

PROGRAM EVALUATION

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REPORT ON THE PROGRAM REVIEW KENTUCKY'S UNIFIED JUVENILE CODE

Research Report No. 265

Legislative Research Commission

Frankfort, Kentucky

Program Review and Investigations Committee

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150901

KENTUCKY'S UNIFIED JUVENILE CODE

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Research Report No. 265

LEGISLATIVE RESEARCH COMMISSION

Frankfort, Kentucky

Committee for Program Review and Investigations

October 11, 1993

Program Evaluation

FOREWORD

In February, 1993, the Program Review and Investigations Committee directed staff to survey the various entities involved in implementing Kentucky's Unified Juvenile Code, to identify problems they experience in dealing with juveniles. The Program Review and Investigations Committee adopted the report on October 11, 1993, for submission to the Legislative Research Commission.

The report is the result of dedicated time and effort by the Program Review staff and secretaries Bonnie Jezik, Susie Reed and JoAnn Blake. Our appreciation is also expressed to the Secretaries and staffs of the Justice Cabinet and Cabinet for Human Resources, the Director and staff of the Administrative Office of the Courts, and all of the judges and local officials interviewed and surveyed for this study.

Vic Hellard, Jr.
Director

Frankfort, KY
October, 1993

150901

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MEMORANDUM

TO: Governor Brereton C. Jones
Members of the General Assembly
Affected Agency Heads and Interested Individuals

FROM: Senator Susan Johns, Chair
Representative Hank Hancock, Vice-Chair

Date: October 25, 1993

Re: Program Evaluation: Kentucky's Unified Juvenile Code

Attached is the final report of a study of Kentucky's Unified Juvenile Code directed by the Program Review and Investigations Committee. The report was adopted at the committee's October 11, 1993 meeting. The Committee's staff surveyed eight different entities involved in implementing the code, to identify problems they experience, and interviewed victims and juvenile advocacy groups, to hear their perspectives on the system.

The results of this study indicate several common problems: 1) lack of treatment facilities and local treatment alternatives; 2) the availability and use of detention, particularly pre-adjudication detention; 3) a lack of appropriate punishments for juveniles and a lack of parental responsibility; 4) barriers to cooperation and coordination among entities; and 5) statutory and procedural problems.

Additionally, victims of juvenile crime often feel unfairly treated within the juvenile justice system. They feel that their rights are limited or are non-existent, particularly in comparison to victims of adult crime. In recent years, over thirty states have made statutory or constitutional changes regarding the rights of victims of juvenile crime.

The report also examines Kentucky's problems in complying with the Juvenile Justice and Delinquency Prevention Act (JJDP) grant funding requirements. Kentucky's failure to comply with the requirements of this Act have cost the state \$2 million in grant money over the past three years. A settlement has been reached regarding the use of these funds. Some local and state officials observe that the cost of compliance with the grant requirements might exceed the advantages of receiving federal funds. However, much of the money spent on programs to comply with grant requirement would be spent regardless of the grant.

For questions or further information, please contact Joseph Fiala, Assistant Director, Office for Program Review and Investigations.

TABLE OF CONTENTS

FOREWORD.....	i
MEMORANDUM	iii
TABLE OF CONTENTS	v
EXECUTIVE SUMMARY	xi
Committee Action.....	xiii
CHAPTER I.....	1
INTRODUCTION	1
Scope of the Study	3
Methodology.....	3
Overview.....	3
CHAPTER II.....	5
TREATMENT RESOURCES.....	5
Problems with Treatment Resources	5
Lack of Local Treatment Resources Puts More Pressure on CHR... 6	
Lack of CHR Residential Beds Means Shorter Stays for Com-	
mitted Children.....	6
Lack of Treatment Causes Problems Meeting Statutory	
Mandates	7
Advocates Question Whether Juveniles' Right to Treatment Is	
Being Met.....	7
Lack of Treatment Resources Also Affects Status Offenders	8
Lack of Foster Homes and Emergency Shelters Is a Problem in	
C/AN Cases.....	9
Emphasis on Family Reunification Not Always Effective	9
Respondents Feel There Are Insufficient Mental Health Facilities	
for Children	10
Expenditures for Treatment Programs.....	10
Funding for CHR Juvenile Services Programs Has Been	
Increased	10
Despite Efforts to Expand Programs and Services, Areas of	
Need Remain	12
CHAPTER III.....	13
DETENTION.....	13
Problems Regarding Detention.....	15
A Majority of District Judges Felt That Detention Options Are	
Too Limited	15
Public Defenders Think Detention Used too Frequently.....	16
Pre-Adjudication Detention Is a Financial Problem for Counties....	16
Detention Is a Problem for Law Enforcement and CDWs	
Because of Time and Distances Involved	17
Limits on Detention of Status Offenders Lead to Problems	17
Alternatives to Detention Are Needed	17
Legislative Actions to Improve Juvenile Justice Programs.....	18
State Funding for Juvenile Justice Programs Has Increased.....	18
Secure Detention Programs Are the Responsibility of	
Corrections.....	18

CHAPTER IV	21
JUVENILE PUNISHMENTS AND PARENTAL RESPONSIBILITY	21
Need for Juvenile Punishments	21
Some Respondents Felt Truancy Punishments Should Be More Stringent.....	21
Law Enforcement Agencies and City Governments Want to Enforce Curfew Ordinances.....	22
Parental Responsibility	23
Judges Suggested That Parents Should Be Held More Responsible.....	23
Lack of Parental Support and Cooperation Is a Major Problem in Truancy	24
CHAPTER V	27
COORDINATION AMONG ENTITIES.....	27
CDWs and Schools Express Frustration with Truancy Process	27
Dealing With Special Education Children Has Created Friction.....	27
Problems with CHR Investigations Due to Lack of Field Staff.....	28
Confidentiality Among Entities May Limit Cooperation	28
CHAPTER VI	31
STATUTORY AND PROCEDURAL PROBLEMS.....	31
Statutory Concerns.....	31
Prosecutors and Public Defenders Question Youthful Offender Criteria	31
Statutes Contain Two Different Definitions of Habitual Truancy.....	31
Statutes Contain Inconsistencies on Discharge from Commitment	33
Procedural Matters	33
Some Parents May Not Have Access to Juveniles in Custody.....	34
Confidentiality Rights of Juveniles May Be Abridged.....	36
Respondents Recommended Changing Way Status Offenders Are Handled	37
Standards for Removing Suspected C/AN Children Considered Strict	38
Procedural Problems Surround Mental Health Act.....	38
Few Defenders Expressed Problems with the Appeals Process.....	39
CHAPTER VII	41
ISSUES IMPACTING VICTIMS OF JUVENILE CRIME.....	41
Statutory Rights of Victims	41
Victims of Juvenile Crimes Have Fewer Rights Than Victims of Adult Crime	42
Victims Report That They Have Been Neglected	42
Confidentiality	43
Confidentiality of Information and Proceedings Frustrates Victims	43
Survey Respondents Say Confidentiality Is Not Unfair to Victims..	45
Some Interviewees Do Not Support Confidentiality	46
Advocacy Groups and Statutory Proposals.....	46
VOCA Established to Address Needs and Improve Treatment of Victims	46
Advocacy Groups and Programs Are Primary Recourse for Victims	47
Victims' Advocate in Commonwealth's Attorney's Offices May Not Assist Victims of Juvenile Crime	48
Other AG Task Force Recommendations Would Indirectly Impact the System	48

Some Groups Propose a Constitutional Amendment.....	48
Other States Have Changed Statutes and Constitutions Recently .	49
CHAPTER VIII	51
KENTUCKY'S PARTICIPATION IN THE JJDP GRANT PROGRAM.....	51
Status of the JJDP Grant Funding	51
Kentucky Lost the Use of Grant Funds for Two Fiscal Years	51
Jail Removal Requirements Were Not Met	52
Justice Cabinet Appealed the Adverse Decision.....	53
If Appeal Fails, OJJDP Could Reallocate Kentucky's Funds.....	54
Kentucky Should Consider a Fourth Mandate.....	55
Advantages and Disadvantages of Program Participation.....	56
Federal Grant Funded Alternative to Detention Programs and Plans	56
Costs of Compliance Could Be a Disadvantage for Kentucky.....	58
Local Governments Share Concerns About the Costs of Federal Mandates	60
A Settlement Agreement or Appeal Decision Will Determine Means of Future Compliance.....	60

LIST OF TABLES

TABLE 2.1	Rank of "Lack of Treatment" as a Problem in Dealing with Public/Youthful Offenders.....	5
TABLE 2.2	Appropriations and Status for Capital Construction Projects for FY 1990-1992.....	11
TABLE 2.3	Appropriations and Status of Additional DSS Programs.....	12
TABLE 3.1	District Judges Questions Regarding Pre-Adjudication Detention.....	16
TABLE 3.2	Funding and Status of Dept. of Corrections Juvenile Programs	20
TABLE 4.1	District Judges: "Have you ever sentenced juveniles to detention as a result of a habitual truancy case?"	22
TABLE 4.2	District Judges: "Have you ever sentenced or fined a parent as a result of a habitual truancy case?"	25
TABLE 5.1	Do you have sufficient information from the CDW and law enforcement agencies to adequately handle your cases?	29
TABLE 6.1	Schools: Problems Reconciling Two Definitions of Truancy.....	32
TABLE 6.2	Schools: "Which definition does your district use?"	33
TABLE 6.3	Questions on Juveniles' Rights Pre-Adjudication Period	35
TABLE 6.4	Questions on Juveniles' Rights Post-Adjudication Period.....	35
TABLE 6.5	Is Confidentiality of Case Information Essential in All Instances?.....	36
TABLE 7.1	Are Confidentiality Constraints Unfair to Victims?.....	45
TABLE 7.2	Should Expungement of Juvenile Records be Automatic?	46
TABLE 8.1	Programs Funded By the Juvenile Justice and Delinquency Prevention Act, 1986-1990	57
TABLE 8.2	Juvenile Justice and Delinquency Prevention Act Funds to Local Governments	58

LIST OF MAPS

MAP A	Locations and Capacity of Juvenile Detention Facilities in Kentucky	14
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LIST OF APPENDICES

A.	Survey of Kentucky County Attorneys on The Unified Juvenile Code	65
B.	Survey of Court Designated Workers on The Unified Juvenile Code	77
C.	Survey of CHR District Managers on The Unified Juvenile Code	87
D.	Survey of Kentucky County Governments on The Unified Juvenile Code	95
E.	Survey of Kentucky District Judges on The Unified Juvenile Code	103
F.	Survey of Kentucky Law Enforcement Officials on The Unified Juvenile Code	113
G.	Survey of Kentucky Public Defenders on The Unified Juvenile Code	125
H.	Survey of School Officials on The Unified Juvenile Code	135
I.	Federal Victims of Crime Act (VOCA) Awards	145
J.	Child Victim Trust Fund Awards	155
K.	Recent Victim's Rights Legislation Summary/NVC Data	159
L.	Constituional Amendments in Other States Rights of Crime Victims/Summaries	165
M.	Responses to Juvenile Code Study from the Affected Agencies	171

EXECUTIVE SUMMARY

In February 1993, the Program Review and Investigations Committee directed staff to survey the various entities involved in implementing Kentucky's Unified Juvenile Code (UJC). The UJC deals with all aspects of juvenile law, from status and delinquent offenses to dependency actions and termination of parental rights. Several entities handle juveniles under the UJC. The juvenile justice system is comprised of law enforcement agencies, district judges, schools, court designated workers (CDWs), county attorneys, public defenders, schools, and the Cabinet for Human Resources (CHR).

The purpose of this study is to identify problems experienced by personnel who implement provisions of the UJC, as well as concerns related to offenders and victims' advocacy groups and others concerning the rights of juveniles, and present the perspective of victims and victims' advocacy groups regarding their rights. This study also examines Kentucky's problems in complying with the Juvenile Justice and Delinquency Prevention Act (JJDP Act) grant funding requirements.

The results of this study indicate several common problems: 1) a lack of treatment facilities and local treatment alternatives; 2) the availability and use of detention, particularly pre-adjudication detention; 3) a lack of appropriate punishments for juveniles and a lack of parental responsibility; 4) barriers to cooperation and coordination among entities; and 5) statutory and procedural problems.

TREATMENT RESOURCES

Treatment for juvenile offenders and other children under the code is one of the major facets of the UJC. There are several requirements in the statutes regarding the care, treatment, and rehabilitation of committed children. Although treatment resources have expanded over the past several years, treatment resources and other treatment issues especially in dealing with public and youthful offenders, were still the problem most frequently mentioned by respondents to the Program Review surveys. A lack of community-based treatments has meant that some children spend more time in institutions than they need to. Because of the increase in demand for residential treatment services, CHR has shortened and intensified its residential treatment programs. In addition, some respondents raised concerns that the juveniles' rights to treatment are not being met.

DETENTION

Detention, particularly pre-adjudication detention of juveniles, was a major problem of every group surveyed. Pre-adjudication detention of juveniles is allowed for certain offenses and offenders. The Commonwealth utilizes three types of juvenile facilities. There is a total of 245 juvenile detention beds at 22 facilities across the state. Respondents also cited a lack of non-secure facilities and alternatives to detention. The most frequently mentioned remedies for this problem were a system of state-operated regional detention centers and expanding alternatives to detention. The General Assembly has appropriated funds for the operation of two new SJDFs, and has funded some alternatives to detention.

JUVENILE PUNISHMENTS AND PARENTAL RESPONSIBILITY

County attorneys, judges, law enforcement agencies, and school officials mentioned the lack of severe punishments for juvenile offenders as a major problem. Respondents felt that the lack of a severe punishment sends the message to juveniles that nothing will happen to them, so they have no reason to fear any consequences for their actions. In addition to stressing punishment for the juvenile, several survey respondents felt that parents needed to be held more accountable and responsible for the actions of their children.

COORDINATION AMONG ENTITIES

Respondents to all the Program Review Surveys mentioned problems with relationships among the various entities involved in implementing the juvenile code. One of the most frequently mentioned problems in this area was the disagreement between school officials and court designated workers (CDWs) about the reasons for slowness in the truancy process. Other specific problems with relationships, such as confidentiality problems, were not mentioned as often, but nevertheless, when compiled into a category, were one of the more significant problem areas.

STATUTORY AND PROCEDURAL PROBLEMS

A few minor concerns were raised regarding problems with various criteria and inconsistencies in the statutes. Problems with procedure were mentioned in the areas of juvenile rights, handling of status offenders, dealing with dependency and mental health cases, and the appeals process.

ISSUES IMPACTING VICTIMS OF JUVENILE CRIME

Victims of juvenile crime often feel that they are unfairly treated within the juvenile justice system. They feel that their rights either are too limited or are non-existent, particularly in comparison with the rights of victims of adult crime.

The confidentiality of information which prevails in the juvenile justice proceedings frustrates victims. While some public defenders, county attorneys, and Cabinet for Human Resources (CHR) managers say that confidentiality is not unfair to victims, others disagree.

The federally funded Victims of Crime Act (VOCA) provides grant money for direct services to crime victims to balance the system. Several state agencies administer service programs. The Attorney General's Task Force on Child Sexual Abuse and other advocacy groups in the state are proposing legislative changes which will improve victims' rights. Some twenty states have made recent legislative changes adding rights for victims of juvenile crime. Constitutional changes have been approved in thirteen states. These changes do not necessarily affect the juvenile system in every state.

KENTUCKY'S PARTICIPATION IN THE JJDPA GRANT PROGRAM

Congress enacted the Juvenile Justice and Delinquency Prevention Act (JJDPA) in 1974 to help states improve their juvenile justice programs. Kentucky has received over \$10 million in JJDPA funds since 1977. The state's failure to comply with the three federal jail removal requirements (de-institutionalization of status offenders, separation of adults and juveniles in secure institutions, and removal of juveniles from adult jails and lockups) caused Kentucky to lose the use of an additional \$2 million in the last two fiscal years. The Justice Cabinet appealed the adverse decision of the Office of Juvenile Justice Delinquency Prevention (OJJDP), citing conflicting requirements in the Kentucky Revised Statutes, possible solutions, and data errors.

