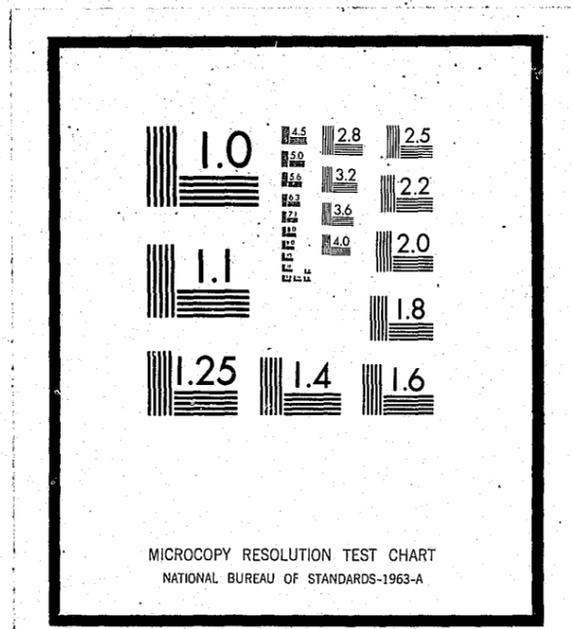


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JUVENILE SERVICES AND STATE FACILITIES IN KANSAS

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LEAGUE OF WOMEN VOTERS OF KANSAS
3127 HUNTOON
TOPEKA, KANSAS 66604

AUGUST 1972

25¢ per copy

A D D E N D U M
July - 1973

Legislation concerning juveniles passed in the 1973 Legislative Session was as follows:

S. B. 577, which authorizes the Secretary of Social and Rehabilitative Services to make grants to eligible community organizations for the development, maintenance, improvement or expansion of community based group boarding homes for children and youth or community based services for children and youth. As defined in the bill, "community based group boarding homes", are residential facilities providing 24-hour-a-day care, evaluation, diagnosis, treatment, education and rehabilitation to adjudicated delinquents, the pre-delinquent, emotionally disturbed, mildly retarded, the developmentally disabled, dependent-neglected children and youth who may benefit from such care and services. Such homes must be licensed by the State Department of Health to be eligible for grants.

The Secretary of Social and Rehabilitative Services may accept and disburse funds, including federal funds, made available for grants. The Secretary may not make any commitment nor enter into agreements until-- (1) he has determined that sufficient funds have been appropriated to meet the state's share of costs, (2) he has published standards relating to homes and services and such standards have been complied with, and (3) he has found that the local organizations applying for aid have sufficient funds to meet their obligations under the agreement. Organizations eligible for grants must be local community organizations which are non-profit charitable agencies operating community based boarding homes or providing community based services for children and youth under public or private auspices. They must serve all eligible children and youth.

The purposes of the state grants authorized under S. B. 577 shall be: (1) to encourage the development of local initiative in establishing and operating community based homes and services; (2) to maintain minimum operational standards for such programs; (3) to review the experience of individual programs as they develop; (4) to foster progress of such homes and services to successively higher levels of quality.

The provisions of the bill expire June 30, 1975.

H. B. 1593, appropriates \$158,477 to the Department of Social Welfare for the funding of S. B. 577.

H. B. 1502, amends K. S. A. to increase the age limit for dependent and neglected children from less than 16 to less than 18 years of age.

The bill also amends K. S. A. relating to the orders a Juvenile Court may make in regard to miscreant and delinquent children. Prior to amendment the statute provided that until July 1, 1973, the court could not commit 16 or 17-year old boys to the Boy's Industrial School unless the Director of the Division of Institutional Management has given prior approval. The amendment deletes any cut-off date and makes the provision applicable to girls as well as boys.

Original publication: Juvenile Services and State Facilities in Kansas,
August, 1972.

League of Women Voters of Kansas
3127 Huntoon
Topeka, Kansas 66604

THE LEGAL STATUS OF JUVENILES: A BRIEF HISTORY

PHASE I

The earliest precedent related to the development of the juvenile code and court philosophy occurred 250 years ago in England. Authorities point to the case of the DUKE OF BEAUFORT V. BERTY, in which the principle that children should be handled differently from adults, with a preventive rather than a punitive purpose, was established. Although, this principle did not find immediate acceptance, the case is often considered the beginning of juvenile law.

Another case, some 42 years later, is often cited as representing the principle of individualized justice for children: REX V. DELAVAL, England (1763), and still another, WELLESLEY V. WELLESLEY, England (1828), reflects a complete development of the "parens patriae" doctrine, (to take the place of the father), which has been the dominant influence on juvenile law until recent years.

American law did not reflect these early concepts. In colonial times, juveniles were dealt with, perhaps, even more harshly than adults for the same offense. Hangings of children, for even minor offenses, were common. A case in the court records of Massachusetts, in which a 7 year old girl was hanged for stealing a spoon, reflects the severity of the times. However, in the early part of the nineteenth century, Americans became aware of the broadening philosophy that children should not be held strictly accountable for their actions in the same way as adults. Various factors converged to produce both a protective attitude toward children and a recognition that by virtue of home "training", or lack thereof, children might be considered less responsible than adults for their actions. Thus, the concept of juvenile delinquency appeared, along with it the equally revolutionary concept that society was legally responsible for its children.

This concern for the juvenile offender was becoming nationwide, and in California, (1858), the birth of the industrial school concept took form in the establishment of an institution for children under 18 "leading and idle or immoral life". This did not stop California or other states, including Kansas, from placing children in prison even when placements in such schools were possible. In the year 1887, California made it unlawful to confine children under 16 in jails, a point which Kansas has not reached some 85 years later.

The first juvenile court law was enacted in Cook County, Illinois (1899), removing the juvenile offender from the adult criminal justice system. The following year, a similar model was enacted in the state of Colorado, and three years later one in California. The Kansas code was enacted in 1905.

The importance of the philosophy of these early laws establishing the juvenile court is cited in MILL V. BROWN, Utah (1907), "The juvenile court law is of such vast importance to the state and society that, it seems to us, it should be administered by those who are learned in the law and versed in the rules of procedure, effective and individual rights respected. Care must be exercised in both the selection of a judge and in the administration of the law".

By 1912, 22 states had juvenile courts. In 1923 the National Probation Association Annual Conference wrote a Standard Juvenile Court Act for submission to the states for adoption. By 1927, all states but Maine and Wyoming had juvenile court acts. Wyoming was last to act in 1945. Inherent in these acts was the concept that the causes of delinquent behavior were definable and treatable through the new methods of psychology, and that society was responsible for providing treatment resources; also that the juvenile offender was NOT a criminal, and that the court's responsibility was to save those of "tender years" from prosecution, conviction and stigma.

The new court system defined all procedures as CIVIL rather than criminal. Thus hearings were informal and private, ("Tell me all about it, son"), rather than adversary, (Guilt must be established...a legal procedure best accomplished by lawyers.) "Summons" were issued rather than warrants; "hearings" rather than arraignments;

"findings of involvement" were issued rather than convictions; disposition" was rendered rather than sentence. Juries were prohibited since the "hearings" were not trials. The judge's decision was based on "preponderance of evidence" as in civil cases. Children were not charged with specific crimes but were declared dependent, neglected, or delinquent. Some avenues of appeal were often provided. The basic rationale of the juvenile court was a guardian relationship. Therefore, it can be said that generally, the juvenile court concept was wide-spread but imperfectly developed by 1925.

PHASE II

During the period between 1925-1945, the Juvenile Codes of the various states were refined. The Codes were broadened to become more concerned with the handling of inadequate parents, and even more important, the growth of probation as a formalized service. Whereas the original probation officers were volunteers, (California), this concept tended to diminish in numbers and importance during this period. But, while many state codes defined what might not be done to a juvenile offender, many failed to define what must be done for the child, what basic rights the court must provide. It was expected that the benevolent judge and compassionate workers would automatically provide and protect the child's rights.

In 1966, KENT VS. UNITED STATES was argued in the United States Supreme Court, and it appeared the child's rights were NOT always protected. This case raised the issue that a juvenile can receive less protection than an adult. Kent, 16 years old and on probation since age 14, was arrested for housebreaking and rape. The District of Columbia juvenile judge, on the basis of Kent's past record, waived juvenile jurisdiction and transferred him to the District Court for trial as an adult. Kent's counsel requested a hearing on the waiver but was denied. Counsel also requested access to all "records" of Kent's "past", and on which the waiver of jurisdiction was based. Request was denied. The waiver stated only that "after full investigation, I do hereby waive", etc. Kent was tried as an adult, receiving a sentence of 30 - 90 years. As a juvenile, the maximum disposition would have been five years.

