provision of volunteer service programs, including student field placements.

In Utah, the court assumes jurisdiction over juveniles through referrals made by police, schools, neighbors, parents, court staff and sometimes by the child. The referral alleges that the child

is subject to the court's jurisdiction by virtue of acts or circumstances delineated in Sections 78-3a-16 and 78-3a-16.5 (formerly Section 55-10-77), Utah Code Annotated (UCA). Technically, in Utah, there is no labeling of behavior. That is to say, no statutory definitions of delinquency or status offenses exist, nor are there special dispositions reserved for these particular categories of juveniles. The law simply describes proscribed behavior and provides for broad judicial discretion in disposing of the cases:

"Section 78-3a-16. Jurisdiction of juvenile court -- Judge may sit as district court judge. -- Except as otherwise provided by law, the court shall have exclusive original jurisdiction in proceedings:

(1) Concerning any child who has violated any federal, state, or local law or municipal ordinance, or any person under 21 years of age who has violated any such law or ordinance before becoming eighteen years of age, regardless of where the violation occurred.

(2) Concerning any child:

(a) who is a neglected or dependent child, as defined in section 78-3a-2; or

(b) who is an habitual truant from school.

(3) Concerning any parent or parents of a child committed to the state industrial school, in so far as to order, at the discretion of the court and on the recommendation of the state industrial school, the parent or parents of a child committed to the state industrial school for a custodial term, to undergo group rehabilitation therapy under the direction of the state industrial school therapist, who has supervision of that parent or parents' child, or such other therapist that the court may direct, for a period directed by the court as recommended by the state industrial school.

(4) To determine the custody of any child or appoint a guardian of the person or other guardian of any child who comes within the court's jurisdiction under other provisions of this section.

(5) To terminate the legal parent-child relationship, including termination of residual parental rights and duties as defined herein.

(6) For judicial consent to the marriage, employment, or enlistment of a child when such consent is required by law.

(7) For the treatment or commitment of a mentally ill or mentally retarded child who comes within the court's jurisdiction under other provisions of this section.

(8) Under the Interstate Compact on Juveniles.

Any judge of the juvenile court may at the request of any judge of district court, sit as a judge of the district court and shall have the same powers as the judge thereof."

"Section 78-3a-16.5. Jurisdiction of Juvenile court -- Cases referred by agencies. -- The court shall have jurisdiction in cases referred to the court by the division of family services or those public or private agencies which have contracted with the division of family services to provide the services referred to in section 55-15b-6(12) where, despite earnest and persistent efforts of the division of family services or the contracting agency, the child demonstrates that he or she:

(1) Is beyond the control of the parent or parents, guardian, other lawful custodian, or school authorities to the point that his or her behavior or condition is such as to endanger his or her own welfare or the welfare of others.

(2) Has run away from home."

As indicated earlier, Section 78-3a-16.5 is a product of H.B. 340, which vested original jurisdiction over ungovernable and runaway juveniles in DFS. Residual or secondary jurisdiction is retained by the court. One interesting sidelight is that juvenile court jurisdiction over runaways was abolished by the Legislature in 1971. It is somewhat unclear as to whether this amendment was prompted by a desire to totally remove runaways from the environment of a judicial forum, or whether it was simply felt that the old provision in Section 55-10-77 describing ungovernable children (removed by H.B. 340) was adequate to cover those cases. Whatever the motive, the fact is that runaway children have been referred to court in relatively large numbers between 1971 and 1977. For example, the 1976 Juvenile Court Annual Report lists 2911 referrals (about 11%) for "ungovernable/runaway" reasons. H.B. 340 reestablished the legitimacy of running away from home as a basis for social intervention, initially by DFS and ultimately by the juvenile court.

The demographic breakdown of the court's workload reveals that, while the mean age at referral is 15.3 years, more than half of the juveniles are 16 or 17 at the time of offense. As might be expected from the unique character of Utah's population, a majority of the juveniles are white, members of the Church of Latter Day Saints (LDS) and come from intact families with working

parents. The national 3 to 1 boy-to-girl ratio is also true in Utah.

Typically, a child is referred to court by a law enforcement officer. An intake screening process occurs, in which the court staff person determines whether a petition should be accepted, thereby admitting the child to the judicial process. Counseling, referral and diversion may take place at this stage, eliminating the need for further penetration into the system. Approximately 40% of the cases appear to be culled out in this fashion. Although the juvenile court possesses an extremely sophisticated automated data system, the reporting packages are somewhat confusing for our purposes. Data are presented according to numbers of children, offenses, referrals and dispositions without much attempt to correlate them. In its 1976 Annual Report, the following explanatory statement appears:

"The basic unit of measurement used by the Court is 'child' or 'person'. One child can be referred several times for even more offenses and have multiple actions (dispositions) taken by the Court or its probation department. When comparing children with the other units of measure, it will always be the smallest in number. For example, in 1976, the Court or its probation department dealt with 22,564 children referred 36,378 times for over 40,000 offenses with over 45,000 distinct dispositions made. It is important that the reader distinguish among the various units of measurement used in this report and thus avoid confusion when attempting to compare dissimilar data." (page 14)

In analyzing the Annual Report by computing the figures for the subdistrict offices, it appears that the court received 20,860 delinquency referrals (this includes 6660 status offense referrals) for 25,231 offenses. Of that number, referrals were dismissed in 8,126 cases. Over half of these cases which did not proceed to petition appear to have been resolved through counseling, while another 10% - 15% were referred to other agencies.