The state must analyze the advantages and disadvantages of participating in the JJDPA grant program. Some local and state officials observe that the cost of compliance might exceed the advantages of receiving the federal funds. However, much of the money spent on programs to help comply with the grant (CDW program, juvenile detention programs) would be expended anyway. Measures to assure future compliance cannot be determined until a settlement is reached with federal officials or the appeal decision is rendered by them. Continuing to receive grant funds depends upon whether a state complies with grant requirements to meet the goals mentioned above, or shows significant progress towards meeting those goals.

Committee Action

The report was adopted by the Program Review and Investigations Committee at its October 11, 1993 meeting.

CHAPTER I

INTRODUCTION

In 1986, the Kentucky General Assembly enacted legislation that combined Kentucky's juvenile statutes under the Unified Juvenile Code (UJC). The UJC deals with all aspects of juvenile law, from status and delinquent offenses to dependency actions and termination of parental rights. In February 1993, the Program Review and Investigations Committee directed staff to survey the various entities involved in implementing Kentucky's Unified Juvenile Code.

The Code classifies juveniles into four basic categories: criminal offenders (public and youthful offenders); status offenders; dependent, neglected and abused (C/AN) children; and children hospitalized for mental health reasons. Public offenders are children accused of committing public offenses (felony, misdemeanor, violation) which if committed by an adult would be a crime. Youthful Offenders are children who, either due to their prior record or the seriousness of the present offense, may be transferred to circuit court for trial and sentencing as an adult, upon motion by the juvenile court prosecutor. The second category, status offenders, is children accused of committing acts which if committed by an adult would not be a crime. Such offenses include habitual truancy, habitually running away, and being beyond the control of parents (or teachers, guardians or custodians).

Dependent, neglected and abused (C/AN) children form the third category under the UJC. An abused or neglected child is one whose health or welfare is harmed or threatened by his parent, guardian or other person exercising custodial control or supervision of the child. A dependent child is a child, other than one who has been abused or neglected, who is under improper care, custody, control, or guardianship that is not due to an intentional act of the parent, guardian, or person exercising custodial control or supervision of the child. The fourth category encompasses children who are voluntarily and involuntarily hospitalized for mental health reasons. The process of commitment and rights of juveniles hospitalized for mental illness are covered under the Mental Health Act.

Several entities handle juveniles under the UJC and comprise the juvenile justice system.

- **Local Law Enforcement Agencies** are responsible for law enforcement, taking juvenile offenders into custody, and holding them until they are processed.

- **Court Designated Workers** process juvenile complaints against persons under the age of eighteen.
- **Local School Officials** report violations of the UJC by students on school property, and have extended responsibilities in dealing with truancy cases.
- **District Judges** have exclusive jurisdiction, in each county, in proceedings for any child under 18 years of age.
- **The Cabinet for Human Resources** is responsible for services and treatment of committed children, non-committed children, and youth placed under court-ordered supervision or probation. CHR also investigates dependency, neglect or abuse (C/AN) cases and operates residential treatments and group homes.
- **County Attorneys** are the main legal representatives of the state in most juvenile actions.
- **Public Defenders** provide for the representation of juveniles who are accused of crimes or are said to be experiencing mental problems which may result in their incarceration or confinement, and whose parents can't afford an attorney.
- **County Governments** provide detention facilities to hold children in custody pending the disposition of cases.

The results of this study indicate several common problems:

- lack of treatment facilities
- lack of local treatment alternatives
- the availability and use of detention, particularly pre-adjudication detention

- lack of appropriate punishments for juveniles and a lack of parental responsibility
- barriers to cooperation and coordination among entities.

Scope of the Study

The purpose of this study is to identify problems experienced by personnel who implement provisions of the UJC, as well as concerns related to offenders and victims' advocacy groups and others concerning the rights of the juvenile, and present the perspective of victims and victims' advocacy groups regarding their rights. This study also examines Kentucky's problems in complying with the Juvenile Justice and Delinquency Prevention Act (JJDP) grant funding requirements. The study relied on input from involved entities and focused on problem identification.

Methodology

To identify the problems related to implementing the UJC, the Program Review staff conducted background interviews and surveys of each of the major entities with responsibility under the UJC. Results of these surveys are shown in Appendices A Through H. The survey questions were developed from problems identified in a series of preliminary interviews. Staff reviewed budget and program information related to juvenile detention facilities and programs, and conducted interviews with officials and staff of the Administrative Office of the Courts, Cabinet for Human Resources, and the Department of Corrections. To ascertain the opinions of victims and juvenile advocacy groups, representatives from those groups were interviewed. In examining Kentucky's participation in the JJDP grant program, staff conducted interviews with officials and staff of the Justice Cabinet and the Cabinet for Human Resources (CHR), the Administrative Office of the Courts, county officials, a representative of a nonprofit organization and attorneys representing juveniles. Grant status reports, task force reports and other literature also were reviewed.

Overview

Chapters II through VI identify and discuss various problems experienced in implementing the UJC and suggested remedies. Chapter VII presents a comparative analysis of victims' rights in adult and juvenile crimes, presents victims' opinions, and discusses federal and state responses to victims of crime. Chapter VIII describes Kentucky's participation in the JJDP formula grant program and presents policy options. Appendix M contains the responses to the report by affected agencies.

CHAPTER II

TREATMENT RESOURCES

Treatment for juvenile offenders and other children under the code is one of the major facets of the UJC. There are several references in the statutes regarding the care, treatment, and rehabilitation of committed children. Although treatment resources have expanded over the past several years. Treatment resources and related issues were the most frequently mentioned problem in response to the Program Review surveys. In addition, some respondents raised concerns that the juveniles' rights to treatment are not being met.

Problems with Treatment Resources

The lack of state and community treatment resources was cited repeatedly as a major problem by all entities surveyed. This lack of resources is a particular problem in dealing with public and youthful offenders. Table 2.1 shows the number of respondents to each survey who ranked lack of treatment options as one of the three most critical problems faced in dealing with public and youthful offenders.

TABLE 2.1

Rank of "Lack of Treatment" as a Problem in Dealing with Public/Youthful Offenders

Group Surveyed	Total Surveys Returned	Total Responses (Up to 3 Responses Per Survey)	Times Treatment Mentioned as Problem	Percent	Rank of Problem
District Judge	51	124	56	45.2	1
Court Designated Workers	86	178	36	20.2	2
County Attorneys	25	36	14	39.0	1
Public Defenders	25	52	13	25.0	1
Local School Officials	110	132	23	17.4	3
CHR District Managers	14	33	20	60.6	1
Law Enforcement	54	102	0	0	--
County Governments	37	73	9	12.3	2

SOURCE: Program Review Surveys on UJC, April, 1993

Problems with the lack of available treatment were fairly evenly split between lack of state-administered treatment, through the Cabinet for Human Resources, and community-based treatment and counseling resources. The lack of treatment has several consequences, include increased pressure on CHR to provide treatment, shorter stays in programs, and delays before entering programs.

Lack of Local Treatment Resources Puts More Pressure on CHR

Not all areas of the state have community-based treatment options. This creates a problem for CHR, in that there are often no alternatives to sending committed juveniles to CHR residential programs. If children cannot be placed quickly and there are no community-based alternatives, the Family Service Workers must try to maintain contact and attempt some kind of care of the juvenile. The lack of treatment alternatives reportedly results in children staying in residential placements for shorter periods.

Several respondents suggested that expansion of local community-based counseling programs and other non-residential services for juveniles and families would help bridge the gap that presently exists for children awaiting placement. These programs might also serve as an option for some juveniles who could avoid residential treatment.

Lack of CHR Residential Beds Means Shorter Stays for Committed Children

CHR's Division of Children's Residential Services (CRS) is responsible for operating residential treatment and day treatment for juveniles. CRS has 655 beds in its various residential facilities and 684 treatment slots in 17 day treatment programs that provide services to children. Because of the higher incidence of crime and other behaviors for these services (referrals have increased from 814 in 1990 to a projected 1200 + in 1993), there has been a shortage of placements for these children. This shortage has had two major effects. First, time spent by children in these programs has decreased, with the exception of sexual offenders. Second, a waiting list for these services continues to exist, despite the Cabinet's efforts to modify treatment programs to decrease the length of treatment where appropriate.

Over the past two years, the average treatment time in a CRS facility has decreased from seven months to approximately four months, according to CRS staff. Youthful offenders, severely emotionally disturbed children, and sex offenders usually stay longer. The staff and administration of CHR are concerned that the reduction in treatment time does not allow children enough time to learn new behaviors and could result in an increase in recidivism.

CHR was forced to implement a waiting list in 1983. During 1992, the number of children on the waiting list varied, from a low of 26 to a high of 90.

For the first four months of 1993, the number has held steady between 49 and 52. This delay in treatment was mentioned as a problem by several entities, who felt that it sends the message to the juvenile that there are no consequences for their actions. CHR states that it has taken steps to expand services and reduce the waiting list, but it may never be eliminated altogether. CHR also reports that juvenile services specialists and Family Service Workers have worked together to develop treatment groups for children awaiting placement, ensuring that children receive some care while awaiting treatment.

Lack of Treatment Causes Problems Meeting Statutory Mandates

Another major problem caused by the lack of treatment, particularly community-based treatment, is the meeting of statutorily mandated lengths of treatment. Juvenile sex offenders, for example, are required to have a minimum of two years of treatment. Although residential programs need not last two years, community-based counseling resources are lacking in many areas, thus forcing some children to be institutionalized for the full period prescribed by law. Local resources are inadequate in some areas of the state. The Attorney General's Task Force on Child Sexual Abuse made recommendations to expand length of treatment for these offenders from two years to between two and three years, and define the types of treatment these offenders should receive. The Task Force also recommended expanding the definition of juvenile sexual offender by removing a previous requirement that these offenders must be at least five years older than the victim.

Advocates Question Whether Juveniles' Right to Treatment Is Being Met

KRS 600.010 (2) (d) states that "Any child brought before the court under KRS Chapters 600 to 645 shall have the right to treatment reasonably calculated to bring about an improvement of his condition." The fact that a majority of all entities surveyed cite the lack of treatment facilities and programs as a major problem raises questions as to whether the juveniles' right to treatment is being fulfilled. Additionally, several advocates interviewed expressed concerns that fulfillment of juveniles' right to treatment is affected by long waiting periods before placement for treatment and by the inadequacy of treatment. For several biennial periods, CHR has requested additional funding to construct specific facilities for housing and treating these juveniles.

CHR administrators and workers recognize the problems they face in serving the numbers of children with the options available to them. In addition to those previously mentioned, some of the more serious problems cited were:

- Day treatment was designed to intervene early, but sometimes receives juveniles too late. Sometimes this program must serve the committed juveniles who arrive for treatment with nine or ten petitions. These juveniles have

had diversion, community service, and other informal adjustments, or multiple charges which have been merged by the judicial system.

- Group homes, designed to serve eight juvenile offenders at a time who are not able to live at home, face several distinct problems. (1) Currently this program accepts sex offenders, for which the treatment is complex; (2) Group home staffing is very limited, by the nature of the program; and (3) There is a high turnover rate among group home staff, due to low salaries and job stress.
- Although statutes (KRS 605.100(1)) mandate that CHR provide a classification system for juveniles, to define the problems and to determine the most appropriate type of care, administrators say no classification system actually exists, because of shortages of space and resources. The juveniles, then, are placed according to availability.

CHR has recognized the need to demonstrate accountability for the services it provides and has developed an outcome evaluation system. The pilot program data will not be available until December 1993. CRS staffs have been collecting data for a representative sample, combined with court and educational data, since July 1, 1992. They envision that the "information will assist management and staff in determining the most effective treatment and academic interventions for youth and families." One advocate gave the quality of treatment such priority that the advocate was willing to forego some of the confidentiality of the system, simply to access CHR records and statistics, and allow limited scrutiny by specific interested parties.

Lack of Treatment Resources Also Affects Status Offenders

Six of the eight groups responding to Program Review's survey regarding the Unified Juvenile Code mentioned lack of treatment options as the most critical problem faced in dealing with status offenders. As noted earlier, status offenses are offenses, such as truancy or running away, which, if committed by an adult, would not be a crime. Many of the problems with treatment of status offenders are similar to the problems previously discussed with public and youthful offenders, such as lack of facilities, waiting lists, and lengths of treatment. One of the major suggestions for expanding treatment for status offenders, especially truants, was the use of alternative schools or day treatment. School officials especially felt that this type of treatment allowed them to work with troubled youth and keep them in school without going to the court system.

Lack of Foster Homes and Emergency Shelters Is a Problem in C/AN Cases

Lack of treatment was also a major problem in dependency, neglect and abuse (C/AN) cases. Specifically mentioned was the lack of counseling resources and the lack of foster homes and shelters, particularly for children in emergency situations. The number of foster homes in the state has remained fairly constant over the past few years, at around 1500. The former manager of the state Foster Care Review Board System felt that there needs to be more professional back-up and support for foster families, to deal with increasingly difficult children committed to their care.

Emphasis on Family Reunification Not Always Effective

Some judges and county attorneys responded at length in the survey that CHR takes its responsibility to strive for family reunification too far and is not quick enough in beginning proceedings for termination of parental rights. These respondents argue that keeping a child in foster care when the parents are not cooperating in treatment further punishes the child. One respondent suggested that there be a statute requiring the parents to be responsive to court orders within six months or be subject to termination proceedings.

One judge responded that the entire system of putting the child back in the home after the parents participate in education programs does not, in the majority of cases, improve the situation of the child. He stated that most C/AN cases deal with parents who don't care or who are irresponsible and the concept of restoring their family after teaching them how to care or become responsible is just unrealistic. He also felt that judges, social workers and medical personnel need to integrate their disciplines, so as to keep the disruption to the child at a minimum. This approach would include placing the child with the people that the child was attached to or bonded with, regardless of their kinship. Several judges and county attorneys recommended that termination and adoption proceedings need to be a much quicker process.

Parents who wish to maintain legal custody of their children are required to participate in therapy in which they attend conferences with a Family Service Worker at regular intervals. The former manager for the Foster Care Review Boards cited problems getting the parents to actively participate in treatment. He stated that the system makes the parents too comfortable with the process of losing their children because they know that the children will be cared for while they retain legal custody. He felt the system should provide more of a probationary type setting, so that the parents feel that they have something to lose.

Respondents Feel There Are Insufficient Mental Health Facilities for Children

The fourth category of children under the UJC, those hospitalized for mental health reasons, also experience problems because of a lack of treatment options. A major problem surrounding implementation of the Mental Health Act was the perception among respondents that there is a lack of facilities in this state which are able or willing to accept children, particularly children without insurance coverage. The respondents also complained that placements are too short term and community resources for aftercare or alternative treatments are lacking. The major suggestion in this area was for more resources, particularly in the area of hospital beds for children and adolescents and increased community counseling and after care resources.

Expenditures for Treatment Programs

CHR has over the past few years, expanded treatment options available to committed children. In addition to building new facilities and expanding existing facilities, the Cabinet has added new day treatment programs and worked toward developing more community-based resources for sex offenders and severely emotionally disturbed children. CHR has also begun identifying youth in programs who would be appropriate for early release, thereby freeing up more residential beds.

Funding for CHR Juvenile Services Programs Has Been Increased

CHR's Division of Children's Residential Services provides day treatment programs, placement and services in group homes and residential facilities, and clinical services. From 1986 to 1992, over \$119 million was appropriated and over \$109 million was expended for juvenile treatment services. The General Assembly has attempted to address the need for additional juvenile services, especially the need for additional beds to reduce the waiting list for juvenile offenders awaiting placement in CHR facilities. As recently as March, 1993, the Deputy Commissioner of the Department for Social Services (DSS) wrote in a memorandum that the waiting list has created a number of problems. Included were problems caused by court-ordered placements and show cause orders, requiring appearances by the Commissioner of DSS and the Secretary of the Cabinet. The waiting list has also resulted in the early release of youth from treatment facilities before they were ready to return to their communities.