The United States Supreme Court ruled unconstitutionality was present and that, 1) in waiver of jurisdiction, a hearing must be granted, 2) assistance of counsel at such hearing must be granted, 3) plaintiff's counsel must have access to social service records, and 4) a statement of facts of the "full investigation" and a statement of the judges's reasons for waiver must accompany the waiver. The court emphasized that juvenile procedures were still civil in nature and consequently juveniles are not entitled to all protections afforded adult criminals (e.g. jury trial, bail, etc.) but waiver hearings must provide all protections implied in the Due Process Clause of the 14th Amendment to the U. S. Constitution.

In 1967 the United States Supreme Court again shifted the picture, enlarging juvenile rights, under its decision in RE GAULT. Gault, age 15, was taken into custody following a complaint that he had made lewd telephone calls. Neither he nor his parents were then informed of why he was being charged with delinquency. The complainant was not present and therefore not questioned; no record of the proceedings were made; no one was sworn to truth; no lawyer was present. In later hearings, the same situation existed. He was declared delinquent and committed for six years to the Industrial School until age 21. If he had been 18 at the time of the offense, the maximum punishment would have been a fine of \$5 - \$50 or not over 2 months in jail. Under Arizona law, juvenile proceedings could not be appealed.

The Supreme Court ruled Gault had been denied his rights of due process and that in the case of a delinquency charge which might result in denial of liberty for a period of years, the juvenile is entitled under the U. S. Constitution's Bill of Rights to; 1) notice of charges sufficiently in advance of the hearing to allow preparation of defense; 2) provision of counsel; 3) right to confront and cross-examine the complainant and witnesses; 4) right to remain silent, privilege against self-incrimination. The court did NOT rule on right to a transcript of the proceedings

or right to appellate review. Again the Supreme Court emphasized that juvenile proceedings remain civil, not criminal.

The Supreme Court ruling has been viewed by some as the death knell for the parens patriae doctrine in its classical practical expression. With this decision, the U. S. Court dramatically changed the informal, broad discretionary authority that had been described and allowed in the juvenile courts of our country.

The third major case influencing definition of juvenile rights was the case RE WINSHIP argued in the U. S. Supreme Court in 1970. Winship posed the question... does due process require proof of guilt "beyond a reasonable doubt" as required in adult criminal trials, or is "preponderance of evidence" as used in civil and juvenile proceedings sufficient proof? Winship, age 12, was judged delinquent as a result of a theft of \$112 from a purse. He was committed to a training school for 18 months, subject to annual extensions of the commitment for six years until age 18. The case was appealed to the New York Court of Appeals and upheld by that court. But the U.S. Supreme Court reversed the opinion of the lower court, saying that loss of liberty is no less significant for a juvenile than for an adult and consequently, no juvenile can be deprived of his liberty on evidence less precise than that required to deprive an adult. The court again stated that its decision should in no way alter the juvenile justice concept of non-criminality.

As a result of the above Supreme Court rulings, the juvenile court is now the court of law. Procedural necessities are in effect to protect the rights of the accused as stated in the 14th Amendment. On the other hand, the juvenile court is still required to dispense an individualized justice as contrasted with the typical ruling in adult cases. The disposition of juvenile court cases is still subject to very broad discretionary power by the judge. A great deal of latitude and flexibility in the dispositional order remains a singular characteristic of the juvenile courts.

PHASE III

Nationally, where are we? In 1968, the President's Commission of Law Enforcement and Administration of Justice, concluded "that the great hopes originally held for the juvenile court have not been fulfilled. It has not succeeded significantly in rehabilitating delinquent youth, in reducing or even stemming the tide of delinquency, or in bringing justice and compassion to the child offender..More than four-fifths of the juvenile judges polled in a recent survey reported no psychologist or psychiatrist available to them on a regular basis...The dispositional alternatives available even to the better endowed juvenile courts fall far short...In most places...alternatives are release outright, probation and institutionalization. Probation means minimal supervision at best...institutionalization often means storage".

And then this damning statement: "What research is making increasingly clear is that delinquency is not so much an act of individual deviancy as a pattern of behavior precluded by a multitude of pervasive societal influences well beyond the reach of the actions of any judge, probation officer, correctional counselor, or psychiatrist".

We must conclude that we have not yet found the right solution in the United States or in Kansas, and it is now time for us to assess our present system, and possibly re-define old solutions. Where are our strengths, our weaknesses? Is community-based treatment the answer? Shall we redefine "juvenile offender" to exclude non-crime offenses and so alter the court's jurisdiction and function? Do our institutions merely "store;" do we need more like them? and Finally, what do we want for Kansas?

CRIME STATISTICS IN KANSAS

Most crime in the United States is committed by youth. Over 350,000 children, or about 30% of all offenders, are under the custody and supervision of juvenile correctional institutions or agencies on any given day. Between 1966 - 1970 juvenile apprehensions in Kansas increased from 14,898 to 21,410, while at the same time the juvenile population has declined.

The following statistics, based on population figures (1970) in Kansas, show the number of apprehensions made of adults and juveniles.

ADULT

- a. approx. 1.5 million persons over 18
- b. 44,987 apprehensions
- c. 3% rate

JUVENILES

- a. approx. 450,000 persons (8 - 17)
- b. 21,410 apprehensions
- c. 4.3% rate

SERIOUS DELINQUENCY

Part one offenses are all classified as "delinquency", in contrast to "misdemeanor" offenses. A part one offense is any crime, if committed by an adult, would be considered a felony. These offenses include: murder, negligent manslaughter, forcible rape, robbery, aggravated assault, burglary and breaking or entering, larceny and theft, and auto theft.

The following chart* presents the full 1970 K. B. I. report with an age breakdown for six juvenile age categories, the total of all juvenile apprehensions, and a total showing all adult arrests. This chart does not show "uncleared" and "unreported" categories of offenses nor does it show repetitiousness of illegal activity by individuals. On the other hand, this information does furnish a picture of the relative frequency of apprehensions and arrests by offenses and age groups.

The offenses of robbery, aggravated assault, burglary-breaking or entering, larceny-theft, and auto theft, constitute the vast majority of apprehensions of juveniles for serious offenses.

It should be mentioned that the category "All Other" refers to city and county ordinances which include spitting on the sidewalk, obscene language, etc.

STATE OF KANSAS

JUVENILE FACILITIES: RESIDENTIAL TREATMENT

Residential treatment in any state institution is part of a continuation of services closely related to the community and not an isolated service. It is not the answer to all of the problems of juvenile delinquency, since those who have been placed in an institution will eventually resume their lives in the community with varying degrees of success. 70% of all funds spent in the U. S. on delinquents goes toward supporting institutions. It provides an artificial environment which may be quite helpful in achieving certain limited objectives. Many Kansans view our state institutions as "dumping grounds" for their community problems and expect our treatment facilities to "cure" all unacceptable behavior of those children placed in them. This view is wholly inappropriate and does not reflect a proper sense of responsibility regarding the importance of solving problems within the community.

BOY'S INDUSTRIAL SCHOOL (BIS)

TOPEKA, KANSAS
LAWRENCE PENNEY, SUPT.

HISTORY

As early as 1879, the Kansas Legislature enacted a statute providing for the selection of a site for the erection of a "state reform school" with the provision that the site be selected within five miles of the state capitol building and that the city of Topeka should donate 160 acres of land suitable for the purpose.