## 2. Division of Family Services

The major department in Utah state government for delivering human services is the Department of Social Services (DSS). It statutorily contains seven major divisions: Corrections; Health; Aging; Family Services; Alcohol and Drugs; Indian Affairs; and Mental Health. In addition, there are seven operational and four administrative offices, making a total of eighteen integral units within the Department. Each unit chief reports to the Director. The only apparent distinction between the Divisions and the operational offices seems to be the manner in which they were created. The Divisions are statutorily mandated and additionally require advisory boards to advise their respective

division chiefs and the Director on matters of policy. The offices were created by executive order and have no advisory bodies.

By far, the unit most directly concerned with service delivery to juvenile delinquents and status offenders is the Division of Family Services (DFS). The Department estimates the size of this potential population to range around 9,000 and 6,000, respectively.\* It estimates another 4,500 annual cases of neglect and abuse, based upon its 1975 investigation workload, and an additional 3,274 children between the ages of 6 to 21 who are physically or mentally handicapped, based upon a special education needs assessment conducted in 1975.

DFS administers a number of federally funded programs, including Title XX; WIN; Developmental Disabilities; Title IV-A; Manpower; LEAA; Indochinese Immigration; and some programs concerned with Indian Affairs. Some of these funds, like IV-A and LEAA, come directly to the Division from the federal government, while others, like Title XX, are channeled through the DSS central administration. Other programs are essentially supported out of state funds, such as the operation of the Youth Development Center, (formerly known as State Industrial School and still referred to as SIS); the State Training School for the mentally retarded; summer camps; adoption services; the licensure and monitoring of foster care for both children and adults; the purchase of service and subsidation of most presently provided local services, including foster care and detention centers; Big Brothers; and a form of traveler's aid. This last service, incidentally, served 600 people last year, mostly runaway children and their families.

While a few of its services are statewide and operate out of the central office in Salt Lake City, most of the services are offered through eight, multi-county offices, organized in a manner consistent with the state's districting plan.

Except for detention and mental health services provided by the counties, and the intake, probation and volunteer programs provided by the juvenile court itself, most services to court adjudicated juveniles are provided by or through DFS. For example, the DFS district offices provide, among others, the following services to juvenile court referrals: shelter care; emergency foster care; runaway and ungovernable youth programs; juvenile parole from SIS; protective services; summer camps; medical care; health care training; guardianships and trust fund management; youth service bureaus. For the most part, these

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\*Utah State Department of Social Services Facts (Utah Department of Social Services; December, 1976).

services are financed through Title XX, and supplemented with other federal and state funds.

The major, centralized programs provided by DFS are, of course, the two state institutions, namely, the Utah State Training School (STS) and SIS. The function of STS is to serve the state's need for residential care for mentally retarded people. Approximately one-third of its 870 population in 1976 was between the ages of 12 and 21.\* Normally, commitments are made as a consequence of probate proceedings. However, the unpublished juvenile court statistics do indicate that five juveniles were committed to STS, three of them having been referred to court as status offenders.\*\*

SIS is the only state facility operated for delinquent juveniles in Utah. It normally houses about 140-185 boys and girls on a daily basis, although it served 328 juveniles last year.\*\*\*

DFS provides the following profile on admissions:\*\*\*\*

- "1. The average age of students admitted to the institution now exceeds 16 years.
2. They have been referred to the juvenile court for delinquency an average of 16 times prior to first commitment.
3. They have been known to the juvenile court for about three and a half years.
4. Although the average student at admission should be in the tenth grade, achievement test results indicate a sixth to seventh grade level of functioning. The average student thus falls below the functional literacy level of seventh grade performance.
5. In March of this year, there were eight students who could be considered 'status offenders' in the student body; one boy and seven girls.
6. There were 19 boys with histories of very serious aggressiveness (homicide, assault with weapons, rape, etc.) and several others with histories of armed robbery, assaultiveness, etc."

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\*Family Services in Utah, Annual Report, July 1975 - June 1976 (Department of Social Services, 1977).

\*\*This procedure is authorized by Section 78-3a-16(7), UCA.

\*\*\*Family Services in Utah, infra, page 26.

\*\*\*\*Family Services in Utah, infra, page 23.

The number of status offenders indicated in item 5 cannot be absolutely correlated with juvenile court data but would seem to be compatible with the calendar year's short-term and long-term commitments. The DFS Director estimated that, as of August 1, 1977, there probably were 19 or 20 status offenders at SIS. While the size of the variation is not particularly significant, it may suggest an increased use of SIS for status offenders since last year.

### III. State of Deinstitutionalization

#### A. Objectives of the State in this Area

At the time of our site visit, Utah had not applied for funding under Title II, Section 223 of the Act. The decision not to participate stemmed from two apparent areas of dissatisfaction, namely, the philosophy of deinstitutionalization and the fiscal impact of that social policy.