In FY 1990-1992, the Capital Construction budget contained appropriations to increase the number of facilities. Table 2.2 shows the appropriations and status of those projects.

TABLE 2.2

**Appropriations and Status for Capital Construction Projects
for FY 1990-1992**

Capital Construction Items	FY 1990-91	FY 1991-92	Project Status
1. Two 12-bed residential facilities in Fayette Co. and Laurel Co. to implement a 90-day, high intensity programs for juveniles.	\$500,000	\$500,000	The Dept. is in Phase B of the capital construction process in Fayette Co. Completion of the facility is projected for March 1994. Plans for the Laurel Co. facility have been delayed, due to a lack of construction funding.
2. Construction of a day treatment center in Hardin Co. to replace leased space.		\$650,000	Center opened January, 1993.
3. Construction of a vocational building at Cardinal Treatment Center to provide vocational training for the juvenile residents.		\$275,000	The project is approximately 50% complete. Target completion date is Fall, 1993.
4. Construction of a secure juvenile detention facility in eastern Kentucky.	\$1,000,000		Funds for establishing the detention facility were transferred to the Justice Cabinet, Dept. of Corrections, in the FY 1992-1994 budget.

SOURCE: 1990-1992 Budget of the Commonwealth, Capital Construction, CC-102-104.

Also, during the 1990 Regular Session, the General Assembly appropriated additional funds to increase juvenile treatment services. Funds, in the amount of \$1 million for FY 1991 and \$1.25 million for FY 1992, were to be used for the operating expenses for two 12-bed "high intensity" facilities and one 8-bed transitional group home. During the 1992 Regular Session, the Capital Construction budget appropriated over \$2 million to replace the Central Ky. Reed Treatment Facility in Lexington. Table 2.3 shows the status of these items.

TABLE 2.3**Appropriations and Status of Additional DSS Programs**

Item	FY 1992-93	FY 1993-94	Program Status
1. Opening and operating the new boys' residential facility in Laurel County, currently under construction.	\$189,000	\$950,000	The "high intensity" program proposed for London has been put on hold, due to the high cost of renovation. A final decision regarding this project will be made prior to the 1994 Session.
2. Debt service to begin construction on new Re-Ed facility in Fayette County.		\$211,000	Will start on 7-1-93.
3. Additional operating costs at current juvenile facilities*	\$800,000	\$1,150,000	*According to CHR, this is not a true expansion item. It is to cover inflation on operating costs of existing facilities.

SOURCE: 1992 - 1994 Budget Memorandum, pp. 297 - 298.

Along with CRS juvenile treatment programs, the Cabinet's Division of Family Services offers a program called "Juvenile Services in the Community." Eligible youths are those committed, non-committed, or probated to DSS, or those whose unlawful behavior is likely to bring them to the attention of the courts or law enforcement officials. The services are provided in the community and assist youth returning from residential placements. Services include: assessment, individual and family counseling, probation services and supervised placements. State expenditures for this program totaled over \$27 million from FY 1986 to FY 1992.

Despite Efforts to Expand Programs and Services, Areas of Need Remain

Even with efforts to address needs for additional facilities and programs, needs remain. First, CHR's goal is to provide services and programs within reasonable proximity of an offender's home. This is one reason for suggesting a regional approach to detention and other services. Second, there is an emerging need for programs to treat juveniles with multiple or severe problems, and a continuing need to expand community-based resources. Some needs in these areas are: aftercare programs, especially for rural areas and higher risk urban youth; high intensity programs; community-based resources and specialized services designed to serve severely emotionally handicapped juveniles; and supervision centers, which would provide after school counseling and serve as a substitute for day treatment.

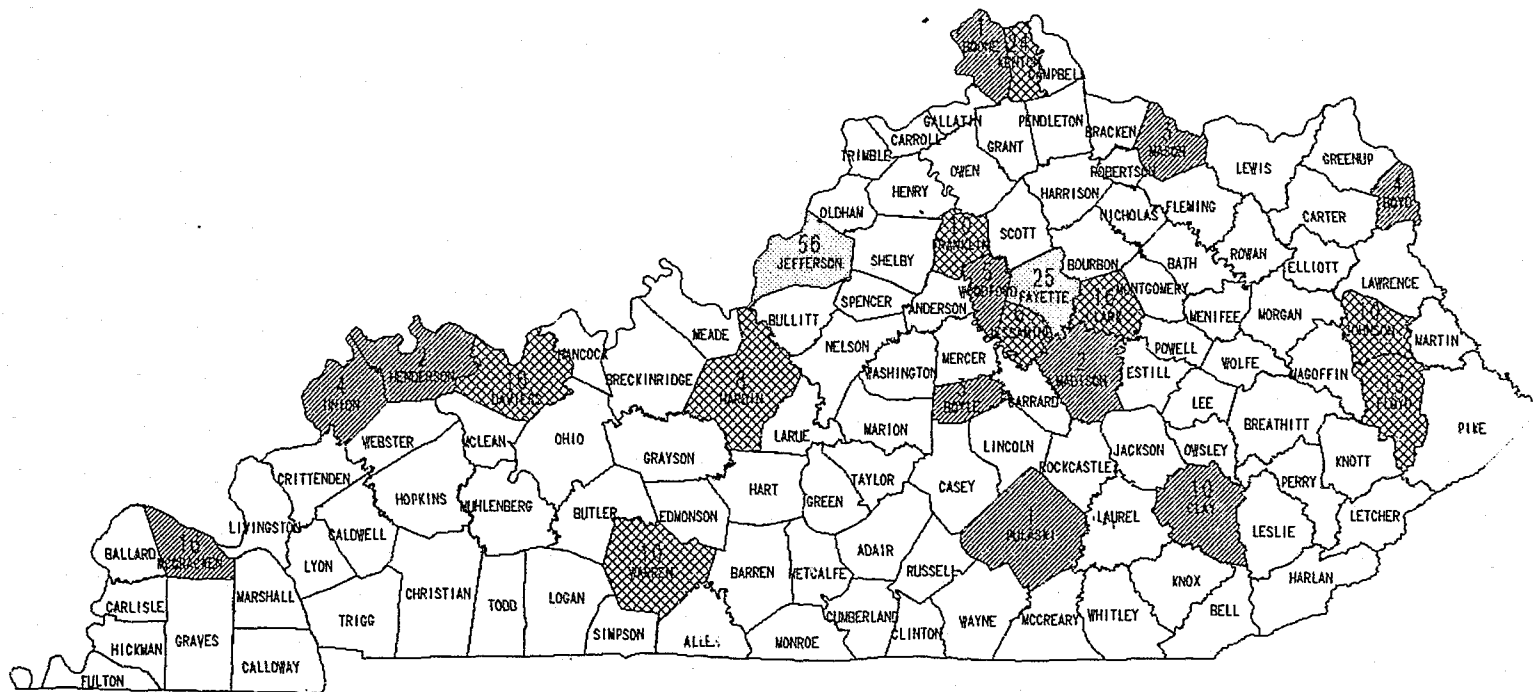
CHAPTER III

DETENTION

Detention, particularly pre-adjudication detention of juveniles, was a major problem of every group surveyed. Pre-adjudication detention of juveniles is allowed for certain offenses and offenders. This process requires that any detained juvenile shall have a detention hearing before a judge within 24 hours (exclusive of weekends and holidays.) At this hearing, the judge shall make a determination of probable cause and decide whether detention should be continued until trial.

The Commonwealth utilizes three types of juvenile facilities: (1) Secure Juvenile Detention Facilities (SJDFs) are totally separate facilities for children (not connected to a jail building.) There are two SJDFs in the state, one in Jefferson County and the other in Fayette County, with a total of 81 beds; (2) Juvenile Holding Facilities (JHFs) are physically secure settings which may be a portion or wing of an adult jail building and which provide total separation between juvenile and adult areas. There are nine JHFs in the state, for a total of 113 beds; (3) Intermittent Holding Facilities (IHF) are physically secure settings entirely separated from sight and sound from all other portions of a jail containing adult prisoners. There are eleven IHFs in the state, with a total of 51 beds. Map A shows the location of all of these facilities.

MAP A
Locations and Capacity of Juvenile Detention Facilities in
Kentucky



LEGEND:

- Secure Juvenile Detention Facility (Total Capacity - 81)
- Juvenile Holding Facility (Total Capacity - 113)
- Intermittent Holding Facility (Total Capacity - 51)

SOURCE: Compiled by Program Review staff from data provided by Justice Cabinet, June, 1993

Problems Regarding Detention

The major problem surrounding detention is the lack of reasonably close facilities to many areas of the state. Due to the 24-hour detention hearing requirement, transporting juveniles to and from a detention center is reported to be very burdensome for the law enforcement agencies who have that responsibility. Public Defenders raised concerns that detention is used too frequently or inappropriately. The problems with detention are exacerbated by the fact that relatively few alternatives to detention are available across the state.

A Majority of District Judges Felt That Detention Options Are Too Limited

The Program Review survey asked District Judges their feelings on several statements regarding pre-adjudication detention of juveniles. Table 3.1 shows the results of these questions. A large majority of the 51 responding judges (83.3%) approved of the present criteria for determining whether a juvenile should be detained. Further, 88% of the responding judges felt that adult facilities should not be used to house accused juveniles if other placement is available.

Judges were also in agreement on the lack of detention and alternatives to detention. A large majority (82.4%) of the responding judges felt that there were not adequate detention facilities for juveniles in their district. A slightly smaller majority (75.5%) felt that alternatives to detention offered in the district were not effective in taking the place of traditional detention.

TABLE 3.1**District Judges Questions Regarding
Pre-Adjudication Detention**

	Agree/Strongly Agree		Disagree/Strongly Disagree	
Q7. The criteria for pre-adjudication detention are effective in balancing the rights of the child and the safety of the child and public.	40	(83.3%)	8	(16.7%)
Q10. Adult jails and lockups should be eliminated as a placement option for accused juvenile offenders, provided that appropriate alternatives are made available.	44	(88%)	6	(12%)
Q8. There are adequate detention facilities in my district	9	(17.6%)	42	(82.4%)
Q9. The alternatives to detention in my district are effective in taking the place of traditional detention options.	12	(24.5%)	37	(75.5%)

SOURCE: Program Review & Investigations Committee survey of District Judges, April, 1993.

Public Defenders Think Detention Used too Frequently

Public defenders were asked in the Program Review survey to comment on statements regarding the handling of juveniles during the pre-adjudication period. A majority of public defenders (68%) agreed that children are detained too frequently. Often, respondents said, children are detained and then released after the detention hearing. When asked if detention was used for its "shock" value, 83% of the responding public defenders agreed.

Pre-Adjudication Detention Is a Financial Problem for Counties

Under KRS 067.083, county fiscal courts shall provide a suitable facility in which to hold children in custody, pending the disposition of cases. Counties which do not maintain such facilities must contract with other counties to provide this service. The sending county is responsible for transporting of the juvenile.

According to figures from the Justice Cabinet, Kentucky counties budgeted over \$4 million in FY 92-93 for juvenile detention and over \$1.2 million

over the same period for other programs for juveniles. County officials who responded to the survey felt that the cost of juvenile detention was too high, the distance to detention too great, and regulations on detention centers too restrictive. The most frequently suggested solution to these problems was the establishment of a system of state-operated regional detention centers for juveniles.

Detention Is a Problem for Law Enforcement and CDWs Because of Time and Distances Involved

Finding detention space for juveniles taken into custody was also the biggest problem of law enforcement agencies and court designated workers (CDWs) who responded to the Program Review study. Law enforcement agencies, especially sheriffs, had problems with the great distance to detention centers, and the fact that, because of the 24-hour detention hearing requirement, their officers often had to make two lengthy round trips. Most law enforcement agencies also replied to the survey that they are not reimbursed for these travel expenses. Both law enforcement agencies and CDWs felt regional detention centers would help alleviate this problem.

Limits on Detention of Status Offenders Lead to Problems

Pre-adjudication detention or holding of status offenders was another major problem cited by several groups of respondents to the surveys. This is a problem because status offenders cannot be detained in a juvenile detention facility except on contempt of court, if they are a runaway, or if they are AWOL from a secure or non-secure facility. Law enforcement agencies, CDWs, and District Judges all expressed a need for more non-secure holding facilities to help deal with juveniles who have run away or are beyond parental control. Alternatives to detention programs could be effective in dealing with status offenders who cannot immediately be returned home.

Alternatives to Detention Are Needed

In addition to a lack of secure detention facilities, respondents to the survey said there is a lack of alternatives to detention throughout the state. There are four major alternatives to detention in use in Kentucky. **Court Resource Homes** (36 statewide) are private homes which agree to accept one or two juveniles for a two to three-day period. **Group Homes** provide housing for 8 - 15 juveniles in a more structured setting. There are ten group homes operating in Kentucky, with a capacity of 114. **Youth Attendant Programs** (11 statewide) provide one-on-one supervision of juveniles awaiting transportation or guardian pick-up. Attendants usually stay with the juvenile less than six hours. **Home/School Detention** is a court-ordered placement requiring juveniles to be

in school or at home. Participants receive one home visit and one phone checkup per week. Five of these programs operate statewide.

Reimbursement is provided to counties who use these programs. This reimbursement comes from both state money and federal grants. While these alternatives are spread throughout the state, certain areas, such as southeastern Kentucky, do not offer many of these services.

Legislative Actions to Improve Juvenile Justice Programs

The General Assembly has funded some requests for expanding detention facilities and juvenile programs. During the 1990 and 1992 Regular Sessions of the General Assembly, funds were appropriated for training court designated workers and expanding staff for juvenile services in the Administrative Office of the Courts (AOC). Also, funds for continuing and expanding secure and nonsecure detention facilities and programs provided through the Department of Corrections were appropriated.

State Funding for Juvenile Justice Programs Has Increased

The major juvenile justice programs in the area of pre-adjudication detention are funded through the Administrative Office of the Courts and the Justice Cabinet. Juvenile services in AOC include two programs, the CDW program and the Foster Care Review Boards. The CDW program is responsible for making the initial determination as to whether a juvenile will be handled through a formal court process or by informal means, through diversion programs. There are 122 CDWs statewide, with at least one in every judicial district. The CDW program has reduced the number of juveniles detained and helped reduce the need for detention. Between 1986 and 1992, general fund expenditures for the CDW program were more than \$16 million. Over \$8 million has been budgeted for FY 1992-1994. In addition, the FB 1992-94 Final Budget Memorandum provided appropriations to fund continuing education programs for CDWs and fund three additional CDW positions.

Secure Detention Programs Are the Responsibility of Corrections

In the 1990-1992 biennium, funds were allocated to CHR to build a secure detention facility in eastern Kentucky. CHR, however, did not act to build the facility, because, according to a CHR official, the Cabinet did not want to get into the business of incarcerating children. CHR saw its role as dealing with treatment, not detention.

During the 1992 Regular Session, the funds for the secure detention facility were moved from the CHR budget to the Justice Cabinet budget. The

rationale behind the transfer was that the Justice Cabinet was applying for the Juvenile Justice and Delinquency Prevention Act (JJDP) grant, Corrections had a program for inspecting jails, and inspections of jails and secure detention centers could be combined. Therefore, Corrections should control the funds. The 1992-1994 Biennial Budget provided for establishing the following juvenile programs in Corrections. Table 3.2 presents the programs and their status. Two secure detention facilities were included, one in eastern and western Kentucky. To date, neither project is under construction.