* See page 5 for KBI Report by Offense and Age

1970 KBI REPORT BY OFFENSE AND AGE

NATURE OF OFFENSE	10 & UNDER	11-12	13-14	15	16	17	TOTAL UNDER 18	TOTAL 18 & OVER
Murder & Non-negligent Manslaughter							1	89
Manslaughter by Negligence						1	1	33
Forcible Rape			6	9	11	23	49	145
Robbery	3	15	48	21	44	49	180	423
Aggravated Assault	9	9	41	42	63	72	236	812
Burglary-Breaking or Entering	144	192	384	284	371	345	1,723	1,384
Larceny-Theft (Except Auto Theft)	447	651	1,275	704	905	721	4,703	3,349
Auto Theft	21	32	227	210	198	221	790	522
SUBTOTALS:	605	899	1,981	1,271	1,592	1,432	7,783	6,725
Other Assaults	63	98	261	186	183	176	967	2,635
Arson	28	11	17	10	13	14	93	45
Forgery & Counterfeiting		2	13	35	46	48	146	562
Fraud		1	11	4	23	34	73	2,369
Embezzlement				1	3	1	5	65
Stolen Property: Buying, Receiving, Possessing	5	9	43	20	30	37	144	233
Vandalism	293	239	376	238	259	192	1,602	436
Weapons: Carrying, Possessing, etc.	10	19	33	25	37	51	176	641
Prostitution & Commercialized Vice						4	4	35
Sex Offenses (Except Forcible Rape & Prostitution)	3	13	38	30	30	29	143	384
Narcotic Drug Laws		5	67	79	113	165	430	988
Gambling				1	1		2	236
Offenses Against Family & Children	19	3	1		6	3	32	341
Driving While Intoxicated				4	20	36	60	4,172
Liquor Laws	1	6	65	119	201	248	640	1,741
Drunkenness	2	3	50	54	97	162	370	11,806
Disorderly Conduct	72	115	320	228	279	324	1,328	3,165
Vagrancy		3	14	39	51	71	178	888
All Other (Except Traffic)	226	433	1,860	1,766	1,716	1,313	7,314	7,453
TOTALS	1,332	1,859	5,172	4,111	4,702	4,234	21,410	44,987

The school opened on its present campus on June 10, 1881. In 1901, the name of the school was changed to the "State Industrial School for Boys." The institution now owns approximately 335 acres.

In the history of the institution's development, three distinct plans for meeting goals are evident. Early in the school's history, the staff regarded it's responsibility primarily as punishment and confinement. After the name was changed in 1901, more emphasis was placed on education and training, with considerable military training. The third phase began in 1944. This program emphasizes education and treatment adapted to the nature and needs of the boys individually and collectively.

COMMITMENTS

Any boy under the age of 16 who is found by a juvenile court in Kansas to be a delinquent or miscreant child may be committed to BIS (K.S.A. 1967 Supp. 38-326). Boys 16 and 17 years old may be committed with the consent of the State Director of Institutions. The length of commitment is indefinite with the maximum term being until the boy is 21 years of age. However, he may be released when he has been fully reformed. (K.S.A. 762109). Under the present program, the length of stay depends on the adjustment the boy makes and the availability of a placement resource when he is considered ready to leave the institution. The average stay is about 14 months. A boy usually leaves the school on parole under the supervision of the county welfare department. Discharge is granted on recommendation of the county worker usually after a period of 6 months to a year of satisfactory adjustment in the community. At the present time, BIS is accepting only 15 year olds.

ADMINISTRATION

BIS is under the Division of Institutional Management, State Department of Social Welfare (K.S.A. 75-3303 and 76-2101). The executive officer of the school is the superintendent, appointed by the state director of institutions with the approval of the state board of social welfare.

The superintendent is responsible for the overall administration of the institution. The activities and programs of the institution are conducted through two general operating departments - CLINICAL and SERVICE.

PHYSICAL FACILITIES

1. An administration building which is connected to the cafeteria and gym. The gym has an indoor swimming pool.
2. 10 cottages; 2 maximum locked cottages which are old, two-story, and resemble duplexes. There are actually four separate entrances to each of the two buildings. These two cottages have a dorm-type setting. There are six new separate units (cottages) which have almost all individual rooms.
3. There are separate buildings for each of the following: school, vocational training, the chapel, office and records.
4. Housing for some staff members is also included on the campus.
5. All buildings are air-conditioned.

THE CLINICAL PROGRAM

The program is supervised by the clinical director, a fully trained and board-certified psychiatrist. The clinical department includes the divisions of psychiatric physical education, recreation, medicine and surgery and cottage life, all areas having direct and continuous contact with the boys in the school.

In order to use the available psychiatric, psychological and social service staff in the most advantageous fashion, they are assigned to cottages, or living units, as members of a cottage committee team. These committees consist of a clinician as co-ordinator, the head cottage parent and a social worker as regular members. Psychiatrists, psychologists and case work supervisors are currently being used as coordinators. Each coordinator has the total clinical and administrative responsibility of determining the appropriate time for release of boys in his cottage. He also supervises the head cottage parent and, through him, supervises the cottage staff and directs and guides the group living and recreational program within the cottage unit. He coordinates his work with the educational and other program areas. The clinical coordinator is supervised by the clinical director.

THE ACADEMIC SCHOOL - provides courses from the fifth grade through the tenth grade with many special remedial classes.

BASIC VOCATIONAL TRAINING - courses are offered in printing, auto mechanics, welding and machine shop. Prevocational training is offered in woodworking, barbering, food service, laundry work, landscaping and warehousing. While the boys do not ordinarily stay in the institution long enough to secure a complete course of training in any vocational trade or subject, this work may induce them to seek additional training or to follow in the same type of work after leaving the Boys' School.

PHYSICAL EDUCATION - regular classes are conducted and a high percentage of the boys are enrolled in these classes. The physical education division is also responsible for most varsity sports teams. Teams are fielded in football, basketball and track. Opponents are generally teams from schools in the Topeka area.

THE RECREATION division provides for free-time activities in the evenings, on weekends and holidays. This includes intramural sports, swimming team, junior varsity sports, parties, tournaments, off-campus activities, clubs and games. This division also provides swimming classes during regular school hours.

RELIGION - The Boys' School has a clinically trained psychiatric chaplain who conducts services for Protestant boys. A Roman Catholic priest is assigned part-time by a local church, with the cooperation of the religion and psychiatry department of the Menninger Foundation.

MEDICAL AND DENTAL NEEDS - Medical needs of the boys are looked after by a registered nurse with a physician from Topeka coming regularly to examine the boys and prescribe treatment. Boys needing hospitalization are taken to the medical and surgical section of Topeka State Hospital. Dental needs are met through the services of a part-time dentist from Topeka,

SECURITY - This is provided primarily through close supervision by the staff. There are no fences or other physical barriers around the periphery of the campus, and although some of the boys are confined to locked cottages, most enjoy unrestricted movement about the campus during the day.

To some extent, BIS serves the state as a diagnostic and screening center, with nearly ten percent of the admissions being referred to the state mental hospitals. Boys who run away several times and/or commit further anti-social acts, may be prosecuted in the adult courts, (K.S.A. 1971 Supp. 2136-11). The courts may sentence them to the Kansas State Industrial Reformatory at Hutchinson, or may release them on parole. In rare instances, boys have been returned to the committing court as unreformable (K.S.A. 76-2118).

The number of STAFF at BIS for fiscal year 1971 was 161.5. This figure includes 44 staff members at the Kansas Children's Receiving Home in Atchison. (explanation to follow.) Since 1964, the combined average daily population at BIS and Atchison has fluctuated between 213 and 233 juveniles.

THE SERVICE DEPARTMENT is supervised by the business manager. This department includes fiscal, personnel, supply, dietary and engineering services.

THE BIS ANNEX (KCRH)

There are 38 beds at the Annex on the grounds of the Kansas Children's Receiving Home in Atchison. The Annex program currently has 18 beds for boys who have been at BIS, and have been moved to Atchison to continue their academic and vocational training in a "half-way house" setting. The other 20 beds are for admissions of primarily 13 and 14 year old boys. Two 24-bed cottages are under construction for this program which will increase the capacity to 86 beds sometime in 1972.

BUDGET FOR BIS AND KCRH
fiscal year 1971

	BIS	KCRH
TOTAL BUDGET.....	\$1,673,723.....	\$404,887
SALARIES.....	1,151,900.....	298,305
OTHER OPERATING..	442,732.....	98,880
ESEA TITLE 1 (Fed.)	79,091.....	11,702
PER DAY COST.....\$	21.53.....	\$ 21.03

The above includes 18 beds in the BIS Annex at KCRH. Funds for salaries and some program expenses are in the BIS budget, whereas food and operation of the physical plant is included in the KCRH budget.

ESEA Title 1 funds are used to enrich educational programs with most of the funds expended for salaries of additional teachers.

BIS has been nationally recognized for its effectiveness and is considered to be one of the best facilities of its type anywhere in the country. Research on recidivism, which has been conducted by the Menninger Foundation, showed that those who have been at BIS are less likely to be apprehended for future offenses. (The rate of recidivism for delinquent boys who have been in special institutions in the U. S. is frequently over 60%.)

This study made in 1970, by the Menninger Foundation at BIS, says, "That of 162 boys released, 61 boys, or 37.6%, were convicted of one or more felony-type offenses between release and follow-up which ranged from 18 to 48 months".

PROBLEMS

1. Inadequate and/or non-existent after-care arrangements. (Return to the community.)
2. Inadequate funding.
3. Low pay for expected services.
4. Length of waiting period between time of commitment and time actually admitted.
5. Expansion of programs has been a limited response to the increase of delinquency.