In 1975, legal action was brought against DFS by several inmates at SIS, as a class action, in federal court, alleging 26 violations of state and federal laws. A special master was appointed and is still serving in that capacity. A number of changes resulted, including the appointment of a new SIS superintendent; the engagement of the John Howard Association to conduct a unified corrections study; the reduced use of SIS for status offender and out-of-state commitments; and a number of improvements in child care services. The facility is still under court order; a number of changes must still occur before the facility will be deemed to be in compliance. The John Howard Association recommended closing the facility and building four new facilities, three regional and one central, with an aggregate bed capacity of 100.\* Our interviews did not identify informed interviewees who actually believed this result would likely occur. Instead, the consensus seemed to be that SIS would continue, serving more serious delinquents than their current profile indicates, and perhaps with a smaller bed capacity. All were agreed that status offenders should not be sent there. This was also true of the juvenile court judges interviewed, despite a position statement adopted by the Board of Juvenile Court Judges on April 2, 1976. The position statement recognized the value of avoiding, whenever possible, the detention or correctional confinement of status offenders, but went on to caution the Governor, who was then considering applying for Juvenile Justice Act funds, in the following manner:

"...However, we also recognize that a commitment to totally avoid protective or secure custody of an out-of-control child is an extremely difficult commitment to meet. This commitment may not be achievable by the expenditure of available federal funds and may depend to a significant extent on support of local law enforcement and public officials who are not in sympathy with such federal compliance requirements."

The second aspect of Utah's decision not to participate had to do with costs. In early 1976, UCCJA issued a status offender study, which became, in part, the basis for non-participation. The study

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\*Unified Corrections Study of the State of Utah (John Howard Association; Chicago, Illinois, July, 1976).

outlined the methodology and findings of the Council of State Governments' (CSG) study, Status Offenders: A Working Definition, conducted in Utah the previous year, and calculated the then current costs for providing alternative services. By using estimates of the number of children and types of services involved, UCCJA calculated that the projected deinstitutionalization cost of \$442,501.56 would considerably exceed its federal contribution of \$170,000.00.

The judicial attitude has apparently been tempered since then, at least with respect to Utah's application for funds under the Act. The general attitude among those persons interviewed was to the effect that Utah is probably ready to apply for Juvenile Justice Act funding. The impact on SIS population would not be great. The CSG study in 1975 indicates that, during calendar year 1974, the status offender population would have been about 30.4% of 264 commitments, or about 80 juveniles. Comparable figures for 1975 suggest that 17% of the court's SIS commitments were in status offender cases; in 1976, the figures reveal 10.5%. Probably, the 1977 data will be further affected by H.B. 340.

An effort by DFS to expand community-based services to delinquent juveniles resulted in the creation of a task force, later named the Committee on Alternatives to Troubled Youth (CATY). Representation was provided for central administration, research and planning, SIS and the SIS advisory board. In addition, representatives of the Department's Division of Mental Health, the State Planning Office, Legislative Research Office, UCCJA, the juvenile court and Salt Lake County Social Services belong to the consortium. A philosophy statement was prepared, which essentially called for the expansion of residential placements for seriously troubled youth. In conjunction with this, DFS has made funds available to develop new and expanded services for delinquents who do not require confinement. Much confidence was expressed in the potential effectiveness of CATY to serve as the first step toward planning and coordinating statewide services to delinquent youth.

#### B. Scope of the Population at Interest

On the surface, it would appear that H.B. 340 would positively affect the phenomenon of deinstitutionalization. There is hard evidence that suggests, at least upon first examination, that fewer status offenders are being confined in detention facilities. However, two countervailing factors should be noted and examined in greater depth than this study permits. The first item relates to guidelines issued by the Utah Juvenile Court to implement H.B. 340, necessitated by the bill's transfer of original jurisdiction over runaway and ungovernable youth from juvenile court to DFS. The second factor has to do with the relationship of criminal-type delinquency referrals to the number of status offense referrals.

With regard to the guidelines,\* the following quotation appears:

"H. Detention

The following standards shall govern detention issues involving the children beyond the control of parents or school authorities or children who have run away from home.

1. Law enforcement agencies and personnel are to be instructed that in any case where they take a runaway child into custody or in any case where the parents or custodian or school official is requesting law enforcement assistance to take an out-of-control child into custody, such child is not to be brought directly to a detention facility. The child is to be taken to the nearest office of the Division of Family Services (or contract agency). If no such office is available in the community, a caseworker of the Division of Family Services is to be contacted for instructions on disposition of the child at that point. The law requires that: 'when an officer or other person takes a child into custody, he shall without delay notify the parents. The child shall then be released to his parent or other responsible adult unless his immediate welfare or protection of the community requires that he be detained.' (Section 55-10-90 UCA, 1953, as amended) In runaway and out-of-control cases, a caseworker of the Division of Family Services or contract agency is a responsible adult to whom the officer should release the child if circumstances preclude immediate release to a parent. If the child cannot be cared for in emergency foster care, the caseworker may bring the child to a detention facility provided the case meets the requirements set forth in the following paragraph.
2. Detention intake personnel are only to accept out-of-control and runaway children for detention upon application of a caseworker of the Division of Family Services (or contract agency). The child shall be admitted only if a written report is submitted at the time of application for detention or a verbal report is reduced to writing at that time showing:
  - a. That the emotional condition or total circumstances of the child are such that there is a very high probability the child will physically harm himself or others if not detained.
  - b. The reasons why court authorized shelter care would

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\*Guidelines Pertaining to Runaway and Ungovernable Youth (Utah State Juvenile Court, Salt Lake City, Utah, May, 1977).

jeopardize the welfare of the child or the protection of the community as an alternate to detention."