TABLE 3.2

**Funding and Status of Dept. of Corrections
Juvenile Programs**

Item (a)	FY 1992-93	FY 1993-94	Program Status ^(b)
1. Gateway Juvenile Diversion Project operating funds	\$225,000	\$225,000	Operations on-going
2. Nonsecure juvenile diversion program in Daviess Co.	\$78,100	\$78,100	Daviess Co. Diversion Project was awarded to the Mary Kendall Home in Owensboro, KY.
3. Debt service on secure juvenile detention center in Rowan Co.	\$88,200	\$88,100	Site at Morehead, Ky. was selected, but faced community opposition. Also, the planned renovation would have cost more than one million dollars. A request to change the site to Jackson, Ky. has been placed before the Appropriations & Revenue Committee. Nothing has been finalized.
4. Operating funds for the eastern Ky. secure detention facility		\$250,000	See above.
5. Establishing a western Ky. secure juvenile detention facility		\$186,900	The Daviess Co. Jailer presented a proposal to build the secure juvenile facility before the Budget Review Subcommittee on Justice, Corrections and Judiciary. To date the project has not been awarded.

Sources of Data:

- (a) 1992 General Assembly, FB 1992-1994 State Executive Budget, Final Budget Memorandum, pp. 333-334.
- (b) LRC Budget Review meeting; interviews and telephone conversations with LRC Budget Review staff ; CHR and DOC staff.

CHAPTER IV

JUVENILE PUNISHMENTS AND PARENTAL RESPONSIBILITY

Several of the groups surveyed mentioned the lack of serious punishments for juvenile offenders as a major problem. This problem was mentioned most often by County Attorneys, judges, law enforcement agencies, and school officials. Several survey respondents also felt that parents needed to be held more accountable and responsible for the actions of their children.

Need for Juvenile Punishments

Many respondents to the Program Review surveys felt that the lack of a serious punishment sends the message to juveniles that nothing will happen to them, so they have no reason to fear any consequences for their actions. Another concern regarding punishment, particularly among judges, was that there is very little monitoring of probation. The judges who cited this as a problem felt that taking this duty away from the Cabinet for Human Resources (CHR) and giving it to another agency (such as the Administrative Office of the Courts) would give probation more focus and make it more effective.

Some Respondents Felt Truancy Punishments Should Be More Stringent

One area in which lack of punishment was mentioned as a problem was with habitual truancy. Increased punishments were the most frequently mentioned proposal for dealing with this problem. Some respondents suggested that they would like to see truants who violate court orders be held in contempt of court and detained. A majority of judges responding to the Program Review survey said they had done this in the past (see Table 4.1). This option did not seem to be used as much as other options, such as fines against parents, with the majority of judges using it five or fewer times in an average year.

TABLE 4.1

District Judges

**"Have you ever sentenced juveniles to detention
as a result of a habitual truancy case?"**

Total Responses = 51

YES	29	(56.9%)
NO	22	(43.1%)

**"If YES, on average how often does this occur
over the course of a school year?"**

Total Responses = 25

NUMBER OF OCCURRENCES	FREQUENCY	PERCENT
1 - 5 Times	16	64
6 - 10 Times	5	20
10 - 15 Times	3	12
15 + Times	1	4

SOURCE: Program Review & Investigations Committee Survey of District Judges, April 1993.

Law Enforcement Agencies and City Governments Want to Enforce Curfew Ordinances

Although not mentioned as a major problem by respondents to the Program Review survey, the handling of curfew violations has been a topic of some importance for law enforcement agencies and local governments. The Unified Juvenile Code (UJC) expressly states that curfew violation is not a status offense. A 1990 Kentucky Supreme Court Decision, in the case of City of Covington v. Court of Justice, Ky., 784 SW 2d 180 (1990), addressed enforcement of curfew. The City of Covington sought to require court designated workers (CDWs) to process juveniles as public offenders. The court ruled that curfew violations were not a public offense, since "public offenses" are defined by statute as offenses "... which, if committed by an adult, would be a crime."

HB 63, introduced during the 1992 Session of the General Assembly, would have made violations of local curfew ordinances status offense but would have prohibited placing violators in any juvenile detention facility. The Kentucky League of Cities was among those supporting passage of this bill. Representatives of the League stated that the 1990 decision raised doubts that juvenile curfews were enforceable. They felt that being able to enforce these curfews would promote safety in the community while reducing juvenile crime.

However, the courts opposed the bill. In a March 26, 1992, letter to Senator Joe Wright, Chief Justice Robert Stephens stated that since curfew ordinances are not uniform statewide, enforcing them as status offenses places inordinate burdens on the court, and could result in less than equal treatment of juveniles by the courts. Chief Justice Stephens was also concerned that while the language of the bill proscribed detention of curfew violators in juvenile facilities, it did not prohibit housing these children in jails. He also argued that law enforcement agencies presently have the power to cite curfew violators and transport them home, a power affirmed by Covington vs. AOC.

AOC estimated the cost of the legislation to their agency to be in excess of \$800,000 per year. AOC estimated that including curfew offenses as status offenses would result in a caseload increase of 12,250 annually, requiring an additional 34 CDW positions statewide. Representatives of the Department Of Public Advocacy warned of increased costs for defense of indigent juveniles and local government's exposure to litigation stemming from these ordinances.

House Bill 63 was not passed during the 1992 Regular Session of the General Assembly. Several cities are attempting to enforce curfews by charging parents with endangering the welfare of a minor, KRS 530.060, or constructing curfew ordinances which hold the parent responsible for a curfew violation. Both of these strategies are in use around the state.

Parental Responsibility

Survey respondents encouraged increasing parental responsibility for the actions of children. Respondents felt that getting the attention of parents in these matters would cause them to be more conscientious in the monitoring of their children's activities. In fact, the statutes already provide for some sanctions against parents. Increased parental responsibility was particularly popular as a solution for dealing with habitual truants.

Judges Suggested That Parents Should Be Held More Responsible

In addition to promoting more serious consequences for offenders, several respondents to the survey suggested increasing the possible consequences on parents of juvenile offenders. The Juvenile Code presently has some recourses for parental responsibility which can be employed at the discretion of the judge.

The court may order that a parent or guardian actively participate in treatment or social service programs (KRS 610.160) to help the juvenile. The court may handle violators of these orders as being in contempt of court.

Additionally, parents may be ordered by the court to contribute financially to the support of their children who have been committed or probated and are in placement. (KRS 610.170.) In addition, parents can be assessed a financial penalty for their children's violation of the law. KRS 610.180 states that the parents of a probated public offender can be required to post a bond of up to \$500, which can be forfeited if the child commits another public offense or otherwise violates the conditions of probation because of the parents' failure to exercise control of their child. The money forfeited will go to pay for any damages caused by the child. Any money remaining shall be returned to the parents or guardians when the child reaches eighteen. Since all of the aforementioned sanctions on parents are optional, how often they are used by District Judges throughout the state is unclear.

Parental support groups comprise one aspect of the CRS Day Treatment Program. As part of the juvenile's probation, the parents convene on a weekly basis for several months. In some counties, the program is court-ordered. But in at least one county with a large juvenile offender population, the administrators notified all parents with children in the program; only two responded. The Day Treatment administrator explained that the county could not hold parents in contempt, because the number of violations would overburden the docket.

Lack of Parental Support and Cooperation Is a Major Problem in Truancy

Both CDWs and school officials also felt that a lack of parental support and cooperation was a big factor in the problems they had in dealing with habitual truants. Suggestions from both entities centered on making parents more responsible for their children's truancy, a point which is already addressed by statutes. KRS 159.180 makes parents responsible for violations of compulsory attendance laws by their children. The penalty provision imposes a \$100 fine for the first offense, and a \$250 fine for subsequent offenses.

When asked whether they had ever sentenced or fined a parent as the result of a habitual truancy case, 78.4% of the 51 responding judges answered affirmatively (Table 4.2), with the majority of the 78.4% taking action against parents between one and ten times per year on average.

TABLE 4.2

District Judges

**"Have you ever sentenced or fined a parent as a
result of a habitual truancy case?"**

Total Responses = 51

YES	40	78.4
NO	11	21.6

**"If YES, on average how often does this occur
over the course of a school year?"**

Total Responses = 35

NUMBER OF OCCURRENCES	FREQUENCY	PERCENT
1 - 5 Times	17	48.6
6 - 10 Times	10	28.6
10 - 15 Times	3	8.6
15 + Times	5	14.3

SOURCE: Program Review & Investigations Committee Survey of District Judges, April 1993.

School officials were also more supportive of increased parental responsibility for truancy. A majority of responding school officials (64%) felt that truants should be treated as dependent, neglected and abused children. Respondents felt this was a particularly good idea when dealing with grade-school children. Another 15% felt that this tactic should be used on a case-by-case basis.

CHAPTER V

COORDINATION AMONG ENTITIES

Respondents to all the Program Review Surveys mentioned problems with relationships among the various entities involved in implementing the juvenile code. One of the most frequently mentioned problems in this area was the disagreement between school officials and court designated workers (CDWs) about the reasons for slowness in the truancy process. Other specific problems with relationships, such as confidentiality problems, were not mentioned as often, but nevertheless, when compiled into a category, were one of the more significant problem areas.

CDWs and Schools Express Frustration with Truancy Process

Both CDWs and school officials expressed problems with the process of identifying truants and getting them through the court system. The CDWs' major reported problem in dealing with truancy was a lack of timely reporting by the schools' directors of pupil personnel, while the school officials complained that the court process takes too long. Of the 104 school officials who responded to the question of whether truancy procedures took too long, 83.7% said yes. The reasons they gave for the delay were the court process, and a lack of CDW availability and coordination. Several school officials felt that the CDW role in truancy repeated steps already taken by schools and slowed the process.

Dealing With Special Education Children Has Created Friction

One problem emphasized by a few school districts was the CDWs' refusal to be involved with special education children who the school felt were beyond the control of teachers. While being "beyond control" is considered a status offense, the schools are nevertheless required to educate these children.

The Federal Individuals with Disabilities Education Act (IDEA) states that behavioral problems of children with disabilities require school system remedies. In Honig v. Doe 484 U.S. 305, 1085 S.Ct. 592, the courts ruled that allowing districts to have these types of children cited in juvenile court would allow the districts to circumvent federal law.

The Director of the Juvenile Services Division of the Administrative Office of the Courts (AOC) states that in the summer of 1992, prior to the annual CDW training conference, his office was contacted by the state Department of Education about dealing with special education children. The Department of Education recommended that CDWs require that any district filing a beyond-control-of-teacher complaint include an affidavit that certifies that the child is not a special education student and that the disruptive behavior was not the result of any disability or condition the child has. AOC's Office of Juvenile Services received a legal opinion that stated that the juvenile court should not normally be involved with these special education children. CDWs will still accept public offense complaints against any child, regardless of problems.

This information from DOE was also presented to the District Judges at their annual judicial college. This affidavit procedure is applied based on the decision of the judges; if the judge wants an affidavit from the schools, the CDW gets it.

Problems with CHR Investigations Due to Lack of Field Staff

Respondents to the Program Review surveys felt strongly that CHR staff responsible for investigating C/AN cases carry heavy caseloads, which often prohibit them from providing timely and thorough investigations. Judges, law enforcement agencies, and schools all mentioned problems with the quality of CHR social workers' investigations. The major suggestion was for more staff and more training for social workers.

This issue is not a new one to CHR. At the October 1992 meeting of the Interim Joint Committee on Health and Welfare's Subcommittee on Families and Children, DSS estimated that it would need an additional 300 workers to bring caseloads down to its goal of a maximum of 25 cases per worker. The 1992 Budget provided DSS with 50 additional adult and child protective services workers.

Confidentiality Among Entities May Limit Cooperation

The UJC has many mandates of confidentiality. Some respondents to the survey, particularly school officials, felt that confidentiality constraints sometimes inhibited communication among entities. For example, school officials were concerned that they were not notified of a juvenile's arrest by the CDW, particularly for violent crimes. CHR staff surveyed and interviewed also felt that more information could be shared by the CDW. County attorneys, public defenders, and CHR District Managers were asked in the Program Review surveys whether they had sufficient information from other entities to handle their cases. The results, in Table 5.1, show that clear majorities of county attorneys and district managers felt that there was adequate information sharing,

while public defenders were more evenly divided on the issue. Additionally, seven of the 14 CHR district managers commented on the need for more cooperation and information sharing between CHR and the CDWs.

TABLE 5.1

**Do you have sufficient information from the CDW
and law enforcement agencies to adequately
handle your cases?**

RESPONDENT	YES	PERCENT OF TOTAL	NO	PERCENT OF TOTAL
County Attorneys	24	96%	1	4%
Public Defenders	13	52%	12	48%
CHR Dist. Managers	10	77%	3	23%

SOURCE: Program Review & Investigations Committee Survey of County Attorneys, Public Defenders and CHR District Managers, April 1993.

The General Assembly has taken some steps to address this issue. In the 1992 Regular Session, Senate Bill 393 authorized local multidisciplinary teams that monitor investigations of child sexual abuse cases and assess services delivery. These teams access juvenile records, including court records, held by various agencies. This legislation has provided for more cooperation among law enforcement, social services, mental health agencies, prosecutors, and other agencies in cases concerning child sexual abuse. Additionally, the Kentucky Association of School Boards' Task Force on School Safety and Violence Prevention is currently examining the question of how agencies work together in the juvenile system, including the sharing of information.

CHAPTER VI

STATUTORY AND PROCEDURAL PROBLEMS

Statutory concerns center around problems with various criteria and inconsistencies in the statutes. Problems with procedure were mentioned in the areas of juvenile rights, handling of status offenders, dealing with dependency and mental health cases, and the appeals process.

Statutory Concerns

On the whole, there were very few problems reported regarding concerns with the statutes. One problem area was the criteria for determining whether a child should be treated as a youthful offender. Potential problems also exist with inconsistencies in the statutes regarding truancy and release from commitment.

Prosecutors and Public Defenders Question Youthful Offender Criteria

KRS 640 defines seven criteria that judges should take into consideration when deciding to classify a juvenile as a Youthful Offender. These include seriousness and nature of the offense; the maturity of the child, including the child's prior record; the best interest of the child and community; prospects for public protection; and the likelihood of rehabilitation under the juvenile system.

Several county attorneys interviewed and surveyed by Program Review staff felt that the criteria should be tightened, so that more attention is given to the nature of the crime and the criminal history of the juvenile. These county attorneys saw this as a way to bring more severe consequences on recidivists and serious offenders. Some public defenders interviewed and surveyed felt that the criteria could be better defined to eliminate some of the subjectivity involved in making the judgment on transfer to circuit court.

Statutes Contain Two Different Definitions of Habitual Truancy

One problem in dealing with truants may spring from the fact that there are two different definitions of the term "habitual truancy" in the statutes: One definition is included in the compulsory attendance laws of Kentucky (KRS 159.150) and reads as follows:

Any child who has been absent from school without valid excuse for three (3) or more days or tardy on three (3) or more days is a truant. Any child who has been reported as a truant three (3) or more times is a habitual truant. Being absent for less than half of a school day shall be regarded as being tardy.

The second definition occurs in the definition section of the introductory chapter of the juvenile code (KRS 600.020) and reads as follows:

Habitual truant means any child who has been found by the court to have been absent from school without valid excuse for three or more days during a one (1) year period or tardy for three (3) or more days on at least three (3) occasions during a one (1) year period.

A 1991 Attorney General's opinion (OAG 91-79) addressed this issue. It stated that, while the two definitions are inconsistent in part, it is possible to reconcile them in their application. KRS 159.140 gives the local school district's director of pupil personnel (DPP) authority to enforce the compulsory attendance laws, with penalties enforced by the district court. While the district court has authority over habitual truants, the court may exercise discretion in enforcement and rely on the DPP to initiate proceedings under KRS 159, or may order the DPP to enforce the more stringent juvenile code definition.

Table 6.1 and 6.2 show the school officials' response to questions regarding the two definitions of truancy. A clear majority of respondents (65%) reported having no problem reconciling the two definitions of truancy. Further, a large majority of respondents (83%) used the less stringent definition of truancy found in the compulsory attendance law (KRS 159).