UTILIZATION OF BIS (14 LEAGUE COUNTIES ONLY)
1960-1970 in order of rank of 105 counties

COUNTY	ADMISSION RATE per 1000 per yr.	TOTAL	1960 POP.	1970 POP.
(3) Wyandotte.....	1.86	347	185,498	186,845
(4) Saline.....	1.48	75	54,715	46,592
(8) Montgomery.....	1.18	50	45,007	39,949
(9) Ellis	1.17	27	21,270	24,730
(11) Lyon	1.02	30	26,928	32,071
(13) Shawnee .....	.98	144	141,286	155,322
(15) Labette .....	.92	24	26,805	25,775
(27) Barton .....	.76	24	32,368	30,663
(29) Douglas .....	.75	38	43,720	57,932
(31) Reno .....	.72	44	59,055	60,765
(36) Sedgwick .....	.65	225	343,231	350,694
(42) Riley .....	.49	24	41,914	56,788
(51) Johnson .....	.44	80	143,792	217,662
(60) Crawford .....	.37	14	37,032	37,850

It is interesting to note that the two counties with the highest admission rates per thousand are Finney and Lane in the western part of the state. At the opposite end of the spectrum, 16 counties made no commitments during the 10 year period.

GIRLS' INDUSTRIAL SCHOOL (GIS)
Beloit, Kansas
DENIS SHUMATE, SUPT.

HISTORY

The State Industrial School for Girls was established in 1888 jointly by the Women's Christian Temperance Union of Kansas and the citizens of Beloit to provide shelter for dependent and neglected girls and rehabilitation for delinquent girls. The School was privately supported until 1889 when responsibility for its operation was assumed by the state.

As a tax-supported, residential institution, the School has operated under the jurisdiction of the State Board of Social Welfare since 1939. The chief administrator, Superintendent, is appointed by the Director of Institutions with the approval of the State Board of Social Welfare, and is responsible to them for the institution's day-to-day operation. All employees, with the exception of the Clinical Director and the Superintendent, are classified under the State Civil Service with salary ranges determined accordingly.

COMMITMENTS

Only two statutory conditions must be met in order for a girl to be admitted to GIS. First, she must be at least 13 years old, but under 18, at the time she is initially committed, and second, she must have been adjudged delinquent or miscreant according to the provisions of the Kansas Juvenile Code. In addition to these statutory criteria, the School recommends, 1) that the girl should be committed before she becomes too old and her deviant behavioral patterns too well established for her to benefit from the institution's programs, 2) girls who are noticeably psychotic should be referred directly to a mental hospital, even though a limited number of severely disturbed girls can be handled, 3) the School is also not equipped to handle the mentally retarded, and these girls should be referred directly to the

State Hospital and Training Center in Parsons, 4) the courts are also strongly urged not to commit girls who are pregnant to the institution. (The courts are not required to follow any of these recommendations.)

OPERATING CAPACITY

GIS has a normal operating capacity of 97 beds and an emergency capacity of 105 beds. The total staff for fiscal year 1971 was 71.5.

Although the staff feels that the School's programs function more effectively with 75 to 80 girls, since 1964, the daily pop. has fluctuated between 84 and 96. In the past several months there has been a waiting list for admissions.

PHYSICAL FACILITIES

The physical plant consists of a school building, cafeteria-commissary building, maintenance facilities, heating plant, Shadyside Cottage, Prairie Vista Cottage, Grandview Cottage, and the main building which houses the administrative offices, clinical offices, chapel, as well as, Skylark and Sunnyside Cottages.

Skylark, Sunnyside and Shadyside serve as intake cottages, having essentially the same function and program, which is to provide initial evaluation and diagnosis and to carry out treatment recommendations for the girls assigned to these units. Grandview Cottage is utilized to train girls in the concept of cooperative family living with girls being placed in the cottage approximately three months prior to their leaving the School to go home. Prairie Vista Cottage is divided into two separate functional areas, one for security and control. The other area is designed to treat the more chronically disturbed girls. The units are decorated and provided with radio, T.V. and stereo. Some of the cottages have small dorm areas, as well as individual rooms.

TREATMENT

Upon arrival at the School, each girl is immediately assigned to a four to six-week evaluation program, during which the staff tries to obtain an accurate picture of the girl's needs. The evaluation combines psychiatric interviews; psychological, educational and vocational testing; a social history evaluation; a medical evaluation and observations of the cottage parent, and other staff who have had contact with the girl. Each girl's "program" is initially developed by the clinical team on the basis of this information, although it may be refined as treatment progresses. GIS uses a milieu therapy program based on the "team" approach to treatment. Each of the five cottages serves as the hub for a treatment team which includes the members of the cottage's child care staff, the Director of Child Care Services, a psychologist, a social worker, one representative each from the Activity Therapy Department, the Dietary staff, and the vocational-education staff, as well as, any other staff who have a particular interest in the girl or her program. All of the treatment recommendations for the girls are made by the treatment teams during their weekly meetings. In addition, the teams develop plans for girls who are about to leave GIS, and they also plan for passes and home visits.

The program in the cottages consists primarily of structuring each girl's activities so that she is able to develop a measure of stability in her relationships with her peers and with adult authority figures. At the same time, the girl is under enough pressure that she will be forced to work through some of the conflicts responsible for her institutionalization. This approach is intended to enable her to learn how to react to the stresses and strains of daily living in socially acceptable ways.

ACADEMIC PROGRAM

A fully-accredited 12 year academic program, staffed by seven secondary and one elementary teacher, is provided on a contractual basis by the Unified School District in Beloit. Academic education at the school operates according to a modified special education format which allows more individual programming. Since Jan. 1, 1968, the salaries of one full-time special education teacher and three part-time summer teachers have been paid from Title I funds. The staff feels that the Legislature should be responsible for the funding of the special education teacher.

VOCATIONAL TRAINING

This training is intended to be primarily therapeutic rather than a means of equipping the girls with marketable job skills. The vocational program includes training in commercial and home cooking, food preparation and decoration, cosmetology, advanced tailoring, and secretarial and business skills. Training as a waitress or nurse's aide is also available, as are arts and crafts.

CLINICAL PROGRAM

Group and individual psychotherapy is carried out by professional members of the clinical staff. These services are ordinarily the responsibility of the clinical director - a psychiatrist. The director is also responsible for supervising the activities of the School's psychologist, social workers, chaplain, activity therapist, nurse, the Director of Child Care Services and the activities of the cottage parents as well. At the present time the position is VACANT, and the superintendent has assumed many of these responsibilities.

RECREATIONAL AND EXTRA-CURRICULAR ACTIVITIES

A Girl Scout Troop consisting of four patrols of eight to ten girls each was formed in April 1970. The girls in the most advanced patrol participate in hikes, tours off campus and in camp-outs, while the remaining patrols take part in programs on the institution's grounds.

A second program - A Sing Out America Group - is part of the national Sing Out America program. This group participates in the functions conducted by the state group, in addition to performing before community organizations in and around Beloit.

MEDICAL AND SURGICAL SERVICES

A local Beloit physician is employed on a part-time basis and is assisted by a Graduate Nurse who is a member of the institutional staff. When treatment of a physical ailment is found to be necessary, it is provided promptly. In addition to these services, each girl, when it is indicated is provided with both eye and dental checks, and corrective measures instituted where necessary. Either the local doctor or the nurse is on call each weekend in order to provide continuous medical coverage.

SECURITY

The GIS campus is open, unbounded by fences or other means of physically preventing the girls from running away. Most girls are permitted to move freely from one aspect of their treatment programs to another. A security and control area is available for girls requiring intensive care. One unit serves the entire institution as a temporary holding area for acutely disturbed girls. The other unit is used for working with chronically disturbed girls requiring long term intensive treatment. Those assigned to this cottage lack the self control to function

appropriately in the "open campus" concept and require an environment which makes fewer demands upon them. This highly structured program utilizes group psychotherapy, recreational activities, occupational therapy and special education programs.