The effect of the guideline is to keep the detention facilities open to receive the types of status offender children that had been confined prior to the passage of H.B. 340. Our discussions in Utah confirmed that the admission criteria enumerated in H.2.a. and H.2.b., above, are the same as those utilized by the detention home intake workers over the past few years. There appears to be a general agreement between the state juvenile court judges, DFS, and local detention home staff that there are status offenders for whom secure detention is an appropriate alternative. The frequency of such detention utilization by DFS is, of course, not determinable at this time, since the real impact of H.B. 340 is less than three months old.

The second factor has to do with delinquency referrals for criminal-type offenses. The data for 1975 and 1976 (calendar years) reflects a relatively stable number of status offender offenses:

	<u>Acts Against Persons</u>	<u>Acts Against Property</u>	<u>Acts Against Public Order</u>	<u>Acts Illegal for Juveniles Only</u>	<u>Total Offenses</u>
1975	930	10,670	5,527	7,620	24,747
1976	995	10,470	5,892	7,874	25,231

It is interesting to note that Acts Against Public Order, essentially those offenses which are either relatively minor (disorderly conduct, abusive language, etc.) or are victimless (drug possession, contempt of court, escape from detention), increased at a faster rate than did status offenses or acts against property. This could suggest that the court is actually receiving more cases of children who may previously have been considered to be Acts Illegal for Juveniles (status offenses), even though that category does not appear to have increased in any statistically significant way.

### C. Changes in Use of Detention

In terms of the numbers of referred juveniles who were detained in detention homes, jails and lockups, the figures are somewhat revealing, although also subject to interpretation. In 1975, the Council of State Governments, in cooperation with the Utah State Planning Agency, conducted a random sample survey of Utah's juvenile population in detention homes, jails, lockups and the State Industrial School, based upon confinements during calendar year 1974. Although a random sample of 30 days was used (about an 8% sample), the reasons for confinement were determined by actual

examination of individual case records of such juveniles. As a result, the following data is highly reliable as a basis for comparing subsequent detention practices in local facilities:\*

<u>Reason for Detention</u>	<u>Number</u>	<u>Percent</u>
Criminal-Type Offenses	1,903	49
Status Offenses	1,746	45
Non-Offenses	116	3
Other	109	3
Total	<u>3,874</u>	<u>100</u>

In 1975, the figures are roughly comparable to those of the previous year, on a proportional basis:\*\*

<u>Reason for Detention</u>	<u>Number**</u>	<u>Percent</u>
Acts against the Person		10
Acts against Property		30-40
Acts against Public Order		10-20
Behavioral Problems (status offenses)		40
Violation of Court Order, Misc.		10
Total	<u>6,814</u>	<u>100</u>

Again, it can be seen that the number of status offender confinements were relatively stable as referrals, assuming that such figure might be increased if other categories were analyzed more carefully.

The statewide statistics for 1976 are not yet available for county juvenile detention. However, data from Salt Lake County reveal the following pattern:

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\*Status Offenders: A Working Definition (Council of State Governments: Lexington, Ky., September, 1975).

\*\*Utah Comprehensive Plan for Criminal Justice, 1977, Figure 94, page 210 (Individual tallies not available).

<u>Reason for Detention</u>	<u>Number</u>		<u>Percent</u>		<u>Difference</u>
	<u>1976</u>	<u>1/1-6/30/77</u>	<u>1976</u>	<u>1/1-6/30/77</u>	
Acts against Persons	98	78	5	7	+2
Acts against Property	533	265	26	25	-1
Acts against the Public Order	291	154	14	15	+1
Acts Illegal for Juveniles Only	805	354	39	34	-5
Neglect and Delinquency	106	48	5	5	0
Adult Contempt of Court	1	1	0	0	0
Traffic	13	5	0	0	0
Other Jurisdiction	233	143	11	14	+3
Total	2080	1048	100	100	

Thus, it may be seen that the detention practices in Utah's most populous county reflects a 5% decrease for the status offender category, perhaps due to the impact of H.B. 340, which became effective on May 11, 1977. However, it should be noted that, during 1976, 761 of the status offenders detained were held for runaway and ungovernable acts (94.5%): in the first half of 1977, the number was 329 out of 354 (92.9%). It might be noted that while there was reduced percentage of detention among that cohort who were shifted to DFS, the reduction was insignificant when compared with the relative frequency. This indicates one of two conclusions: either the pattern of detaining status offenders will not be seriously affected by H.B. 340, or the effects of the new legislation will be more sharply evident in subsequent statistical reports. As a parenthetical comment, 25% of the juveniles detained in the State of Utah are held for less than 24 hours.\*

#### D. Comparative Use of Dispositions

If a petition is filed against a child, the court will hear the case and make one of twelve dispositions, depending upon the court's assessment of the facts, the staff's investigative report and the perceived needs of the child. The dispositions used, reported in 1976, are as follows, listed by judicial district:

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\*Comprehensive Plan, infra.