TABLE 6.1

Schools
Problems Reconciling Two Definitions of Truancy
Total Responses = 106

YES	39	(36.8%)
NO	67	(63.2%)

SOURCE: Program Review & Investigations Committee Survey of Local School Officials, April 1993.

TABLE 6.2

Schools
"Which definition does your district use?"
Total Responses - 104

KRS 159	87	(83.7%)
KRS 600	17	(16.3%)

SOURCE: Program Review & Investigations Committee Survey of Local School Officials, April 1993.

Statutes Contain Inconsistencies on Discharge from Commitment

CHR may close a case based on evidence that the original problems have been resolved and that the family can meet the needs of the child. CHR shall not close a case however, if doing so would endanger a child. There seems to be discrepancies in the statutes that deal with the authority to terminate a commitment.

KRS 630.120(5)(d) states that CHR may discharge a child from commitment after providing 10 days' written notice to the committing court, which may object to such discharge by holding a court review of the commitment under KRS 610.120.

KRS 600.020 (9) defines "commitment" as "an order of the court which places a child under the custodial control or supervision of the Cabinet for Human Resources or another facility or agency until the child attains the age of 18 unless the committing **court terminates** or extends the order..."

KRS 605.090 (1) (a), however, states that any child committed to the cabinet may by a **decision of the cabinet** or its designee, at any time during the period of his commitment, be: Upon 14 days' prior written notice to the court, discharged from commitment. Written notice of discharge must be given to the committing court and to any other parties, as may be required by law.

According to CHR staff interviewed for this study, the practice of discharge from commitment has been that CHR notifies the judge of the committing court and gives the judge 10 days to respond. If there is no response from the judge, the child is released. If an objection is lodged, a resolution is reached. According to CHR staff, judges do not object, in most instances.

Procedural Matters

Survey respondents identified several procedural areas under the Unified Juvenile Code (UJC) that were problem areas. Advocates and public defenders were concerned that some juvenile rights, specifically those of parental access

and confidentiality, were being abridged. Several groups of survey respondents also felt that changing the way status offenders are handled would increase the chance of successful treatment. Additionally, procedural problems were mentioned with dependency and mental health cases, as well as with the appeals process.

Some Parents May Not Have Access to Juveniles in Custody

Public defenders were asked to express their level of agreement with specific statements regarding the rights of juveniles. The results of these questions are shown on Tables 6.3 and 6.4. (The statements were developed from problems cited in telephone interviews across the state prior to the development of the survey.) The statements were defined by their occurrence during the pre-adjudication period and the post-adjudication period. The respondents did not elaborate on their answers.

A majority (56%) of the public defenders either strongly agreed or agreed with the statement that parents are given access to their children when they are in custody. Conversely, seven (44%) strongly disagreed or disagreed concerning parental access. CDWs were also asked about parental access. Although seventy-eight (92%) of the CDWs indicate that access to children is not a problem, seven (8%) confirmed that parents are not always given access to their children in custody. Demographic information from the CDW Survey indicates that most of these responses came from metropolitan areas of the state, where the juvenile holdover area is in the secure section of the jail. Sometimes parents are not notified when their child is in police custody; they might not be notified until the juvenile is taken to the detention center. The CDW manual directs the worker to make every effort to contact the parents or guardian. The system is designed to have the parents or guardians present, both to see the child and to receive the complaint.

TABLE 6.3

**Questions on Juveniles' Rights
Pre-Adjudication Period**

SURVEY STATEMENTS	STRONGLY DISAGREE/DISAGREE		AGREE/STRONGLY AGREE	
	NUMBER OF RESPONSES	PERCENT OF TOTAL	NUMBER OF RESPONSES	PERCENT OF TOTAL
There is lack of notification of an appropriate adult, parent, or guardian.	13	65%	7	35%
Parents are generally given access to their children when they are in custody.	7	44%	9	56%
Rights of juveniles are adequately protected	11	55%	9	45%

SOURCE: Program Review & Investigations Committee Survey of Public Defenders, April 1993.

TABLE 6.4

**Questions on Juveniles' Rights
Post-Adjudication Period**

SURVEY STATEMENTS	STRONGLY DISAGREE/DISAGREE		AGREE/STRONGLY AGREE	
	NUMBER OF RESPONSES	PERCENT OF TOTAL	NUMBER OF RESPONSES	PERCENT OF TOTAL
Defender is unable to participate in treatment planning	13	70%	8	30%
Defender is unable to maintain contact with juveniles during this time	8	42%	11	58%
Rights of juveniles are adequately protected	8	42%	11	58%

SOURCE: Program Review & Investigations Committee Survey of Public Defenders, April 1993.

While the statutes do not seem to limit parental access while the juvenile is in custody, the administrative regulations for the Corrections Department do not distinguish between adult and juvenile offenders. In 501 KAR 9:140, the section on juvenile rights provides for a minimum of one parental visit (of fifteen

minutes) per week; no maximum number is listed. Therefore, if the facility has a strict visitation policy, and the juvenile is locked up on Saturday, the first possible day for visitation could be well into the following week. Clergy, medical personnel, the juveniles' attorneys and authorized representatives may visit at other times, which contacts do not count as visits, according to the same regulations.

A public defender was concerned that the lack of parental access sometimes causes the juvenile to admit to something unnecessarily. The defender wrote that "confessions are gained from juveniles without letting them talk to their parents: instead, the officer only must get the O. K. from the parent. The juvenile does not necessarily get to consult with the parent or guardian."

Confidentiality Rights of Juveniles May Be Abridged

One of the basic precepts of the juvenile justice system is that juvenile information must remain confidential, so that the juvenile may be treated and rehabilitated away from public scrutiny. The confidential atmosphere surrounding the juveniles is intended to reduce any stigma attached to the act committed by the juveniles, theoretically facilitating their recovery. In the surveys and interviews, concerns regarding confidentiality were noted at several stages during the proceedings, and with the sharing of information among the people who work with the juveniles.

Table 6.5 shows that the public defenders (64%) have the strongest opinions that confidentiality is essential in all instances, although some did not agree. The majority of county attorneys (52%) and CHR district managers (58%) say that confidentiality is not essential in all instances.

TABLE 6.5

Is Confidentiality of Case Information Essential in All Instances?

RESPONDENT	YES	PERCENT OF TOTAL	NO	PERCENT OF TOTAL
County Attorneys	12	48%	13	52%
Public Defenders	16	64%	9	36%
CHR District Managers	5	42%	7	58%

SOURCE: Program Review & Investigations Committee Survey of County Attorneys, Public Defenders and CHR District Managers, April 1993.

Some public defenders said that juvenile court procedures are too public. For example, juveniles often must wait and then walk to court as a group, within public view. Other defenders said that confidentiality of proceedings and information was enforced sporadically, that non-involved attorneys are given access to juvenile records, and that sometimes the county attorney's discretion is abused. They also said that sometimes the press is uncooperative in maintaining confidentiality, in particular citing the problems at transfer hearings and appeals. One attorney responded that the media sometimes publicize the proceedings if they are able to obtain the information from another source.

On the side of the prosecution, the county attorneys suggested that the courts should have discretion to open some hearings, and that emphasis on confidentiality diminishes the consequences of the juvenile system. Further, they said that confidentiality restricts communication between the victims and the CDWs, and that more focus should be placed on victims' rights.

There seemed to be a greater difference of opinion among the thirteen CHR managers surveyed. One manager said that restrictions should not be changed, while another said that restrictions are too strict. Another manager cited a situation where a hospital gave specific information to an advocate agency. Still other managers said that there should be more sharing of information between CHR and other participants in the juvenile justice system.

Respondents Recommended Changing Way Status Offenders Are Handled

Some respondents to the Program Review survey, particularly CDWs and public defenders, felt status offenders, or certain status offenses, should be handled differently than they presently are. Their basic argument is that the offenses (truancy, "beyond control", runaway) are usually symptoms of a deeper problem. When this type of child is treated as a violator, the treatment is not as effective. Statistics from the CDW program over its existence show that status offenders (supposedly the less serious offenders) fail diversions 30% of the time, compared with a failure rate of 6 - 8% for public offenders.

Proponents of changing the way status offenses are handled have three major suggestions: 1) eliminate all status offenses from the UJC, 2) eliminate particular status offenses (especially "beyond control"), or 3) create a different procedure to deal with status offenders, making it more treatment oriented, with an emphasis on community-based, rather than out-of-home treatments.

Other respondents to the survey, however, felt that punishments for status offenders were too lenient and that increasing the severity of possible punishments would send a message to status offenders to change their behavior.

Standards for Removing Suspected C/AN Children Considered Strict

Judges and County Attorneys were both concerned with some procedural matters involving dependency cases. One of the chief concerns was that the standards for temporary and emergency custody did not allow for the protection of the child. The standards for emergency custody state that to remove a child from the home there must be reasonable grounds to believe

...that the child is in danger of imminent death or serious physical injury or is being sexually abused and that the parents or other persons exercising custodial control or supervision are unable or unwilling to protect the child. KRS (620.060 (1))

Several judges said this standard was too stringent. One judge gave the example of not being able to remove the siblings of an abused child if there was no evidence the siblings were abused. Other judges, county attorneys, and CHR officials felt that the statute could be interpreted broadly enough to protect these and other children in similar cases. CHR has sought to provide additional guidelines for this situation by promulgating recommendations regarding obtaining emergency custody orders.

Judges, county attorneys, and law enforcement officers also had problems in gathering evidence to prove a dependency case. A specific problem was getting usable testimony from child witnesses, and it was suggested that videotaped testimony or other special arrangements be allowed. The Attorney General's Task Force on Child Sexual Abuse has studied this issue and recommended a change in the statutes to allow videotaped testimony from children under the age of 12 in cases involving sexual abuse. This change would also apply to all dependency proceedings under KRS 620.

Procedural Problems Surround Mental Health Act

One of the major findings from the survey was that questions surrounding the Mental Health Act did not attract as much response as questions on other parts of the statute. This fall off in response most likely is due to the fact that mental health cases are the least common type of case dealt with under the UJC. The infrequent use of the statute results in one of the major problems with this section of the code; that is, since the statute is used so infrequently, entities involved do not always understand the process as well as they do more routine matters.

Most of the entities surveyed made mention of streamlining and easing the processes for mental health hospitalization. One suggestion was for a designated, 24-hour on-call clearing house to assist judges in the actual placement process. More education and training were also mentioned, and

several CHR District Managers felt that responsibility for committed children in mental health facilities should transfer to the Department of Mental Health and Mental Retardation Services.

Few Defenders Expressed Problems with the Appeals Process

Of the twenty-five public defenders responding, twenty (80%) said that there are no problems with the appeals process. Only five defenders said that there are problems with the process, for which they provided recommendations. A public defender first cited problems with confidentiality and said that the press should be kept out of the courtroom. Secondly, it was suggested, the appeals process is too long, because appellate courts will not expedite appeals from juvenile court. Finally, the defender said that discretionary review is a problem and that the Court of Appeals needs to grant more appeals in juvenile cases. Another public defender cited the problem of confidentiality on appeal as well, and suggested that the statutes should be amended to provide for automatic confidentiality on an appeal. Because appeals often are moot by the time they are decided, a defender suggested that the statutes should include a general time frame, and specific time limits for expedited appeals.

CHAPTER VII

ISSUES IMPACTING VICTIMS OF JUVENILE CRIME

Victims of juvenile crime often feel that they are unfairly treated within the juvenile justice system. They feel that their rights either are too limited or are non-existent, particularly in comparison with the rights of victims of adult crime. The confidentiality of information that prevails in the juvenile justice proceedings frustrates victims, who are entitled to little, if any, information. Other participants in the system offer divergent opinions as to the necessity of confidentiality. While public defenders, county attorneys, and Cabinet for Human Resources (CHR) managers say that confidentiality is not unfair to victims, others disagree.

The federally funded Victims of Crime Act (VOCA) provides grant money for direct services to crime victims to balance the system. Several state agencies administer service programs. The Attorney General's Task Force on Child Sexual Abuse and other advocacy groups in the state are proposing legislative changes that will advance victims' rights. One of the proposals, a victims' advocate in every Commonwealth Attorney's office, may not benefit victims of juvenile crime. Other proposals are designed to improve social services programs, thereby indirectly affecting victims.

Some twenty states have made recent legislative changes adding rights for victims of juvenile crime. Constitutional changes have been approved in thirteen states. These changes do not necessarily affect the juvenile system in every state.

Statutory Rights of Victims

Based upon provisions of the Kentucky Revised Statutes, victims of adult crime seem to have significantly more rights than do victims of juvenile crime. Victims are mentioned in the Unified Juvenile Code (UJC) only once, and that is with regard to the victim's right to file a petition against an informal adjustment. The rights of victims of adult crime are listed in KRS Chapter 421, and include the victim's right to case information. Although no reference to the rights of KRS 421 is mandated for victims of juvenile crime, nevertheless, some district judges report that on occasion they use their discretion to permit "impact statements," take testimony, and/or allow victims to be present in the courtroom.

Victims of Juvenile Crimes Have Fewer Rights Than Victims of Adult Crime

The UJC says very little about the rights of victims of juvenile crime, except that it outlines the victim's right of petition against informal adjustment (diversion). If the court designated worker (CDW) determines that a juvenile offender is best rehabilitated by an informal adjustment instead of a court hearing, the CDW must notify the victim of that decision. At that time the victim is supposed to be informed of the option to object to this recommendation by contacting the county attorney and requesting a special review. The written request must be made within ten days. The county attorney then will decide whether the public offense complaint against the juvenile should be dealt with informally.

By contrast with the limited rights of victims of juvenile crime, KRS 421.500 outlines a bill of rights for victims of adult crimes. Law enforcement personnel must provide victims of adult crimes with information on how to obtain emergency social and medical services following the crime, including victim compensation, and community-based treatment programs. Further, the officers must provide the victims with basic criminal justice orientation, including what they should expect as a witness and the status of the arrest of the accused. Commonwealth's attorneys must attempt to ensure that victims and witnesses receive scheduling information concerning court hearings and prompt notification of all changes in the defendant's status, disposition of the case, appeal, and parole. In these crimes, the attorney must apprise the victim of the right to make an impact statement at the time of sentencing. The prosecution also must promptly return a victim's property held for evidence, if possible.

Victims Report That They Have Been Neglected

Several victims reported to Program Review and Investigations staff that they felt their rights are being neglected. When the crime includes damage to the victim or property, only symbolic restitution is available, and sometimes even this is not paid. Victims are not allowed to participate in the judicial proceedings. They feel they are not heard.

Symbolic restitution is a problem for victims of juvenile crime. More often than not, the juvenile is sentenced to pay only a small portion of the damage he has caused. One victim reported that there had been no follow-up on sentencing. Several victims reported that juveniles sentenced to "symbolic restitution" had either not paid or only partially paid the restitution required. In another case, an advocate reported that a victim incurred \$150,000 in medical bills as the result of a juvenile crime. The judge sentenced the juvenile to repay \$1,000, and only a portion of that has been repaid. The victim's only other recourse was a \$10,000 grant from the Victims' Compensation Board; no other services were available.

One victim felt that parents of the juveniles should be held responsible for restitution payments imposed on juveniles. Further, if parents are not held responsible by the courts for the juvenile's fulfilling this or any other type of sentence, then the juvenile should be tried under the adult system. Another victim felt that the parents should be held legally responsible for firearms in the home.

Victims want to be heard, and they feel they should be allowed to be present in the courtroom. A victim complained of not being allowed into the courtroom, and not being allowed to make any statement. Only the victim's original complaint is accepted as evidence. Another victim told of a case where the parent of the victim was kept out of the courtroom, because the defending attorney said that he planned to call the parent as a witness. He did not do so after all, and the parent never entered the courtroom. This is not an isolated case. Similar stories were heard from other victims and advocacy groups.