PRIVILEGES

1. Visiting hours are from 8:30 a. m. to 3:30 p. m. on weekdays and Sundays. All visitors are expected to notify the school at least three days in advance.
2. Home visits, except for emergencies or special occasions, are initiated at the School.
3. Most girls are allowed to write two letters a week. All letters that are written and received are read by a staff member.
4. Girls are not allowed to place telephone calls from the School.
5. Girls with phone privileges may receive calls from their parents on Sundays between 8:00 a. m. and 5:00 p. m.
6. All acceptable and appropriate clothing is allowed to be worn at the school.
7. The girl may bring her personal items such as a watch, radio, record player, camera, etc. However, the institution cannot assume responsibility for broken or stolen articles. Consequently, the possession of expensive articles is discouraged.
8. The girl, or her parents, is expected to provide for her clothing and cosmetic and extraordinary medical expense.
9. The girl's parents are expected to provide \$1.00 per week as an allowance. (When parents can't or won't, the school tries to provide the necessary items for the girl.)

BUDGET
FISCAL YEAR 1971

TOTAL BUDGET.....	\$753,035
SALARIES.....	498,610
OTHER OPERATING COSTS.....	225,595
ESEA TITLE 1 (FED.).....	28,830
Per Day Cost.....	\$25.99

PROBLEMS

Superintendent Denis Shumate, in an interview, said that almost no one visits his institution and he would be happy if League members or other human beings would do so. He feels that he and his staff should also have the opportunity to explain the problems AND the programs they feel are effective.

An article which appeared in the Wichita Eagle, May 19, 1972, with regard to a serious allegation made by a GIS girl involving a male employee, quotes Mr. Shumate on many problems relating to GIS. The institution has had trouble in the past in hiring staff members because, "The jobs are demanding, the hours are unusual and the pay is low, \$400 a month to start, and the most anyone can hope for is \$600 a month. The institution which has about 100 girls is without a psychiatrist. Although the position pays about \$22,000, Shumate said psychiatrists can find similar jobs in other states paying from \$30,000 to \$45,000.

Another handicap to attracting qualified personnel is the institution's location... "Some people just don't want to live in a small town in Kansas."

"We don't have a formal training program, but there are schools around the country that do train people for this kind of work. I would like to have applicants who have a junior college degree with a background in general psychology, individual counseling and related skills and techniques. They should have some understanding

of adolescence and problems of adolescence." He goes on to say that the school now has a waiting list. He said the increase was due to several factors, including federal Law Enforcement Assistance Administration funds used to help counties develop juvenile probation systems.

Once a girl is released and returns home, her supervision becomes the responsibility of the county welfare department. As was stated under problems for BIS, the same problem occurs for these girls. Aftercare services in Kansas are fragmented, lacking in continuity, varied in quality and county welfare staff are neither trained to work with juveniles who are released, nor, do they have the time to do so.

UTILIZATION OF GIS (14 LEAGUE COUNTIES ONLY)
1960-1970 in order of rank of 105 counties

COUNTY	ADMISSION RATE per 1000	TOTAL	1960 POP.	1970 POP.
(2) Saline.....	.73.....	37.....	54,715.....	46,592
(3) Reno.....	.70.....	42.....	59,055.....	60,765
(7) Wyandotte.....	.63.....	118.....	186,495.....	186,845
(13) Ellis.....	.52.....	12.....	21,070.....	24,730
(19) Lyon.....	.37.....	11.....	26,928.....	32,071
(24) Barton.....	.32.....	10.....	32,268.....	30,663
(25) Douglas.....	.32.....	16.....	43,720.....	57,932
(26) Sedgwick.....	.31.....	109.....	343,231.....	350,694
(31) Shawnee.....	.26.....	38.....	141,286.....	155,322
(38) Johnson.....	.22.....	39.....	143,792.....	217,662
(48) Montgomery.....	.17.....	7.....	45,007.....	39,949
(52) Riley.....	.14.....	7.....	41,914.....	56,788
(57) Crawford.....	.11.....	4.....	37,032.....	37,850
(66) Labette.....	.08.....	2.....	26,805.....	25,775

Wallace County was ranked number one, while 36 counties have made no commitments during the last 10 years.

SELECTED SALARY CLASSES---Kansas, July, 1972

CLASSIFICATION	RANGE	STEP A	STEP F
*Psychiatric Aide I	7	\$ 372	\$ 477
*Psychiatric Aide II	10	432	551
**Cottage Parent I	8	391	500
**Cottage Parent II	10	432	551
Correctional Officer I	12	477	608
Correctional Officer II	14	525	670
***Psychiatric Security Aide I	9	411	525
***Psychiatric Security Aide II	12	477	608
Correctional Supervisor I	16	579	739
Correctional Supervisor II	18	638	815
Correctional Supervisor III	21	704	899
Supt., Ind. Farm for Women	26	944	1,206
Supt., Indust. Reformatory	28	1,042	1,329
Warden, KSP	32	1,266	1,615

All of the above are in the classified service of Civil Service. Jobs start at Step A, may move to Step B (a 5% increase) after six months, then may move up a step (5%) at a time annually. Step F can be reached in 4½ years.

- * - Used at Youth Rehabilitation Centers at Larned and Osawatomie
- ** - Used at BIS, GIS and Atchison
- *** - Used at Security Hospital, Larned

The superintendents of the industrial schools are in the unclassified service. The Finance Council has set a maximum salary of \$18,000 per year for these positions. The BIS superintendent is currently receiving \$1,416 per month, and the GIS superintendent \$1,333 per month.

OTHER CENTRALIZED STATE TREATMENT RESOURCES

MENTALLY ILL or RETARDED JUVENILES may be referred by the juvenile courts under appropriate statutes to the state hospitals. The state hospitals at Topeka, Osawatomie and Larned each have children's units to treat mentally ill children. Mentally retarded children are treated at Parsons State Hospital and Training Center, Winfield State Hospital and Training Center and the Kansas Neurological Institute at Topeka. It has been generally accepted in Kansas that the child with severe mental problems, who may also be delinquent, is more properly treated in a mental hospital or institution for the mentally retarded, rather than an institution for delinquents. In keeping with this philosophy, between ten and fifteen percent of the admissions to the industrial schools, who are found on examination to be having severe mental problems, are subsequently transferred to the more appropriate mental facility.

In view of the fact that the state's mental hospitals have declined in population and there were vacant beds in the hospitals, the 1971 Legislature provided funds for MALE JUVENILE OFFENDERS PROGRAMS at Larned, Osawatomie and the Kansas Vocational Rehabilitation Center at Salina. These programs are operated separately from the respective institution's basic program, but are under the supervision of the institution director, and were conceived as a temporary move pending implementation of the regional rehabilitation center concept.*

Thirty beds are provided in the unit at Larned and 20 beds at Osawatomie. The programs will have particular emphasis on remedial education, social rehabilitation, psychological treatment and possible preparation for vocational rehabilitation. At the present time, these facilities are accepting 16 and 17 year olds.

Commitments to the units are made under the Juvenile Code which orders the youth to the Industrial School. Administrative transfers are then made to these facilities under authority vested in the State Director of Institutions.

Nineteen beds are provided in the facility at the K.V.R.C. at Salina. Boys who meet the eligibility requirements for vocational rehabilitation (physical or psychological disability) will be admitted to this unit. Juvenile courts work directly with the Kansas Division of Vocational Rehabilitation and its district office counselors to secure and select admissions for this facility.

PRIVATE RESIDENTIAL TREATMENT

The use of private residential resources for delinquents has increased greatly in the last few years. Though the majority of this increase has involved small unit "group homes", some of it has also occurred in the residential treatment field. A very casual survey of only a few courts in Kansas has revealed that placements have recently been made in private facilities in Arizona, Arkansas, Colorado, Missouri, Nebraska, Oklahoma and Texas. Many of the private residential "treatment" resources are NOT investigated, and some surely must fall far short of even the most rudimentary idea of "treatment".

The above type of institution is generally created as a practical expression of some group's concern for children in trouble, some are religious and some are based on a community concern.

*Pressure was put on the Legislature and the Governor for these temporary facilities by citizen's groups throughout the state who were attempting to resist efforts made by some legislators to reduce the juvenile age to 16 years old.

The pros and cons are many. However, consideration should be given to whether facilities are licensed and what "treatment" is offered, if any. On the other hand, some of these places provide an alternative to BIS or GIS. Until licensing of treatment programs is accomplished, the current situation, which severely penalizes agencies attempting to do the best job*(and allows those doing the minimum job to even make a profit) will persist to the overall detriment of the public interest.

THE PROPOSED REGIONAL JUVENILE REHABILITATION FACILITIES

The regional facilities became possible in 1969 as a result of a Legislative Act which authorized the State Board of Social Welfare to develop plans for the programs and physical plants of not more than ten such institutions. (This has since been reduced to six.)