Juvenile Court Dispositions, 1976  
Judicial Districts

<u>Dispositions</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>Total</u>
1. Dismissed	559	636	271	36	97	1599
2. Fine	455	1539	988	204	128	3314
3. Restitution	103	207	81	37	26	454
4. Work Order	583	27	362	54	25	1051
5. Probation	366	722	197	42	76	1403
6. Guardianship Change	126	213	71	12	55	477
7. SIS Commit- ments	68	85	22	4	15	194
8. SIS Short-Term	80	107	12	9	15	223
9. Suspended SIS	-	118	12	15	17	162
10. Stayed SIS	-	70	17	15	4	106
11. Drug School	-	-	55	1	5	61
12. Other	207	321	132	41	76	777
	<u>2547</u>	<u>4045</u>	<u>2220</u>	<u>470</u>	<u>539</u>	<u>9821</u>

The statistics suggest that different remedies are relied upon disequally in the urban and rural parts of the state. Particularly, the use and threat of commitment as well as the use of fines may reflect dissimilar caseloads or intake procedures, or may result from differing judicial attitudes about culpability. The task of analysis, for our purposes, is made more difficult by virtue of the fact that court statistics are reported in such a way as to distinguish between criminal and status offenses in terms of numbers of referrals and types of offenses. However, dispositions are not broken down; they are presented indistinguishably for "delinquency" cases. However, the research team was able to obtain unpublished computer printouts of dispositions which do reflect the dispositions for status offenders during 1976. Since the reports were only available by county, or judge, the county data were compiled manually by district:

Juvenile Court Dispositions, 1976  
Status Offenses Only  
Judicial Districts

<u>Dispositions</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>Total</u>
1. Dismissed	28	103	77	5	19	232
2. Fine	21	551	463	69	39	1143
3. Restitution	-	2	2	-	-	4
4. Work Order	22	8	182	28	27	267
5. Probation	15	122	89	15	7	248
6. Guardianship Change	8	79	43	1	5	136
7. SIS Commitment	-	13	1	1	-	15
8. SIS Short Term	2	16	4	4	3	29
9. Suspended SIS	1	6	3	2	6	18
10. Stayed SIS	-	11	7	4	-	22
11. Drug School	-	-	47	-	2	49
12. Other	25	68	59	42	54	248
	<u>122</u>	<u>979</u>	<u>977</u>	<u>171</u>	<u>162</u>	<u>2411</u>

The data indicate that about half the status offense dispositions resulted in fines or restitution. Probation or guardianship in DFS was ordered in 16% of the cases. The threat of commitment to SIS was used about as often as actual commitment. The data also suggest that vandalism is treated as a crime and that work is considered to be an important ingredient in rehabilitation. It should be pointed out that the "Other" category includes a number of dissimilar but statistically insignificant dispositions. Yet, such figures do include several types of institutionalizations, such as Utah State Hospital for emotionally-disturbed juveniles; State Training School for mentally retarded; and county jails.

As can be seen from the analysis presented, Utah does not institutionalize large numbers of referrals. For example, the statement by DFS that juveniles committed to SIS had an average number of sixteen prior court appearances was quite revealing. On the other hand, certain types of relatively minor status offense behavior is obviously considered sufficiently intolerable that repeated court referrals can be identified. In all probability, the most important reason for explaining Utah's willingness to stop using the court for so much social control and to try new approaches, as reflected by H.B. 340, has been a strongly held attitude by the juvenile court judges that the court will not serve that function unless the children involved repeatedly "offend", that is, that they chronically run away from home or school or otherwise clearly establish a pattern of ungovernability.

### E. Changing Attitudes and Reasons

A number of other factors have contributed to changing attitudes in Utah. There is a new Governor and a correlatively new higher echelon of leadership in DSS and its various Divisions. In at least two major counties, Salt Lake and Weber, there are coordinative mechanisms for youth services within the CDSS. Greater linkages have grown between traditional juvenile justice, mental health and family service agencies at least in the larger counties. At the same time, some fragmentary data obtained suggest that the numbers of ungovernable and runaway youth cases are rapidly increasing at DFS over the number that previously went to court. Whether this is due to the court's past refusal to meet a legitimate community need or due to "net widening" is not possible to determine.

In the more remote outlying counties, circumstances are quite different, of course. Out of Utah's 29 counties, fourteen contain less than 1,000 juveniles each, between the ages of 12 and 17, six of them with less than 500 children within the target population.\* In these counties, services are minimal. Detention services are either provided by out-of-county detention centers or by local jails. In a number of these counties, a significant portion of their geographical areas belong to Indian tribes. Most of these reservations maintain their own law enforcement, court, detention, and social services independently of the state and local public agencies, except for occasional requests for out-of-state placements or foster care.

In these counties, the principal service provider is the CDSS, and the principal source of funds is Title XX. Other funds of importance to our study come from DFS out-of-state appropriations, part of which are intended to provide enabling services for implementing H.B. 340. Mental health funds, together with DFS funds, also provide limited services, primarily for counseling and infrequently for emergency foster care. However, there was also the opinion, among public agency people interviewed, that there is some parental resistance to even the little social services that are available. These parents prefer a more direct access to incarceration with their ungovernable children, and resent the DFS role as counselor and intervenor into what is essentially a domestic problem. This attitude may or may not be a valid observation of parental attitudes in rural Utah. In any event the limited resources available would suggest that there are not many opportunities for them to object.

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\*Utah State Juvenile Court Annual Report for 1976, page 16.