The statutes do not provide for the victim or the victim's representative to be present at the hearings. Some present and former district court judges reported to Program Review staff that, on occasion, they have permitted the victim or others, to be present. One judge said that it was discretionary to keep the victims out of the courtroom, and that judicial training gives no encouragement to allow victims in the courtroom. A former district judge expressed his opinion that victims should be allowed in juvenile court, should be allowed to make statements, and that the attorneys should consult with the victims.

Confidentiality

Both juvenile hearings and juvenile records are confidentially restricted, in order to protect the juvenile. KRS 610.070(3) excludes the general public from juvenile hearings. KRS 610.340 governs the confidentiality of juvenile court records. All juvenile court records are confidential, regardless of whether they come from a public or private agency or source. These juvenile records, with limited statutory exceptions, can only be disclosed to the child or parent, unless ordered otherwise by the court. Some participants who implement the UJC feel that in order to rehabilitate the juvenile, the juvenile's rights must be protected with the confidentiality of information. Statutorily, they feel that maintaining the juvenile's anonymity is in the "best interest of the child."

Confidentiality of Information and Proceedings Frustrates Victims

Victims interviewed by Program Review staff expressed strong feelings of resentment of the confidentiality that surrounds the juvenile system. They felt they had been victimized twice: once by the juvenile, and a second time by the

juvenile justice system. Victims and parents of victims felt that they need to know the case's progress, and they need to know the disposition of the case, in order to achieve closure. Under the UJC there is no notification of disposition or closure. A victim said that the CDW should be required to notify the victim of the case's progress. One particular victim reported calling the CDW on four different dates seeking basic information about hearing dates. The CDW did not return any of the calls. The local victim's advocate ultimately provided the answers.

Victims reported that they do not know what has transpired in either the judicial or social services systems. When they see the juvenile out in public, they do not know whether the juvenile has been punished or allowed to go free. According to one public defender, victims cannot comprehend that essentially a juvenile has committed a crime against the Commonwealth and not so much against the victims, and that, in the defender's opinion, the victims are not entitled to case information.

Victims want to be informed as their cases progress. In most cases victims and/or survivors are not allowed into transfer hearings. Therefore, there are times when the victims/survivors know nothing about the disposition of severe criminal cases.

One victim stated that the type of confidentiality protecting juveniles is in violation of victims' First Amendment rights under the U. S. Constitution. The victim also questioned how confidentiality could be a right of a juvenile in district court and could no longer be considered a right when the case is transferred to circuit court. A public defender concurred with this opinion in the survey response.

The rules of confidentiality can prevent the victim from receiving any compensation for damages. When an insurance company was not informed of the names of convicted juvenile who burned a building, the company would not pay the victim's claim.

Victims feel that the names of juvenile offenders of violent crimes should be made public. Release of the juveniles' names should be one of the consequences of the criminal acts. Juveniles use confidentiality of the system to their own benefit. They continue to prey on the public without any accountability, because their identities remain unknown. Victims expressed the feeling that juveniles do not learn positive habits from the system. Juveniles are allowed to continue to live their lives without expressing remorse or compassion for the victims. Victims believe the system needs to include consequences for juvenile criminals, including the release of the court records to the public.

Survey Respondents Say Confidentiality Is Not Unfair to Victims

In Table 7.1, the Program Review Survey shows that the majority of public defenders, county attorneys, and CHR district managers feel that confidentiality constraints are fair to the victims. In an interview a public defender reiterated the necessity to maintain confidentiality, in the best interest of the juvenile, thus facilitating treatment and rehabilitation. He added that the prosecutor may inform the victim by giving general information, after disposition. Then, after treatment placement, he argues there should be no further progress report, because the state becomes the parent.

One county attorney reported that locally the participants share information within the system. It works well for them, although they may not be following the letter of the law. Another county attorney expressed frustration with not being able to consult with the victim/witness on occasion.

TABLE 7.1

Are Confidentiality Constraints Unfair to Victims?

RESPONDENT	YES	PERCENT OF TOTAL	NO	PERCENT OF TOTAL
County Attorneys	10	40%	15	60%
Public Defenders	3	12%	22	88%
CHR Dist. Managers	4	36%	7	64%

SOURCE: Program Review & Investigations Committee Survey of County Attorneys, Public Defenders and CHR District Managers, April 1993.

Status and public offenders and those committed under the Mental Health Act may petition the court for the expungement of their juvenile court records. At a hearing, if specific criteria are met, the court may order that all the child's court records and other agency records, including law enforcement records, be expunged. Table 7.2 shows the opinions of county attorneys, public defenders, and CHR district managers on automatic expungement of juvenile records.

TABLE 7.2

Should Expungement of Juvenile Records be Automatic?

RESPONDENT	YES	PERCENT OF TOTAL	NO	PERCENT OF TOTAL
County Attorneys	5	20%	20	80%
Public Defenders	21	84%	4	16%
CHR District Managers	6	46%	7	54%

SOURCE: Program Review & Investigations Committee Survey of County Attorneys, Public Defenders and CHR District Managers, April 1993.

Some Interviewees Do Not Support Confidentiality

A former district judge and a Commonwealth's attorney concurred that confidentiality in juvenile proceedings is a mistake. They feel confidentiality sets up ethical guidelines by which the judges are bound, but that maintaining confidentiality in order to facilitate rehabilitation is a waste of time in ninety percent of the cases. They affirm that peer pressure and public scrutiny are very effective in motivating juveniles. They believe that juveniles should be stripped of the false shield of confidentiality, which allows them to think they can get away with crime. This point of view acknowledges that having information made public would create some embarrassment for some juveniles, but that this would be overridden by the benefits and knowledge gained by public disclosure.

Advocacy Groups and Statutory Proposals

The federal Victims of Crime Act (VOCA) is a primary resource which supports state compensation and assistance programs throughout the country. Kentucky programs include the Victims of Crime Act Grants and the Crime Victims' Compensation Board. The Attorney General's Task Force on Child Sexual Abuse proposes, among other legislative changes, to create a victim's advocate in every judicial circuit. This may not help victims of juvenile crime, because juvenile proceedings occur in district court. Other advocate groups intend to propose a Constitutional amendment containing a victims' bill of rights in 1996. Some other states seem to be loosening their restrictions on the rights of victims of juvenile crime.

VOCA Established to Address Needs and Improve Treatment of Victims

The Office for Victims of Crime (OVC) administers the Victims of Crime Act of 1984 (VOCA). This component of the U. S. Department of Justice addresses the needs and improves the treatment of crime victims. Its mission is

to help balance the system of justice and to ensure that society helps meet the needs of those who are victimized by crime. Moneys in the fund come from fines and penalties paid by convicted federal defendants, not from taxpayers.

At the federal level there has been no distinction between victims of juvenile and adult crimes, as far as the emphasis of the program is concerned. In Kentucky, recent proposals have directly targeted victims of juvenile crime. The grant proposals for Jefferson, Campbell and Franklin County Attorney Advocates identified victims of juvenile crimes as part of their underserved population.

Advocacy Groups and Programs Are Primary Recourse for Victims

Several agencies within the state offer various types of assistance to victims of juvenile crime. Some of the funding for these programs comes from the federal Victims of Crime Act (VOCA), while state and local entities generate additional money. VOCA provides some funding, through the Justice Cabinet, for local and regional services, and through the Crime Victims' Trust Fund, for direct financial assistance. The Child Victims' Trust Fund, in the Office of the Attorney General, supplements child sexual abuse services provided by local and regional agencies.

During FY 1992-93, the Justice Cabinet awarded \$952,000 in federal VOCA grants to supplement local programs throughout the state. These programs provide direct services to victims of crime, such as crisis intervention, trauma reduction, supportive services, and advocacy assistance. The programs serve victims of sexual abuse and assault, child abuse/sexual assault, spouse abuse, and the underserved population. (For distribution, see Appendix I.)

The Crime Victims' Compensation Board in the Public Protection and Regulation Cabinet distributed approximately \$1,000,000 directly to victims in FY 1992-93. The program is designed to assist innocent victims who have been physically injured during from criminal acts committed in Kentucky. Victims or allowable survivors may file claims, provided they meet the requirements. In addition to the VOCA grants, the greater portion of funding results from a \$10.00 assessment on court cases in Kentucky. The awards are based on actual costs to the victim and the victim's counsel. No money is awarded for pain and suffering. There is a \$25,000 limit on each award.

In addition, the Child Victims' Trust Fund supports programs across the state. The fund has provided approximately 100 incentive grants to local advocacy agencies, amounting to \$620,000, since 1985. The agencies providing child sexual abuse services include victims' advocates in the offices of county and Commonwealth attorneys, comprehensive care centers, and other local and regional, non-profit social service agencies, primarily focusing on

education and prevention. A portion of the funding for this program comes from the state income tax checkoff. (For distribution, see Appendix J.)

The Victims' Advocacy Division in the Office of the Attorney General furnishes a hotline for crime victims. Sometimes agency representatives consult with victims who are unable to get cases prosecuted or investigated. The representatives also intercede in other elements of the justice system, such as domestic violence and child sexual abuse.

Victims' Advocate in Commonwealth's Attorney's Offices May Not Assist Victims of Juvenile Crime

The Attorney General's Task Force on Child Sexual Abuse plans to propose several legislative changes to the UJC, some of which may impact victims of juvenile crime. One proposal from the Task Force would place a victim's advocate in every Commonwealth Attorney's office across the state. Such a measure would enhance victims' rights overall, but would not necessarily impact the rights of victims of juvenile crime. The advocates in the Commonwealth Attorneys' offices would directly assist the victims in circuit court, but they would not necessarily be accessible to victims of juvenile crime, probated in district court. This is not to say that the advocates will be prohibited from assisting victims of juvenile crime, but that distances and priorities might take precedence. Some county attorneys' offices and at least one fiscal court provide victim advocacy programs, which are described in Appendix I. Presumably these programs will continue, even if the victims' advocates are funded for each judicial circuit.

Other AG Task Force Recommendations Would Indirectly Impact the System

Many of the proposals of the Attorney General's Task Force are not designed specifically to assist victims of juvenile crime, but rather to prevent the increase in the numbers of such victims. Other Task Force proposals, which are aimed at improving the social services system to protect children and generating a statewide campaign for awareness (including victims' rights) and prevention, ultimately could reduce the numbers of potential victims of juvenile crime. These changes in the UJC would provide additional dollars for salaries and programs, lower the social worker caseload, increase training for *guardians ad litem* (lawyers who represent the interests of children in court proceedings) and others, and make various other system-wide improvements.

Some Groups Propose a Constitutional Amendment

The Kentucky Victims' Coalition (KVC) reported to Program Review and Investigations that the coalition of victims' organizations supports some of the

Task Force proposals actively and all of the proposals in principle. According to several affiliates, the KVC plans to propose a Constitutional amendment for a victim's bill of rights in 1996. According to a KVC official, the amendment would assure "that all victims of crime are provided with information and advocacy and a chance to interact..., including the right to be heard in court and the right to receive compensation through restitution."

Other States Have Changed Statutes and Constitutions Recently

Statutory changes regarding the rights of victims of juvenile crime have been implemented in twenty other states in recent years. Some states have passed Constitutional amendments outlining the rights of victims in general. Only one state, California, particularly mentions the rights of victims of juvenile crimes. Some of the states have amended their victims' rights statutes several times, offering a little more protection for the victims with each amendment. Appendix K shows the states that have liberalized the rights of these victims. The information is shown by state, subject matter and legislative summary. These changes deal with a number of different issues specifically addressing the rights of victims of juvenile crime. The changes include the victims' rights to initiate various petitions, give testimony, present impact statements, be present in court, receive restitution, receive confidential information or notification about the juvenile offender, and be protected by a bill of rights.

Thirteen states have passed Constitutional amendments for victims' rights. (See Appendix L for detail.) At least eleven other states have similar legislation pending. California specifically refers to the rights of victims of juvenile crime, allows the use of prior convictions, whether adult or juvenile proceedings, and allows evidence dealing with victim impact. Several of the states reported that even though the constitutional amendments did not mention victims of juvenile crime specifically, their enabling legislation included that population, particularly if the crime was a felony. The legislation is so new in some states that its application to victims of juvenile crime has not been tested in the courts.

CHAPTER VIII

KENTUCKY'S PARTICIPATION IN THE JJDPa GRANT PROGRAM

Congress enacted the Juvenile Justice and Delinquency Prevention Act (JJDPa) in 1974 to help states improve their juvenile justice programs. The JJDPa, as amended, allows states and territories to apply for federal formula and discretionary grants to improve those programs. Formula grants focus on helping states to remove juveniles from adult jails and lockups, de-institutionalize status and non-offenders, and separate juveniles from adults in secure adult institutions. Receiving or continuing to receive grant funds is contingent upon a state's compliance with grant requirements to meet the goals mentioned above, or showing significant progress towards meeting those goals.

Status of the JJDPa Grant Funding

Kentucky has received over \$10 million in JJDPa funds since 1977. The state's failure to comply with three federal jail removal requirements has caused Kentucky to lose the use of an additional \$2 million in the last two fiscal years. If the state loses in its effort to have these funds restored, they could be reallocated to other public or private nonprofit organizations, at least temporarily.

The Justice Cabinet appealed the adverse decision of the Office of Juvenile Justice Delinquency Prevention (OJJDP), citing conflicting requirements in the Kentucky Revised Statutes, possible solutions, and data errors. Additionally, Kentucky must develop a plan to rectify a disproportionate representation of minority youth in detention.

Kentucky Lost the Use of Grant Funds for Two Fiscal Years

Kentucky has participated in the JJDPa formula grant program for over 14 years, and has received \$10,876,079 since 1977. From 1982 through 1990, Kentucky received an average of \$662,000 per year from this grant. The award amount projected for 1991-1993 totaled \$2,074,000. Because Kentucky has been found out-of-compliance with federal requirements, JJDPa withheld the funding for FY 1991 and 1992. The state, however, remains eligible to receive technical assistance from The Office of Juvenile Justice and Delinquency Prevention (OJJDP).

The OJJDP's review of 1989 found Kentucky to be out of compliance with three JJDPA grant requirements. In 1992, the OJJDP notified the Governor that Kentucky failed to meet the grant requirements and was ineligible to receive FY 1991 formula grant funding of \$688,000. In that letter, the acting administrator for the OJJDP recommended that the legislature enact legislation that would complete the de-institutionalization of status offenders, assure the separation of adults and juveniles in secure institutions, and remove juveniles from adult jails and lockups. The administrator further stated that failure to do so would jeopardize Kentucky's ability to receive the FY 1992 grant allocation of \$693,000. The Justice Cabinet appealed the decision.

Jail Removal Requirements Were Not Met

The OJJDP report "State of Kentucky: Status of Compliance--1989 Monitoring Report" stated that Kentucky failed to fully de-institutionalize status offenders (DSO) and non-offenders, or to meet the requirement with an exception. (Meeting the DSO requirement with an exception would allow the state to have a violation rate of 29.9 per 100,000 juvenile population under 18 years of age without being out of compliance.) The OJJDP found that the state's annual rate of violation since 1986 indicated a pattern and practice that violated the grant requirements. DSO violation rates cited were 73.4 for 1986; 66.6 for 1987; 28.8 for 1988, 52.1 for 1989 and 30.7 for 1990. The officials also concluded that Kentucky failed to seek statutory changes, change or modify judicial or facility policies and practices, or use other means to accomplish 100 percent compliance.

Next, the OJJDP determined that Kentucky was out-of-compliance with sight and sound separation requirements. According to data from the 1989 and 1990 monitoring reports, during a 12-month period, 1,804 juveniles were held in violation of these requirements. While acknowledging that Kentucky had a statute prohibiting placing children in jails, federal officials found enforcement of that statute to be inadequate. Also, the state failed to show that the violations did not constitute a pattern or practice under grant requirements. The OJJDP told state officials that they could request a change in the designated date for compliance when they showed barriers to compliance and a schedule for addressing those barriers.