The regional rehabilitation facilities are expected to serve those requiring institutionalization for shorter periods. The shorter treatment period will result from the fact that the juvenile's personality disturbances and other problems are not as severe. The community is expected to provide substantial contributions to the programs of these centers through it's existing agencies, such as the schools and social agencies. The regional facilities will NOT be equipped with complete treatment staffs, but will utilize many professionals employed by community agencies or those in private practice in the community. None of the regional facilities will have a maximum capacity exceeding 50 beds, and some may only be able to accommodate 25 juveniles. There is a possibility, that the word juveniles implies boys and girls. Sites have been acquired in Hays, Olathe and Wichita for three facilities.

These facilities were originally proposed more than five years ago, when the question of raising the juvenile age from 16 to 18 was under consideration by the Legislature.

Some juvenile experts and citizens who have vigorously championed the proposed facilities during the past several years are now reconsidering. Facilities such as these which have been built in other states have not proved their effectiveness. Does Kansas want to repeat the same mistakes others have made? This question poses a serious dilemma for all concerned, and the answer, if there is one, will need to be thought out very carefully.

In passing, it might be of interest to mention what is happening in the State of Massachusetts. The Director of Children's Services closed all state juvenile institutions this year (1972). In place of institutions, there are small group homes, intensive probation and utilization of community services. Money is now spent in the community instead of poured into state facilities. It is, of course, too soon for real results, but it will be interesting to note what happens.

DETENTION HOMES

Detention Homes are not included in state services or facilities, but because of member interest, the subject is included in this report.

There are five counties providing detention services in Kansas. The four urban counties plus Riley County. Each of the seven facilities in the following chart differs from the others in virtually every respect. League members are encouraged to visit detention facilities, homes or jail, in their own community.

*St. Francis Boy's Home, Methodist Youthville and Cookson Hills in Kansas are considered to be good examples of private residential treatment centers.

RATED CAPACITIES OF PRESENT KANSAS DETENTION FACILITIES

COUNTY	IDENTIFICATION AND COMMENTS	NORMAL	EMERGENCY
1. Sedgwick	Friendly Gables (F) has been closed because of misuse.....	36	37
	Lake Afton Boys' Ranch	71	76
	Courthouse, 8th floor (16 & 17 males)	54	54
		161	167
2. Wyandotte	Kaw View - 10 males, 6 females, 2-family room (also use County jail, number unknown)	18	23
3. Johnson	Johnson County Detention Home (Also use jail and Miami County jail, - number unknown)	8	16
4. Shawnee	.....	32	44
5. Riley	Special facility in County jail	4	4
TOTAL		223	254

Only ten states set any standards for detention buildings, staffing and program. Most of the standards which have been established do not satisfy the minimum requirements prepared by the National Council on Crime and Delinquency. Kansas is not included among the states in this group of ten which have set standards.

A SURVEY OF THE KANSAS JUVENILE CODE
WITH EXCERPTS FROM STATUTES OF OTHER STATE CODES*

STATEMENTS OF PHILOSOPHY

To be able to act in any given case, a court must have power or jurisdiction over both the person involved and the subject matter involved. That is, the jurisdiction must cover both who may be brought before the court and why he or she is brought. The laws which create the juvenile courts vary in regard to both the persons and subject matter over which these courts have been given jurisdiction.

K.S.A. 38-801** states that "each child coming under the provisions of the (juvenile) code shall receive the care, custody, guidance, control and discipline that will be of his or her best welfare and that of the state. The child is to be kept in the home whenever possible".

The equivalent statutes from four other states, California, Illinois, Missouri, and Colorado, as well as the U. S. Code, were reviewed on this point. California and Illinois mention the interests of the state or community, as being balanced, with the intention to look to the needs of the juveniles appearing before the court. The Missouri and Colorado statutes do not explicitly make note of this, nor does the U. S. Code. The Kansas code is equal to the best expression of this principle.

*For more detailed description see: Prevention and Control of Delinquency in Kansas, Vol. 1, Chapter 5. "The Juvenile and the Law".

**See K.S.A. 38-801 with complete wording in glossary. Philosophy of the Juvenile (Kansas) Code.

ANONYMITY OF OFFENDERS

KANSAS STATUTE (38-805) specifies the kinds of records to be kept, and that they shall be open to inspection only by the consent of the juvenile court judge (or upon order of a district or supreme court order). They further specify that all information obtained from records prepared for the court shall be privileged. In effect, this means that all cases appearing before a court may be anonymous or publicized, according to the orders of the judge. This is a personal decision, and should be noted, that until very recently, all but a handful of courts in Kansas observed strict anonymity.

California codes allow the release of information to selected persons when accompanied by information regarding disposition. It also prohibits the admission of the public to a juvenile court hearing and provides that records shall be sealed after five years. Colorado statutes, more particularly, prohibit publishing records photographs, etc., except under specific permission by the court. The state also prohibits transmission of information to the F.B.I., but allows information to local law enforcement agencies under certain circumstances. Illinois prohibits the general public from hearings, but allows the news media and others "who have a direct interest in the case" to attend. Missouri statute prohibits taking fingerprints or photographs without the consent of the judge, limits access to records and provides for destruction of records on any person who has reached age 21. The U. S. Code has no particular provisions on this regard.

PARENS PATRIAE DOCTRINE

The Kansas Statute's provision for the parens patriae doctrine is found in K.S.A. 38-801, "all proceedings, orders, judgements and decrees shall be deemed to have been taken and done in the exercise of parental power of the state."

California statutes appear to reflect the doctrine, although they do not state it as obviously as the Kansas statutes. The same may be said for Colorado. Missouri is even less specific; and the U. S. Code does not mention the matter at all, and tends to treat the juvenile as an adult criminal offender.

PREFERENCE FOR HOME SETTING

Virtually all state codes seem to reflect the centrality of parental responsibilities and rights. The guiding principle that a child has a right, given him by God and confirmed by the laws of man, to go through the difficult years of growing up with the comfort, care, and love of the two people who are his own: father and mother. Such laws must be based on the assumption that parental control can be exercised. The basic reasoning in this area is that the emotional shock of separation does more harm to the child than any benefit that placement (outside the home) may offer him. On the other hand, a delinquent child from a broken or a home deteriorated so badly as to negate any effective parental control, should not be judged according to the standard. This appears to be a problem area that is not fully explored or resolved.

The California Code emphasizes the importance of maintaining the child in his home with any restrictions placed on parental control as the court deems necessary.

SERVICES

Services are regarded as of equal importance to determination of guilt or innocence. This principle was established in the early days of the juvenile court and is reflected in the fact that all codes studied provide for special services for the juvenile offender, such as court personnel, social workers, probation workers and other outside agencies to help with the rehabilitation of juvenile offenders.

Informal adjustment of juvenile cases was first established when juvenile courts were practically the only source of service for children, particularly the delinquent. There are arguments both pro and con on informal adjustments: informal handling of a case allows a more flexible approach than can be obtained in the courtroom. This point does not appear to be entirely valid, however, since a matter acted upon officially is not necessarily inflexible. Another argument for informal handling is that it does not produce a legal record for the child. Actually the record may be used against a child either officially or unofficially. The answer to this might be greater protection with respect to the release of any information from the court. The greatest objection to the use of unofficial processing is that it is easily abused. K.S.A. 38-816 provides for formal proceedings. There is no provision for handling juvenile matters informally, although it is done in some of our courts.

INDIVIDUALIZED DISPOSITIONAL PRESCRIPTIONS

In all of the codes studied, wide discretion is given to the judge as to the disposition of cases. Although statutes note several possibilities and express a preference for maintaining the child in his home, there is apparently very little control or even standards to guide the court in this area. Finally, the codes do not reflect the fact that many courts have such limited dispositional options that they are unable to effectively provide individualized disposition for each case. The codes do not reflect this problem which affects the majority of courts in Kansas.

THE JUVENILE AGE

All juvenile code and juvenile court legislation specifies the maximum age of those for whom the court has jurisdiction. Two-thirds of the states have a maximum age of 18. In the remaining one-third, the age is either 16, 17, or 21. It is, furthermore, different in some states for boys and girls.

Kansas law since 1966 has established 17 as the maximum age of jurisdiction by the juvenile court.

GENERAL PLACEMENT OF JUVENILE LAW

There are approximately 2,800 courts hearing children's cases in the United States. 105 of these courts are in Kansas. The jurisdiction, structure and the type of court may vary from state to state and within a state. Some are juvenile and domestic relations courts, and some are independent juvenile courts. In January, 1973, Kansas will have three independent juvenile courts, Wyandotte, Sedgwick and Johnson counties. Over 50 percent of these courts in the U. S. can be classified as inferior courts or even branches of inferior courts of very limited jurisdiction. The latter group can be categorized as having short judicial tenure requiring few, if any, qualifications for appointment of the judge; and are usually categorized by very low salaries.