#### IV. Service Needs

Those persons interviewed identified many needs depending, to a certain extent, on the type of service delivery with which they were associated. None of the needs expressed, however, appeared to be critical to accomplishing deinstitutionalization. They were simply identified as present inadequacies that could be improved or expanded.

There was an almost unanimous opinion expressed that previous practices of status offender confinement were excessive, and that community-based alternatives were preferable. At the same time, most interviewees expressed a belief that some "hard-core" status offenders required detention and post-adjudicative confinement and that Utah law would probably continue to permit it to occur. However, we were told by the President of the Utah Group Home Association that segregating status offenders from criminal-type juvenile delinquents would cause little displacement, since only three private group homes in the state regularly serve "tough, delinquent types."

In terms of residential treatment, there was a call for more emergency foster care and short-term group homes, particularly outside of Salt Lake County (where residential care options were generally conceded to be sufficient). One interesting opinion expressed by a juvenile court judge strongly favored foster care families over group homes. His feeling was that children in crisis and requiring shelter fared better in foster homes. He felt that group homes were developed because public service providers had convinced the decision-makers that good foster homes were simply not obtainable in sufficient quantity. If true, cost impact estimates would be greatly affected. As might be expected, group home operators feel differently on that subject and argue that they are limited in their service to clients by the unwillingness of DFS and CDSS to fund follow-up services for former group home residents.

V. Gaps in Service Delivery

Much concern was expressed about the lack of training of all types, especially in parental effectiveness, foster parent capacity-building and juvenile police responsiveness. Some comments indicated that the state had promised more training than it had delivered.

Although many people interviewed recognized that school truancy and other school problems were extensive (Ogden estimates that 10% of its junior and senior high school students have truancy problems and 3% drop out), we heard few calls for alternative education. Alternative high schools exist in two of Salt Lake County's school districts and apparently work well. A junior high program, attempted in one district has had greater difficulty in stabilizing. Several communities have applied for or have used federal funds to hire either juvenile police or school truancy officers.

As a final note, some suggestions were made for the creation of paid proctors, live-in roommates and other programmatic facilitation of independent living. However, no such services presently exist, in any organized way, in Utah. Given the state's strongly held ethic regarding family reintegration, it is not likely that many resources will be directed into independent living arrangements.

## VI. Cost and Funding Implications

### A. Existing Services

At present, status offenders are detained in detention centers, jails, group homes, and foster homes. Currently, about one-third of those juveniles in detention centers are there for status offenses. Diagnostic services, prior to disposition, are provided either locally on an out-patient basis, or from a number of institutions. Increasingly, SIS is the diagnostic facility of choice for delinquent youth, including status offenders. Post-adjudicative dispositions fall into several categories, but less than 2% of them result in either 60 day or long-term commitments to SIS. Clearly, the cost of deinstitutionalization should focus upon alternatives to secure detention, since the number of committed status offenders is negligible. What seems to be operative in the latter case is simply an unwillingness to completely give up that option.

The percentage of status offense detentions varies, of course, from county to county, depending upon availability, attitudes and behavioral patterns. In Salt Lake County Detention Center, which serves Salt Lake and Tooele Counties, the 1976 percentage of status offenders was 34%. The Moweda Youth Home, serving Morgan, Weber and Davis Counties, reports that almost 60% of its detention usage was for ungovernability and running away from home. In the remote areas of the state, where jails are the only option, secure detention for status offenses appear to be less. In terms of frequency of detention, current statistics, although not available, would probably suggest an annualized population of 6,500, of whom approximately 2,200 would be for status offenses. Figures, therefore, will be predicated upon a speculation that 2,200 juveniles represent the current target population for deinstitutionalization, although this figure is considerably smaller than the number of status offense referrals (6,660) cited by Juvenile Court in its 1976 statistics.

### B. Costs of Providing Services

The costs of providing these current services varies somewhat from county to county. Within counties, service costs either depend upon the criteria established by the purchasing agency for private providers or by the variety of services provided by government itself.

For example, the average annual costs for institutional costs appear below. For the most part, they are estimates of 1976 costs, since current cost data are scanty:

<u>Service</u>	<u>Child Cost Per Year</u>	<u>Per Diem</u>
Youth Development Center (SIS)	\$16,800*	\$46.66
Salt Lake County Detention Center	9,850**	27.36
Moweda Youth Home	8,000**	22.22
Utah County Youth Home	7,200**	20.00
Four Smaller Detention Homes	11,000**	30.55
Jails and Lockups	4,800**	13.33

\*Average status offender stay is 6 months

\*\*Average status offender stay is 3 days

The costs of foster care also show a wide range of difference. In Utah, DFS has created a taxonomy of group home placements that are distinguished by their relative capacities for handling children with problems. Our interviews established the following rates:

<u>Type of Foster Care</u>	<u>Cost Per Year</u>	<u>Per Diem</u>
General	\$ 7,200	\$20.00
Therapeutic	12,000	33.00
Behavioral	14,400	40.00
Specialized	16,800	46.50
Aftercare	4,700	13.00

Each type of group home placement is intended to serve a specific type of child, such as those with no outstanding problems except their inability to return home; those who are hard to control; those with emotional problems; those with physiological handicaps and those on parole. The average regular group home placement runs \$7,200 per year (\$20.00 per diem). The average psychiatric group home runs about \$12,000 per year (\$33.00 per diem).