Finally, Kentucky was found to be out-of-compliance with the jail and lockup removal requirement. Additionally, the state did not meet the requirement with exception, which permits a state to have a violation rate of 9 per 100,000 juvenile population before being declared out of compliance. Violation rates of 282.6 in 1989 and 321.88 in 1990 put the state well above the limit. This was due, in part, to the fact that OJJDP rejected the information that Kentucky submitted to have juvenile holding facilities (juvenile facilities housed in a separate wing of a jail) qualify as co-located facilities under JJDPA policy.

Therefore, juveniles that would have been excluded from the violation count were not. In addition, federal officials denied the state's request for a waiver. The waiver was denied because it did not show: 1) that the last monitoring report or addendum, containing at least six months of actual data, showed no status offenders or non-offenders (including those accused or adjudicated for violating a valid court order) were securely held in adult jails or lockups for any period of time, or 2) that all status offenders or non-offenders securely held in adult jails or lockups for any period of time were held in violation of state law. Had these conditions been present, the violations would not have constituted a pattern and practice contrary to JJDP requirements. The monitoring report stated that the 719 status offenders held between 1989 and 1990 were legally held under Kentucky law.

Justice Cabinet Appealed the Adverse Decision

The Justice Cabinet filed an appeal with the OJJDP in July, 1992. In the area of de-institutionalization, the appeal states that Kentucky's policy and practice require a detention hearing for status offenders within 24 hours. Although KRS 630.070 states that a status offender may be detained for 48 hours before a hearing is held, the 48 hour figure is an error that was not corrected when the statute was amended in 1988. The amendment attempted to help Kentucky comply with JJDP standards. In addition, the administrators noted that only two types of juveniles may be taken into custody: 1) those believed to be habitual runaways, and 2) those who have failed to appear before the court on a previous status offense charge.

Regarding the sight and sound separation requirements, the appeal stated that KRS 600.020 (29)(30) and (43) requires facilities holding juveniles to be "sight and sound separated from all adult prisoners." The Commissioner of Corrections, who has the authority to close a facility, may enforce this law, restrict its ability to take certain classes of prisoners, and redirect the facility's funds to another institution. The appeal indicated that coordination of jail inspections with the inspections of secure juvenile detention facilities would help ensure compliance with state and federal laws on sight and sound separation. The appeal maintained that errors had been found in the data submitted, and that corrected data would be sent to show the state had complied.

Finally, the appeal stated that Kentucky's non-compliant status resulted from a misunderstanding of a OJJDP policy directive on co-located facilities. The appeal states:

In 1988, officials from the Office of Juvenile Justice and Delinquency Programs met with officials from the executive, judicial, and legislative branches and told those present that Kentucky's juvenile holding facilities, which were being considered

by the legislature ...would conform to their new co-located policy. This led Kentucky to believe that these co-located facilities would qualify as separate juvenile detention facilities if properly operated.

The appeal further states that a policy on co-located facilities, issued in 1991, sustained the belief that Kentucky was in compliance, and that in June of 1992 the OJJDP indicated that it may have misled the state. Kentucky's appeal claimed that there were data errors in this area also.

As of August 9, 1993, federal officials had not made a decision on the appeal. The General Counsel for the Justice Cabinet said that OJJDP and the Cabinet are negotiating, and both parties have expressed a willingness to work out a settlement. According to a draft of Kentucky's Long Range Juvenile Detention Plan, settlement negotiations could result in Kentucky's remaining a participating state. Kentucky has never been officially declared a non-participating state. According to a Department of Corrections (DOC) official, if both parties reach a settlement before September 30, 1993, the state could still receive FY 1991 and 1992 funds. Federal officials could grant an extension in order for the state to effectively use the funds. Also, a settlement would result in the state's receiving FY 1993 funds. If, however, a settlement is not reached and the appeal is denied, Kentucky will be classified as a non-participating state.

Later in August, Kentucky reached a resolution with the federal government regarding participation in the OJJDP formula grants program. As part of this resolution, Kentucky agreed to submit legislation to implement the de-institutionalization of status offenders, separation, and lockup removal mandates. This legislation will be based on the Justice Cabinet's Long-Range Juvenile Detention Plan. The estimated cost of the plan will be approximately \$1 million in new state funds.

As a result of this resolution, Kentucky will receive the state's OJJDP FY 1991 formula grant of \$688,000 immediately. Further, upon passage of the legislative package, Kentucky will receive \$1.386 million in OJJDP grants (\$639,000 for both FY '92 and FY '93). If the legislation does not pass in the 1994 session, Kentucky will voluntarily withdraw from participation in the formula grants program for FY '92 and FY '93 and return all unobligated FY 1991 grant money.

If Appeal Fails, OJJDP Could Reallocate Kentucky's Funds

If the OJJDP declares Kentucky ineligible or the state chooses not to participate, several situations might occur. Under federal regulations, the OJJDP could reallocate the grant funds to a public or private nonprofit organization within the state. According to a Corrections official, if this situation occurs, the nonprofit agency would act only as a caretaker. Funds still must be

used for jail removal activities. The state, however, would have less control over the program, in that the nonprofit organization would be able to determine program emphasis and providers. The federal agency would continue to monitor grant activities. If the nonprofit agency should fail to achieve the objectives, the state could lose the grant.

If neither the state nor the nonprofit organization brings the state into compliance two things could happen. First, the OJJDP could release the funds to other states that are in compliance or are trying to come into compliance. Federal regulations state that, if no compelling reason exists to reallocate grant funds to the original participating state, or an administrative hearing proceeding is not pending, grant funds will be reallocated in October after the fiscal year for which they were appropriated. The OJJDP could reallocate funds to eligible recipients, meaning states in or near compliance (28 Code of Federal Regulations, sec. 31.300(e)). Second, the process could start over again, in that OJJDP could ask the state to submit another application. Reallocating funds to a nonprofit organization has never been done, according to a Corrections official. Therefore, no one really knows how the OJJDP would handle the transfer. State officials expressed some concerns about the manner in which nonprofit organizations might administer funds. In a draft of Kentucky's Long-Range Juvenile Detention Plan, concerns about nonprofit organizations were threefold: 1) nonprofit organizations would not be obligated to use the funds in ways that would lead to the state's meeting federal mandates; 2) administration of the funds would not necessarily lead to a coordinated use of resources; and 3) the private organizations could use the funding to pay for litigation to bring the state into compliance.

Kentucky Should Consider a Fourth Mandate

According to a Corrections official, Kentucky needs to work on a fourth federal mandate, the disproportionate representation of minority youth in detention. If the state does not address the problem, 25 percent of the grant funds could be withheld. The official said that the provision in the law since 1988 became a mandate in 1992. The state's Three-Year Comprehensive State Plan does include plans for assessing the situation. The state conducted a primary needs assessment, and found disproportionate representation in some areas. Data were not available in all cases because some jails did not report race. Since the mandate became effective in 1992, there is a possibility that the requirement will be retroactively applied to FY 1991 funds. To comply, the state must demonstrate the implementation of programs to alleviate the condition; however, there is no cutoff date for compliance, as with the other mandates. Other states, according to the DOC official, conducted a second study to look at their juvenile justice systems, identified problem areas and developed plans.

Advantages and Disadvantages of Program Participation

The state must analyze the advantages and disadvantages of participating in the JJDPA grant program. Some local and state officials observe that the cost of compliance might exceed the advantages of receiving the federal funds. Measures to assure future compliance cannot be determined until a settlement is reached with federal officials or the appeal decision is rendered by them.

Federal Grant Funded Alternative to Detention Programs and Plans

By participating in the JJDPA grant program, Kentucky received over \$10.9 million to use for starting, continuing, or expanding juvenile justice programs. Table 8.1 presents an overview of the type of programs and activities funded by JJDPA. The JJDPA funds initiated or expanded several programs now funded at the state level. For example, the Court Designated Worker (CDW) program, the Gateway Diversion project, and some day treatment programs received start-up funding through the JJDPA grant. According to the Justice Cabinet's appeal to the OJJDP, having programs like the CDW program promoted the development of uniform detention criteria and law-related education programs for juveniles.

TABLE 8.1
Programs Funded By the Juvenile Justice and
Delinquency Prevention Act, 1986-1990

Programs	FY 1986	FY 1987	FY 1988 ^a	FY 1989	FY 1990
Planning and Administration	X	X	X	X	X
State Advisory Group	X	X	X	X	X
Emergency Shelter Care	X	X			
Group Homes	X	X	X	X	X
Non-residential Alternatives	X	X			
Model Programs	X	X			
Model Program-Transportation	X	X	X	X	X ^b
Serious Violent Offenders	X				
Policy Initiatives	X	X			
Public Inf./Staff Development	X	X			
Advocacy			X	X	X
Juvenile Diversion			X	X	X
Court Resource Homes			X	X	X ^b
Home Detention			X	X	X ^b
Training & Tech. Assistance			X	X	X ^b
Youth Attendant					X ^b

Note:

- a. In 1988, Ky. was out of compliance with the Jail Removal component of JJDP, so most of the funds, except those for planning and administration and the state advisory group, were required to be spent on jail removal programs.
- b. In 1990, all of these programs were placed in one grant. Applicants were told that they could apply for any one of the program types included.

Source: Ky. Justice Cabinet, "Federal Financial Assistance/Subgrantee Status Reports."

The state also used JJDP to help local governments fund alternatives to detention programs. (The Act requires that two-thirds of the funding be passed through to local governments and local private agencies.) A review of the Subgrantee Status Reports for 1986 to 1990 revealed that local governments received funds ranging from approximately \$60,000 to \$80,000 to fund alternative programs. Table 8.2 presents funds provided to local governments only.

TABLE 8.2
Juvenile Justice and Delinquency Prevention Act
Funds to Local Governments

Programs	FY 1986	FY 1987	FY 1988	FY 1989	FY 1990
Emergency Shelters	\$38,655.69	\$51,666.00			
Nonresidential	\$22,190.00	\$5,320.00			
Transportation (Model Program)	\$4,347.00	\$6,257.24	\$2,515.00	\$6,451.27	
Group Homes		\$11,557.00	\$11,937.00	\$18,060.00	\$10,000.00
Policy Initiatives		\$3,430.61			
Model Programs		\$500.00			
Home Detention			\$10,055.00	\$10,255.58	
Court Resource Home			\$43,529.59	\$38,109.20	
Training and Tech. Asst.				\$2,144.00	
Multiple Programs ^a .					\$49,325.52
Totals	\$65,192.69	\$78,724.85	\$68,036.59	\$75,020.05	\$59,325.52

Notes:

a. In 1990, all of the following programs (home detention, court resource home/group home, youth attendant, transportation, youth attendant training) were placed in one grant. Applicants were told they could apply for any of the program types.

SOURCE: Ky. Justice Cabinet. "Federal Financial Assistance/Subgrantee Status Reports."

JJDP funding also promoted long-range planning in the juvenile justice area. The state must submit a three-year plan, along with annual updates, progress reports and monitoring reports. Recently, task forces convened to look at specific problems, particularly juvenile detention and jail removal issues. In 1991, the Kentucky Juvenile Justice Commission Working Group prepared a report for the Interagency Task Force on Juvenile Detention in which it developed and examined several funding approaches for statewide detention programs. Currently, the Justice Cabinet's interagency planning group is developing a comprehensive juvenile detention plan. The working group drafted Kentucky's Long-Range Detention Plan and will present the final report to the Secretary of the Justice Cabinet in July, 1993.

Finally, the state is eligible for technical assistance through the OJJDP. In 1991, OJJDP's technical assistance contractor, Community Research Associates, Inc. (CRA), conducted a needs assessment and feasibility study to determine interest in and bed space requirements to implement a regional detention program. In addition, they sought to determine where and how alternatives to detention could be used. Information from CRA's research was used in the development of Kentucky's Long-Range Detention Plan.

Costs of Compliance Could Be a Disadvantage for Kentucky

The compliance issue is complex. On the one hand, the state gets thousands of dollars, but must spend millions to comply. For example, the 1990 JJDP grant award was \$687,000. During that same period, the state expended

over \$18 million to fund the CDW program and Children's Residential Services. On the other hand, the JJDPa was never intended to fully fund state programs. It is considered an incentive grant. Many juvenile services would be provided regardless of federal aid. For example, juvenile treatment services provided through CHR are not made available in direct response to the JJDPa. However, their programs do offer some alternatives that help the state comply with jail removal mandates. Therefore, it is difficult to say that all spending on juvenile services is the direct result of having to comply with JJDPa mandates.

At the state level, the cost of compliance is an issue. While there is general agreement that providing juvenile justice programs is costly, it is difficult to estimate the fiscal impact of such mandates. These estimates depend on a host of variables, such as changes in the population, socio-economics of a region, detention philosophies of the judiciary and other key actors, federal and state laws, public attitudes, transportation and education costs, interest rates, the degree of privatization used, and whether services will be extended to other counties or jurisdictions. Despite the uncertainty, projections and estimates must be made.

For example, removing juveniles from adult jails and lockups and stopping the secure detention of status offenders would at least require secure and nonsecure facilities to be added or expanded, additional staff hired, and training provided for current and future staff. Generally, estimates have been developed for expanded detention facilities, although this is the most expensive option. Community Research Associates, Inc., in its needs assessment and feasibility study for the Justice Cabinet, estimated that construction and operation of a 12-bed facility, meeting program goals and objectives, with a 1:1 staffing-to-resident ratio, would be more than \$2.1 million. The contractor's estimate seems high, and probably represents a best case scenario. It is unlikely that facilities in the state would have a 1:1 staffing ratio, and salaries for program or corrections staff are not as high as those in the estimate. According to the state Department of Personnel, starting salaries for juvenile treatment assistants and juvenile counselors are four to seven thousand dollars less than the \$20,000 cited in the CRA study.

In 1991, the Kentucky Juvenile Justice Commission Working Group prepared a report which made recommendations and costs estimates for various components of the juvenile justice system, using 1989 data. First, they recommended building three 16-bed facilities on a regional basis. Their estimates for the costs of construction and operation were over \$5.3 million. The Working Group also looked at the costs of providing alternatives to detention. Finally, the draft of Kentucky's Long-Range Juvenile Detention Plan has estimated the total costs for three secure detention facilities, training, and administrative costs to be over \$2 million.

Local Governments Share Concerns About the Costs of Federal Mandates

Local government cost concerns are similar to those of the state. KRS 67.0831 charges fiscal courts with providing "...suitable facility for the custody and care of children held in custody pending disposition of their cases by the district court..." This can be costly. In Program Review's survey of county governments, 23 of the 52 problems cited concerned the cost of detention, staff requirements for detention facilities, and the cost of transporting juveniles.

For the first time, the Department of Local Government (DLG) required county governments to report appropriations for juvenile services as a line item in their budgets. Based on data compiled by the Justice Cabinet from DLG documents, counties budgeted over \$5.2 million for juvenile detention and other programs. Appropriations for juvenile detention alone totaled \$4,005,500. Counties budgeted these funds to pay for operating secure detention facilities, housing juveniles in or out of the county, and transportation.

These figures, however, have limited utility. They do not reveal the actual costs, which a DLG official stated may be two to three times higher. A county jailer said it is often difficult to breakout costs for juveniles if they are just a part of the population served, and a DLG official said most counties do not have a cost allocation system detailed enough to help identify all of these expenses. In addition, some state and local officials questioned the accuracy of the figures. This was the first year such information was requested. There were differences in what was reported by each local government and how the information was reported.

While meeting the jail removal requirements probably would reduce the liability for local governments (e. g., being sued if a child is hurt or dies during detainment or while being transported), many counties feel they cannot afford the additional construction or operating expenses. On the other hand, it has been suggested that some counties make money from holding juveniles, due to a high demand for beds and the supply shortage created when the Unified Juvenile Code forced the closure of some county facilities that did not meet state standards.

A Settlement Agreement or Appeal Decision Will Determine Means of Future Compliance

With a settlement being negotiated and an appeal pending, it is difficult to determine what measures would assure Kentucky's future compliance. Based on interviews and data collected, the state has three major options regarding participation in the JJDP A grant program.