In some communities, civil liberty courts either municipal or county, may have jurisdiction over certain issues involving inter-personal family relationships. Only five states have a state-wide juvenile or family court system; Connecticut, Hawaii, New York, Rhode Island and Utah.

PROTECTION FROM ABUSE AND EXPLOITATION

All codes studied provide, in various degrees, provisions in regard to physical abuse of children, prescriptions regarding truancy, child-labor practices, protection from harmful substances and unwelcome adult influences (originating outside the family.) Because of similarity in statutes in this field, the following is limited to a commentary of the Kansas Statutes involved.

A. Physical abuse -

1. Battered child legislation:
Kansas handles batter-child cases in one of two manners; it could either be handled as a criminal case under the criminal code as an assault battery or it could be handled in juvenile court if the assaulting person was a parent or someone in the home.
2. Molestation:
In Kansas this would be handled under the criminal code.

B. Truancy -

1. Compulsory attendance law:
This is covered by KSA 72-111. Compulsory school attendance; every parent, guardian or other person in the state of Kansas, having control over or charge of any child who has reached the age of 7 years and is under the age of 16 years, shall require such child to attend continuously a public school or a private, denominational, or parochial school taught by a competent instructor, each school year, for such period as such public school of the school district in which the child resides is in session.

C. Child labor -

1. General controls over the use of child labor:
KSA 38-601 provides that no child under the age of 14 years of age shall be at any time employed, permitted, or suffered to work in or in connection with any factory, workshop, theater, mill, cannery, packing house, or operating elevators, nor shall such child be employed, permitted or suffered to work in any business, shop, or service whatever during the hours in which the public school is in session in the district in which said child resides.
2. Protection from hazardous conditions at work:
38-602 - No child under 16 years of age shall at any time be employed, permitted, or suffered to work in or about any mine or quarry; or at any occupation at any place which is dangerous or injurious to life, limb, health, or morals except as provided in Section 2 of this act.

D. Harmful substances, materials, and conditions -

1. Substances: alcohol, drugs, cigarettes:
Kansas law provides that no child under the age of 21 may buy alcoholic beverages and that no child under the age of 18 years of age may buy a malt cereal beverage. The criminal code of Kansas provides that the use of any dangerous drugs is illegal. Kansas law also provides that the minors under the age of 18 years shall not be permitted to purchase cigarettes or tobacco products.
2. Materials: prurient literature, unsolicited matter, movies, etc.:
Kansas has age limitations on the purchase of prurient material, literature and the attendance of children at certain rated movies.

E. Unwelcome adult influence -

- Contributing to delinquency laws:
KSA 38-830 paragraph a, in all cases where any child shall be delinquent, a miscreant, a wayward, traffic offender, truant, or a dependent and neglected child, as defined in section 38-802 of the general statutes supplement of 1957 or any supplements thereto, any parent, or other person responsible for such child's act or for the dependency or neglect, or any parent or other person who shall by any act have caused or encouraged same,

or contributed thereto, shall be deemed guilty of a misdemeanor, and upon trial and conviction thereof shall be fined a sum not to exceed \$1,000.00, or imprisoned in the county jail for a period not to exceed 1 year, or by both such fine and imprisonment.

The juvenile court shall have jurisdiction of all cases coming within the divisions of this section; and the judge thereof may proceed to the hearing on the complaint charging that any parent or other person has violated the provision of subsection a of this section, even though a petition has not been filed in the interest of a child under the provisions of subsection 38-816 of the general statutes supplement of 1957 or any amendments thereto. Upon the request of the judge of the juvenile court, the county attorney shall prosecute any parent or person charged with violating the provisions of subsection A of this section.

The judge of the Juvenile court shall assign an attorney to any parent or other person charged under subsection A of this section who is unable to employ counsel and may afford a reasonable fee to said counsel to be paid from the general fund of the county.

OTHER LAWS AFFECTING JUVENILES

EDUCATION - In recent years, there is an extensive and growing body of law requiring "due process" administrative hearings in public schools, at least for expulsion cases. In some of these cases lawyers have been involved in the actual hearings. (Hired and paid for by parents.)

INSTITUTIONS FOR CHILDREN - It was observed that the quality of services provided in institutional settings is a crucial subject on which most statutes are silent. Such statutory provisions are found to deal only with the most gross features of the institutions or agencies, and describe their purposes and goals in the most simplified language, if at all.

WELFARE LAWS - The dominant influence on the welfare laws is of federal, rather than state origin.

LICENSURE REGULATIONS - No mention is found of the licensing of treatment programs, although some mention is made of the licensing of chief treatment personnel.

OTHER STATE LEAGUE OF WOMEN VOTER STUDIES

LEAGUE OF WOMEN VOTERS OF MASSACHUSETTS - A study started in the mid-forties. Updated 1967. "State Convention Report" - 1971

The following are support positions as stated:

1. Support a statewide juvenile court system.
2. Support a strengthened probation service and parole system.
3. Support adequate qualification standards for personnel.
4. Support flexibility of sentencing.
5. Support measures to protect the civil and individual rights of the juvenile and to promote his rehabilitation through individualized treatment.
6. Support the separation of administrative functions from areas of professional judgment and the delineation of clear lines of authority and accountability in the state agency responsible for juvenile programs.*

*Massachusetts has facilities which combine detention and reception. The League concurs with such groups as the National Council on Crime and Delinquency that these should be separated.

7. Support programs in existing institutions and in communities for prevention, detection and treatment of juvenile delinquency. (At this time there are no existing institutions!)
8. Support measures to provide competitive salaries for trained personnel and measures to implement public personnel standards.

SUMMARY STATEMENT OF POSITION ON PROBLEMS OF DELINQUENCY IN NEVADA
"Call to Convention" May, 1971

The League of Women Voters of Nevada is concerned about "children in trouble" and the relating problems of prevention, treatment, and control of delinquency in Nevada. We feel that delinquency has no single cause and cannot necessarily be equated with deviant behavior. Instead, we feel that delinquency results from a combination of factors and, in some instances, the structure of our society with its cultural intolerance of diversity and variability may be forcing certain groups of youth into delinquent patterns of life.

Specifically, we support the following:

- a) Programs and policies which reduce problems of potential delinquents with the goal of keeping them from ever entering the juvenile justice system.
- b) Emphasis on delinquency prevention through change of contributory environmental conditions and some social reorganization.
- c) A redefinition of the term "delinquent" to exclude non-criminal conduct and dependent and neglect children.
- d) A correctional philosophy that calls for some personal reformation on the part of the offender and the creation of community conditions which encourage his successful re-entry.
- e) Alternatives to incarceration such as group homes, half-way houses, probation subsidies, and community treatment centers.
- f) Safeguards in juvenile record-keeping, including an effective law of confidentiality, prohibition by law of public and private employers from inquiring about arrests or convictions which have been annulled or expunged and a state statute setting uniform policy on fingerprinting, photographing, and expungement of records by destruction or sealing when certain conditions have been met.
- g) Lowering the penalty for first-offense possession and use of marijuana from a felony to a misdemeanor with maximum judicial discretion to use alternatives to sentencing.
- h) Effective drug abuse education programs in all schools.
- i) Study to determine the State's role in the administration, coordination, and funding of services to delinquent youth in Nevada.

LEAGUE OF WOMEN VOTERS OF TENNESSEE "Report On Tennessee Juvenile Institutions Revisited", July 1970, (Tennessee has "visited" their state juvenile facilities since 1955.)

Their Findings Were:

1. More facilities had been constructed.
2. Racial integration had occurred.
3. 2100 boys and girls, 1-17 were in seven institutions.
4. A recidivism rate of the boys' institutions estimated at 30% - 70% by various staffers.
5. A main criterion for release is that a place is needed for a new admission.
6. Many staff used the phrase, "dumping ground".

SOME CONCLUSIONS

1. The following statement, in answer to Chief Justice Berger's famous speech on "Systems of Corrections that do not Correct", is found in the League's report. "The juvenile correctional process is the first phase of our non-correcting correction systems".
2. More League members should be encouraged to "expose" themselves to the world inside the walls.

THE LEAGUE OF WOMEN VOTERS OF COLORADO.

The League became interested in children's laws in the early 1940's, and has contributed much to the betterment of these laws.