Some counties also provide for shelter care detention placements. The cost in Salt Lake County averages out to \$2,880 (\$8.00 per diem), with administrative costs absorbed into the detention home's budget. Salt Lake County also began a new program less than a year ago known as "home detention", in which many juveniles, particularly status offenders, are assigned to their homes, under home supervision, awaiting their hearings. This usually occurs two or three days after initial detention and is used as both a population control and as a treatment technique. About 10-15% of the status offender population are now handled in this manner.

There are, obviously, no per diem costs; only the time of staff supervision.

The costs of counseling are estimated by some agencies to be negligible ("less than \$1,000 per year for the entire service."). Other agencies, such as the youth service bureaus and adolescent treatment agencies, attribute their entire budgets to status offender counseling. The highest cost discovered was the Salt Lake Mental Health Center's Adolescent Treatment Unit which has a caseload of eight girls in day care counseling, with a budget of \$41,000 or \$14 per day per girl.

### C. Sources of Funds

The two greatest sources of funds for such community alternatives to institutions are state/federal mental health funds and Title XX. Next in importance are state general funds for DFS, especially the funds earmarked by either the Legislature (\$175,000) or estimated by DFS from its general appropriation (\$425,000) for implementing its newly mandated responsibilities under H. B. 340. It must be remembered, however, that the provisions of H. B. 340 and deinstitutionalization of status offenders are not synonymous. Yet, the impact of the former upon the latter will surely be felt in 1977 and 1978, and these funds make alternative services provisions possible.

The funds and leadership of UCCJA have also been important in creating and supporting the environment for changes within Utah's youth services delivery network. UCCJA has funded many of the state's programs, as well as promoted an understanding that deinstitutionalization of status offenders was an appropriate objective for Utah to pursue. All of this has occurred, despite the fact that Utah has not elected to participate under the Act.

Finally, local funds have also played an important part in the funding pattern. Match monies for federal grants, support of positions for planners and coordinators, and total funding of other services have rounded out and blended into the available resources from other levels of government. While there are naturally differing points of view about children's services and cost-sharing between state and local agencies, the interrelatedness of services, such as the county detention agency serving state court youth, and DFS staff working at the Youth Development Center, represent an unusual patchwork not found in many states. The impression given is that if additional resources would be needed, they could be generated from a variety of agencies at several levels of government.

Estimating the deinstitutionalization of status offenders costs really involves examining only one state agency, namely DFS. At

the local level, its counterpart CDSS would be most affected. A good deal of work has already been done by UCCJA in this regard and probably would be the best place to start.

In its 1976 study on the costs of complying with Section 223 (a) (12) of the Act, UCCJA outlined its methodology for determining the cohort of affected juveniles and the selected alternatives to institutional care. Basically, the youth cohort was established by the CSG study. The service alternatives were identified as:

1. Shelter Care
2. Foster Care
3. Group Homes

By multiplying the number of identified bed days in detention centers, jails and SIS during 1974 that were utilized by status offender delinquents, UCCJA projected the costs for each cohort, using the average cost of each possible type of residential care: (See table on following page.)

ALTERNATIVE COST FIGURES TO IMPLEMENT THE  
JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT

Type Care	Cost Per Day Per client	Annual Cost To Remove Children From:			
		Jails & Lockups 1,260 Bed Days	Detention 22,908 Bed Days	SIS 16,428 Bed Days	All Institutions 40,596 Bed Days
<b>SHELTER CARE</b>					
Regular	6.50	8,190.00	148,902.00	106,782.00	263,874.00
Specialized	8.00	10,080.00	183,264.00	131,424.00	324,768.00
Average	7.25	9,135.00	166,083.00	119,103.00	291,321.00
<b>FOSTER CARE</b>					
Regular					
Under 11	4.26	5,367.60	97,588.08	69,983.28	172,938.00
11 and Over	4.84	6,098.40	110,874.72	79,511.52	196,484.64
Therapeutic					
Under 11	5.82	7,333.20	133,324.56	95,610.96	236,268.72
11 and Over	7.73	9,739.80	177,078.84	126,988.44	313,807.08
Behavior					
Under 11	7.73	9,739.80	177,078.84	126,988.44	313,807.08
11 and Over	8.92	11,239.20	204,339.36	146,537.76	362,116.32
Specialized					
Under 11	8.53	10,747.80	195,405.24	140,130.84	346,283.88
11 and Over	10.69	13,469.40	244,886.52	175,615.32	433,971.24
Average	7.32	9,223.20	167,686.56	120,252.96	297,162.72
<b>GROUP HOME CARE</b>					
Cost based on the					
% of the capacity	15.29	19,265.40	350,263.32	251,184.12	620,712.84
of the home filled	16.27	20,500.20	372,713.16	267,283.56	660,492.92
	17.26	21,747.60	395,392.08	283,547.28	700,686.96
Average	16.27	20,500.20	372,713.16	267,283.56	660,492.92
Psychiatric	26.47	33,352.20	606,374.76	434,849.16	1,074,576.12
Average of all Types of Care	10.59	13,343.40	242,595.72	173,972.52	429,911.64

The costs in the preceding Table ranged from \$172,938.36 to \$1,074,576.12. An average of somewhere between \$429,911.64 and \$442,501.56 was postulated, the latter figure being weighted by certain judgements about jail detentions and SIS commitments. Since 1974, costs have increased about 40% for all residential, based upon estimates of current costs given to us during our interviews. This would suggest that the same quantities and types of services would cost about \$600,000 today. However, since 1974, when the institutional census was conducted, and today, the number of status offenders has gone down, again according to our interviews:

	<u>Detention Centers</u>	<u>Jails</u>	<u>SIS</u>	<u>Total</u>
<u>1977</u>				
Status Offenders and Non-Offenders Institutionalized	2110	45	45	2200
<u>1974</u>				
Status Offenders and Non-Offenders Institutionalized	1800	62	1300	3162

Since the estimated figures reflect an approximate 30% decline in the size of the cohort, the UCCJA figures, corrected for inflation and for size of cohort, would be approximately \$425,000. Ironically, the figure is about the same as the earlier projection, with one correction offsetting the other.

The above calculation assumes that all previously or currently confined juveniles require some form of residential service. This may or may not be true. Assuming it is true, the above estimate might be quite realistic. Given current foster care vacancies and the creation of additional, strategically located group care facilities, the per diem cost of care could be subsumed within that figure. The earlier figures quoted for DFS protective and administrative costs (\$425,000\*), plus the UCCJA costs for relevant services for 1978 (\$650,000\*), plus costs of mental health

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\* The estimated cost of \$425,000 for DFS protective and administrative costs includes the \$175,000 appropriated for implementing H.B. 340 as well as an amount of the DFS budget diverted to fund responses to the new original jurisdiction of DFS for runaways and ungovernables. The \$650,000 of UCCJA funds represents the amount of Crime Control Act funds allocated to juvenile justice projects, and thus includes funding of various prevention and diversion services for youth generally, not exclusively status offenders. Within this total of \$1,075,000, therefore, some portion of alternative residential needs for deinstitutionalized status offenders would be paid for; and some services purchased would reach well beyond the status offender group.

counseling (which state officials were reluctant to estimate due to inadequate data), would approximate the system costs for converting to this new treatment modality. The cohort (2200 cases) cost would, of course, be a portion of this, since such prevention, diversion and other community-based services represent only a fraction of the system's capacity.

Assuming, on the other hand, that all currently confined status offenders neither require incarceration or some form of foster care but, rather, require some form of crisis intervention and family counseling, the costs experienced in Utah's youth services centers might be instructive. The Salt Lake Youth Service Center presently handles about 1,200 cases a year for \$300,000, or around \$250 per referral. Multiplied by 2200 cases, this would indicate a counseling cost of \$550,000 for the specified cohort.

Given the stronglyheld values in Utah, mentioned earlier, regarding the integrity of families and the possibility that detention is currently used to control behavior and not provide juveniles with options to their homes, a vastly expanded use of foster care is not as likely as a vastly expanded use of counseling. In any event, the costs would seem to vary between \$550,000 at the low end to somewhere in excess of \$1,000,000 at the top.

As one considers savings, they would appear to be more theoretical than practical. Given the increase in the use of detention in the face of reduced confinements of status offenders, plus the relatively few status offender commitments to SIS, it is difficult to predict that a savings would ever be fiscally noticeable. More important, perhaps, is the observation that a policy change of this magnitude that costs out at somewhere around \$1,000,000 would have to be viewed as relatively inexpensive.

## VII. Obstacles

Most of Utah's population is clustered in three metropolitan areas, including within them less than one-third of the state's 29 counties. The remaining counties are quite remote, with rough terrain and sparse populations. For planners concerned with social services, the challenge is to develop programs in such ways as will accommodate either large areas or small clientele. Unfortunately, these options are not always possible. The result is that such rural areas sustain only basic, limited services. The alternatives available to schools, courts, parents and the children themselves frequently require more restrictive treatment than is necessary as the only option to non-intervention. The results of this that we could see were reflected in the use of county jails for juveniles, the absence of crisis intervention and family counseling and an attendant parental resistance to intervention, except in those cases where parents want public agencies to make their children behave. Psychiatric services in such areas are nonexistent. Independent living arrangements are uncommon.

In the urban areas, the circumstances are different, with a wide variety of services available on both voluntary and involuntary bases. Nevertheless, we encountered the use of detention centers for status offenders and the occasional use of jails for juveniles, despite the presence of detention centers. Here, in the urban centers, the obstacle to complete deinstitutionalization is neither the absence nor the inadequacy of alternatives. The obstacle is one of attitude. There is a strongly held opinion that some status offenders, i.e., chronic runaways and truants, and out-of-control youth, are best served through the particularized and judicious use of secure detention and correctional confinement. While the numbers are not large, that is to say, fewer status offenders are now being confined than they were two years ago, the practice persists because of a social policy decision that some status offenders have to be kept from hurting themselves or others. Recent court regulations regarding detention of ungovernable and runaway youth reaffirm this consciously selected social policy, despite the opportunity H.B. 340 offered the court for an alternative posture. In all probability, within the next two years, intake of status offenders into SIS will disappear, but the detention of status offenders in detention centers and county jails will continue. The approaches apparently being tried in Utah today are really aimed at keeping that number of securely confined status offenders as small as possible.

**END**