The League has supported:

1. Foster Care and Protection of Children.
2. Adoption Laws.
3. Local Services for Children. (Community-based services)
4. More adequate state appropriations for children's institutions.
5. Improved juvenile court services.
6. The Children's Code

"Finally, in 1966, an original objective of the League began to be realized. The General Assembly directed the Legislative Council to study Children's Laws. The committee reviewed those laws which had been passed through the years and which were scattered throughout the statutes. There were instances of overlapping jurisdiction. A proposed code was written which placed all laws dealing with children in one chapter of the statutes. After many working sessions by the Committee (plus a citizen's advisory committee), the code was presented to the General Assembly near the close of the 1967 session. Supported by the League, it was adopted".

STATEMENT OF KANSAS DELEGATION Y.D.D.P.A. INSTITUTE
KANSAS CITY, MISSOURI
April 7, 1972

A YOUTH DEVELOPMENT AND DELINQUENCY PREVENTION INSTITUTE was conducted by the University of Colorado during the week of April 2-7, 1972. The Kansas delegation was appointed by Governor Docking. These delegates were considered top people in their field dealing with juveniles; juvenile probation officers, social workers, juvenile judges, etc.

The following are excerpts taken from the introductory statement to the Institute by the Kansas Delegation:

1. We concur...that emphasis should be shifted to the area of delinquency prevention and youth development.
2. We also concur...that major progress can be made in the juvenile delinquency effort by restructuring the use of resources already available in our state.

The report continues:

WE BELIEVE THAT LEGISLATION SHOULD BE ENACTED THAT WOULD:

1. Require the Board of County Commissioners of each county of the State of Kansas, either singly or collectively with adjoining counties, to provide a community plan for the development of youth within the jurisdiction of the Kansas Juvenile Code. It should be the responsibility of related state agencies to provide assistance in the development of said Community Plan.
 - A. Each community should have complete coordination of all services involved and having to do with youth. (Maximum alternatives, and minimum involvement with law enforcement and juvenile justice agencies.)

- B. A plan for the development of awareness and understanding of youth development problems on the part of all members of the community, and their participation in youth development within the community.
- II. The State should provide and fund a youth advocacy system with the Kansas Department of Social Welfare, Child Welfare Division and:
 - A. Provide technical assistance.
 - B. Review and make recommendations on all community plans.
 - C. Maintain a clearinghouse of information and dissemination of same.
 - D. Assure and coordinate the necessary participation of all related state agencies.
 - E. Develop an annual report.

THE FOLLOWING SPECIFIC ACTION STEPS ARE RECOMMENDED TO IMPLEMENT THOSE OBJECTIVES:

- I. We believe that the current school systems throughout the State perpetuate pre-delinquent and delinquent behavior in many children. In this regard, we believe that many children are being discriminated against because they are forced into an unfair competitive system. As children have physical, mental, and cultural differences, our current grading techniques automatically cause some to fail. Repeated failures of this nature lead to a labeling process which in turn contributes to the aforementioned delinquent behavior patterns.
- II. We believe the Employment Security Division of the State Department of Labor should intensify efforts to gain community assistance to provide employment opportunities and/or training for youth.
- III. We believe efforts should be intensified to insure that county welfare departments follow established guidelines in providing protective and preventive services in collaboration with all other existing services in the local community.
- IV. We believe that the juvenile court has failed to meet the total needs of the youth under its jurisdiction. We therefore recommend the following criteria be established for upgrading the juvenile court:
 1. There should be uniform training procedures for all juvenile judges.
 2. Probation services should be provided for all counties, either on a single-county level or multi-county level.
 3. The juvenile judge should be responsible for the implementation of services for his jurisdiction; however, his direct concern should be limited to the adjudicatory process.

We further believe that the 16 and 17 year old juvenile may best be serviced by the continual involvement of the juvenile judge in the protective services of the Kansas Juvenile Code.

We further believe that the juvenile court should provide reasonable alternatives to the formal adjudicatory process whenever possible, and should assist other agencies in avoiding premature and unnecessary labeling.

GLOSSARY

ADJUDICATION - Decision by the judge that the child has committed delinquent acts.

AFTERCARE - A word used instead of the term parole.

DELINQUENT BEHAVIOR - Child behavior which exceeds the limits of community tolerance for deviation from "normal". Levels of tolerance vary from one time to another, from one cultural group to another, and from one child to another.

DELINQUENT CHILD - A delinquent child is a child less than 18 years of age who has committed an act which would be a felony if he or she were an adult. In addition, a child is considered delinquent if adjudged a miscreant three times. (K.S.A. 1970 Supp. 38-802 (b)).

DEPENDENT AND NEGLECTED - A dependent and neglected child is a child less than 16 years of age: a. whose parents do not provide proper care; b. whose parents have abandoned or mistreated him or her; c. who has an occupation, environment or association injurious to his or her welfare; d. who is otherwise without proper care, custody or support; or e. who, because of the parent's neglect, has been placed in a children's aid society or is being supported by the county or state. (K.S.A. 1970 Supp. 38-802 (g)).

DETENTION - The temporary care of children in physically restricted facilities in a pending court disposition.

GUARDIAN AD LITEM - In all hearings, the court must appoint a guardian ad litem who is an attorney at law to represent and defend the child involved, or to represent a parent who is a minor, or who is mentally ill or otherwise incompetent and whose child is involved. The guardian ad litem must conduct an independent investigation of the case. The court may allow him reasonable fee to be taxed against the parent, guardian, conservator or custodian or the county general fund. (K.S.A. 1970 Supp. 38-822)

INTAKE - Defined as the process of examining and evaluating the circumstances of every case brought to the juvenile court in order to determine the course of action in the case with particular reference to the persons involved. Such action may involve referral to another agency, mental treatment, judicial action, or release with no action taken. Intake department may be one of the most important functions within the juvenile justice field. It demands a broad knowledge of community resources, ability to gain new client's confidence quickly and the ability to make sound decisions on the basis of short contacts. (Kansas statutes do not clearly recognize the process of intake.)

MISCREANT - A miscreant child is a child less than 18 years of age who has committed an act which would be a non-traffic misdemeanor, or drunk while intoxicated, reckless driving or negligent homicide, if he or she were an adult, or who runs away from any juvenile detention home or center in which he has been placed. In addition, a child is considered a miscreant if adjudged wayward three times. (K.S.A. 1970 Supp. 38-802 (c))

PARENT - The term "parent" includes a guardian, conservator and every person who is by law liable to maintain, care for, or support a child. (K.S.A. 1970 Supp. 38-802 (h)).

PARENS PATRIAE DOCTRINE - "The parental power" of the state is the basis for all actions of the court.

PHILOSOPHY OF THE JUVENILE CODE - This act shall be liberally construed to the end that each child coming within its provisions shall receive such care, custody, guidance, control and discipline, preferably in his own home, as will best serve the child's welfare and the best interests of the state. In no case shall any order, judgement or decree of the juvenile court, in any proceedings under the provisions of this act, be deemed or held to import a criminal act on the part of any child; but all proceedings, orders, judgements and decrees shall be deemed to have been taken and done in the exercise of the parental power of the state. (K.S.A. 38-801).

PREVENTION AND CONTROL - There are three levels of prevention:

- A. THE PRIMARY LEVEL is concerned with the prevention of undesirable situations or conditions, and its efforts are directed at the entire subject group.
- B. THE SECONDARY LEVEL is directed toward those who evidence patterns of symptoms which are identified as "pre-delinquency syndromes".
- C. TERTIARY LEVEL - This level is concerned with rehabilitation of those in whom a breakdown has occurred. In a simplistic definition of prevention and control, prevention refers to both the primary and secondary level, while control corresponds to the tertiary level of prevention.

TEMPORARY CUSTODY - While awaiting a hearing, the judge may order the child placed in the temporary custody of some person other than the parent or guardian. Custody may also be given to a children's aid society a public or private institution used as a home or place of detention or correction, or the county or state department of social welfare. (K.S.A. 1970 Supp. 38-819).

TREATMENT - Any means of modifying behavior so that it falls within the range tolerated in the general culture of the community.

TRUANT - A truant child is one who habitually skips school when required by law to attend. (K.S.A. 1970 Supp. 38-802 (f)).

WAYWARD - A wayward child is a child less than 18 years of age whose behavior is injurious to his welfare, who has deserted home without cause, or who is disobedient to parents or guardian. (K.S.A. Supp. 38-802 (d)).

WHEN A JUVENILE MAY BE JAILED - Pending a hearing, the juvenile judge in any county not having a detention home may order a child alleged to be delinquent or miscreant to be confined in the county jail or police station in quarters separate from adult prisoners. (K.S.A. 38-823).

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