First, the state could continue "as is" until a settlement is reached or an appeal decision is rendered. If, through a settlement, Kentucky retains its status as a participating state, the Commonwealth would be eligible to receive \$2,074,000 in JJDP funds allocated for FY 1991, 1992, and 1993. The Justice Cabinet officials would need to request an extension to use the FY 1991 and 1992 funds. Also, they would need to revise the Three-Year Comprehensive Plan to include the 1992 amendments. The receipt of such a large sum, at one time, could help the state provide significant funding for some alternative programs.

A second approach is that the state could amend its policies and practices to comply with all JJDP requirements. The OJJDP recommended that Kentucky pass comprehensive jail removal legislation. In lieu of such legislation, it suggested that the state develop plans that will move the state toward compliance in a reasonable time. In an effort to comply, the Kentucky Juvenile Justice Commission prepared legislation in 1991 that would have removed statutory impediments to Kentucky's compliance with JJDP requirements. However, the bill was not filed during the 1992 Regular Session, due to the anticipated budget shortfall.

The Justice Cabinet is drafting a long-range detention plan that addresses several compliance issues. Given Kentucky's fiscal situation, finding the money to implement an expanded detention program may be difficult. However, changes in the state's policies and procedures could keep the federal courts from deciding the terms of compliance. The state is currently being sued to force the removal of juveniles from adult jails and de-institutionalization of status offenders.

A third approach is that the state could discontinue its participation in the grant program. As stated before, the funds would be reallocated to a nonprofit organization for a certain period of time. If the state chose not to participate, the funds would be distributed to other states which are in compliance or near compliance. While Kentucky would lose the federal funding, policy makers would have more latitude in deciding when and how they wanted to provide juvenile justice services. Again, the state could be sued, creating the possibility that the courts would decide the state's approach and timetable for providing juvenile justice programs and services.

APPENDIX A

LEGISLATIVE RESEARCH COMMISSION
PROGRAM REVIEW SURVEY OF KENTUCKY COUNTY ATTORNEYS
ON THE UNIFIED JUVENILE CODE

Total Distributed - 120

Total Returned - 25

Response Rate = 21%

Issues, concerns, and problems arising from the implementation and operation of the Unified Juvenile Code (UJC) may vary with factors such as job responsibilities, locale, or the availability of community resources. To further identify the issues, concerns, and problems you have, we are asking that you answer the following questions. **Please return the survey no later than May 5, 1993.**

WORKLOAD ISSUES

1. On average, how many juvenile cases do you handle in a month? _____
2. Of the time you spend handling juvenile cases, what percent of that time is spent handling the various types of juvenile cases? **(Please estimate a percent of time spent for each type of case and place it in the appropriate box below. If you do not handle a certain type of case, place zero [0] in the appropriate box.)**

Percent

Status offenses

Criminal offenses (public and youthful offenses)

Dependent, neglected, abused

Mental health under KRS Chapter 645

3. Based on your workload since January 1, 1992, do you feel that the amount of time you spend handling juvenile cases is: **(Please circle the number that best reflects your opinion.)**

High

(1)

29.2%

About Right

(2)

70.8%

Low

(3)

0%

STATUS OFFENDERS

4. What are the three most critical problems that you encounter when handling status offender cases? **(Please list the problems and briefly describe.)**

TOTAL RESPONSES = 43

PROBLEM AREA	FREQUENCY	PERCENT
Lack of Placement/Treatment	29	67.4
Family Problems/Parental Supervision	7	16.3
S.O. Treated Like Criminal	1	2.3
Others	6	14

5. What specific suggestions do you have for resolving each of these problems?

TOTAL RESPONSES = 31

PROBLEM AREA	FREQUENCY	PERCENT
Increase \$ for Placement/ Treatment Options	18	58.1
More Latitude for Judges	5	16.1
Change Statutes to focus on Treatment	2	6.4
Others	6	19.4

PUBLIC/YOUTHFUL OFFENDERS

6. What are the three most critical problems that you encounter when handling status offender cases? (Please list the problems and briefly describe.)

TOTAL RESPONSES = 36

PROBLEM AREA	FREQUENCY	PERCENT
Lack of/Placement Treatment	14	39.0
Lack of Severe Penalties	7	19.4
Probs. with Probation/Monitoring Fines	5	14.0
Lack of Juvenile Detention	4	11.1
Y.O. Criteria too Lax	3	8.3
Family Problems	2	5.5
Lack of CHR Cooperation	1	2.7

7. What specific suggestions do you have for resolving each of these problems?

TOTAL RESPONSES = 24

PROBLEM AREA	FREQUENCY	PERCENT
More Treatment Facilities	8	33.3
Expand Punishment Options	6	25.0
Expand Y.O. Criteria	5	20.8
More Juvenile Detention/Ease Regulations	3	12.5
More SW's/Probation Off.	2	8.3

8. Do you feel like the current criteria for determining whether a juvenile is a good candidate for diversion are effective in determining which children can avoid formal court proceedings?

NR = 0%

YES

80%

NO

20%

9. Do you routinely review a Court Designated Workers's (CDW's) decision to handle a child through diversion?

NR = 0%

YES 80% NO 20%

10. What circumstances cause you to review a CDW's decisions to use diversion?
(Please explain.)

TOTAL RESPONSES = 17

PROBLEM AREA	FREQUENCY	PERCENT
Done Routinely	3	17.7
Request by Victim	4	23.5
Severity of Offense	4	23.5
Facts and Circumstances	5	29.4
Request by CDW	1	5.9

11. Do you feel like the CDW decision review provision is necessary in lieu of the use of the diversion criteria?

NR = 0%

YES 80% NO 20%

12. On average, what percent of the time do you disagree with a CDW's decision regarding diversion?

TOTAL RESPONSES = 25

0-5%	16	(64%)
6-10%	7	(28%)
11+%	2	(8%)

13. On average, how often do you have to file a motion for a youthful offender to be transferred to a circuit court within a year?

TOTAL RESPONSES = 25

5 or less	23	(92%)
More than 5	2	(8%)

14. Are statutory criteria for transferring a youthful offender to circuit court clear?

NR = 0%

YES

76%

NO

24%

15. Are the intent and priorities of the Unified Juvenile Code clear, such as when to rehabilitate, when to protect and when to punish?

NR = 0%

YES

32%

NO

68%

DEPENDENT, NEGLECTED, ABUSED

16. What are the three most critical problems that you encounter when handling dependency, neglect and abused cases? (Please list the problems and briefly describe.)

TOTAL RESPONSES = 34

PROBLEM AREA	FREQUENCY	PERCENT
Lack of Placement/Counseling	11	32.3
Problems with CHR	9	26.5
Problems with Removal Criteria/Burdens of Proof	7	20.6
Procedural Problems	4	11.8
Family Problems	3	8.8

17. What specific suggestions do you have for resolving each of these problems?

TOTAL RESPONSES = 18

PROBLEM AREA	FREQUENCY	PERCENT
More Placement/Counseling	9	50.0
Re-Evaluate CHR Role	4	22.2
Spec. Invest. Training for SW	3	16.6
Let CDW take Petition	1	5.6
Discourage DNA Allegations in Divorce Cases	1	5.6

18. Do the statutes clearly delineate between when it is appropriate to use "temporary custody" and when to use "guardianship petition?"

NR = 0%

YES

36%

NO

64%

MENTAL HEALTH

19. What are the three most critical problems that you face when dealing with children hospitalized under the Mental Health Act of the Unified Juvenile Code (KRS Chapter 645)? (Please list the problems and briefly describe.)

TOTAL RESPONSES = 12

PROBLEM AREA	FREQUENCY	PERCENT
Procedural	7	58.3
Parental Involvement	2	16.7
No State Juv. MH Facilities	1	8.3
Hosp. used for Suicide	1	8.3
Lack of CHR Cooperation	1	8.3

20. What specific suggestions do you have for resolving each of these problems?

TOTAL RESPONSES = 5

PROBLEM AREA	FREQUENCY	PERCENT
Let CDW's take Petitions	1	10
Less Restrictive Alternatives	1	10
Train Hosp. Administrators re. MHA	1	10
Change provisions in UJC re. 16 yr. olds	1	10
Establish State MH Facilities for Juv.	1	10

RELATIONSHIPS WITH OTHER ENTITIES

21. How would you characterize your working relationship with the following entities in implementing the mandates of the Unified Juvenile Code? **(PLACE A NUMBER IN THE CORRESPONDING BLANK NEXT TO EACH ITEM, USING THE FOLLOWING SCALE:)**

	GOOD/EXCELLENT		FAIR/POOR	
Law Enforcement	21	(87.5%)	3	(12.5%)
CDW	24	(96%)	1	(4%)
District Judge	23	(92%)	2	(8%)
Local CHR	18	(72%)	7	(28%)
Local Schools Officials	16	(64%)	9	(36%)
Public Defenders	21	(84%)	4	(16%)
County Government	15	(60%)	10	(40%)

22. Do any mandates of the Unified Juvenile Code interfere with or create barriers to your ability to work with other entities, such as being unable to share information, etc.?

NR = 0%

YES 16% NO 84%
a. If yes, please explain.

23. Please describe the working relationships, formal and informal, that you have developed to handle sexual abuse cases.

CONFIDENTIALITY

24. Are the current rules of confidentiality adequate in balancing the protection of the juvenile with the other goals of the juvenile justice system?

NR = 0%

YES	76%	NO	24%
-----	-----	----	-----

25. Is confidentiality of juvenile case information essential in all instances?

NR = 0%

YES	48%	NO	52%
-----	-----	----	-----

26. Are the confidentiality constraints too rigid so as to be unfair to the victims of offenders?

NR = 0%

YES	40%	NO	60%
-----	-----	----	-----

27. Do you have access to sufficient information from the Court Designated Worker, Family Service Worker and law enforcement agencies to adequately represent your clients?

NR = 0%

YES	96%	NO	4%
-----	-----	----	----

28. Should expungement of juvenile records be automatic?

NR = 0%

YES	20%	NO	80%
-----	-----	----	-----

29. What other concerns do you have with the confidentiality issues?

ADDITIONAL RECOMMENDATIONS

30. How have past problems related to implementing the juvenile code in your area been resolved? **(Please briefly describe both the problem and the strategies used to solve the problem.)**

31. Do you have any additional suggestions that could lead to more effective administration of the Juvenile Code? **(Please list and briefly describe your suggestions. If you need additional space, please attach a separate sheet.)**

DEMOGRAPHIC INFORMATION/FOLLOW-UP

County: _____

Number of years as a County Attorney: _____

Number of years handling juvenile cases: _____

While the information provided in this survey will be kept confidential, it may be necessary for us to contact you about the answers you have given. Therefore, we ask that you provide your name and telephone number. If you do not wish to provide your name, please complete the survey anyway and return it as soon as possible.

Name: _____

(Please print)

Telephone number: _____

Note: Remember to return the survey in the enclosed postage paid envelope by May 5, 1993. If you have any questions, please contact Betty M. Davis, Program Review staff at 502/564-8100.

THANK YOU FOR YOUR COOPERATION

APPENDIX B

LEGISLATIVE RESEARCH COMMISSION
PROGRAM REVIEW SURVEY OF COURT DESIGNATED WORKERS
ON THE UNIFIED JUVENILE CODE

Total Distributed - 122

Total Returned - 86

Response Rate = 70.5%

Issues, concerns, and problems arising from the implementation and operation of the Unified Juvenile Code (UJC) may vary with factors such as job responsibilities, locale, or the availability of community resources. To further identify the issues, concerns, and problems you have, we are asking that you answer the following questions. **Please return the survey no later than May 5, 1993.**

CASELOAD AND WORKTIME

1. On average, how many new cases do you log in per month? _____
2. Of the total time you spend handling juvenile cases, what percent of that time is spent handling various types of juvenile cases? **(Please estimate a percent of time spent for each type of case and place it in the appropriate box below. If you do not handle a certain type of case, place zero [0] in the appropriate box.)**

Percent

Status offenses

Criminal offenses (Public and Youthful Offenders)

Dependent, Neglected, Abused

Mental Health Cases under KRS Chapter 645

3. Based on your workload since January 1, 1992, do you feel the amount of time you spend handling juvenile cases is: ? **(Please circle one number that best reflects your opinion.)**

NR = 4.6%

High
(1)
36.8%

About Right
(2)
51.7%

Low
(3)
6.9%

4. Do you conduct alternative programs such as Law Related Education (LRE) in your district?

NR = 0%

YES	86.2%	NO	13.8%
-----	-------	----	-------

If yes: To what extent, if at all, does the time you spend on these programs interfere with your ability to handle juvenile intakes and coordinate diversion placements?

0 TO LITTLE OR NO EXTENT 43.7%	1 TO SOME EXTENT 29.9%	2 TO A MODERATE EXTENT 17.2%	3 TO A GREAT EXTENT 9.2%
---	------------------------------	---------------------------------------	--------------------------------

5. Are you required to attend sessions of juvenile court?

NR = 0%

YES	41.4%	NO	58.6%
-----	-------	----	-------

If yes: To what extent, if at all, does this requirement interfere with your ability to handle juvenile intakes and coordinate diversion placements?

0 TO LITTLE OR NO EXTENT 78.2%	1 TO SOME EXTENT 17.2%	2 TO A MODERATE EXTENT 3.4%	3 TO A GREAT EXTENT 1.2%
---	------------------------------	--------------------------------------	--------------------------------

6. Are you required to supervise juveniles who have been adjudicated in your court and sentenced to diversion?

NR = 0%

YES	70.1%	NO	29.9
-----	-------	----	------

If yes: To what extent, if at all, does this requirement interfere with your ability to handle juvenile intakes and coordinate diversion placements?

0 TO LITTLE OR NO EXTENT 78.2	1 TO SOME EXTENT 13.8%	2 TO A MODERATE EXTENT 5.7%	3 TO A GREAT EXTENT 2.3%
--	------------------------------	--------------------------------------	--------------------------------

7. Are the forms and procedures laid out by AOC in the CDW manual adequate to cover most of the situations you encounter?

NR = 0%

YES 88.5% NO 11.5%

PUBLIC AND YOUTHFUL OFFENDERS

8. What are the three most critical problems you face when dealing with public or youthful offenders under the UJC? **(Please List the Problems and Briefly Describe)**

Total Responses = 178

PROBLEM AREA	FREQUENCY	PERCENT
Detention Availability (Pre-Adjudication)	59	33.1
Lack of Treatment/Diversion Options	36	20.2
Procedure/Workload	27	15.2
Family/Juvenile Attitudes	25	14.0
Relationship With Other Entities	16	9.0
Lack of Severe Punishments	7	3.9
Other	8	4.5

9. What specific suggestions do you have that could help resolve each of these problems?

Total Responses = 144

SUGGESTION AREA	FREQUENCY	PERCENT
Increased Detention Resources	48	33.3
Increase Treatment/Diversion Options	36	25.0
Better Relations With Other Entities	26	18.1
Simplify Procedure/Reduce Workload	11	7.6
Allow for More Severe Punishments	7	4.9
Stronger Probation Monitoring	6	4.2
Other	10	7.0

10. Are parents generally given access to their children when the children are in custody?

YES 89.7% NO 10.3%

11. Is there a facility in your judicial district which provides secure detention for juveniles?

NR = 0%

YES	45%	NO	55%
-----	-----	----	-----

12. Does the availability of detention space ever affect your decisions on how to handle a juvenile?

NR = 0%

YES	49.4%	NO	50.6%
-----	-------	----	-------

13. What alternatives to detention (home detention, etc.) are used in your district?

124 Responses

Home Detention/Release to parents or family	57	46.0%
Emergency Shelter/Group Home	44	35.5%
Youth Attendant Program	10	8.1%

14. On the whole how effective are these alternative programs in taking the place of traditional detention options?

0 INEFFECTIVE	1 NOT VERY EFFECTIVE	2 SOMEWHAT EFFECTIVE	3 VERY EFFECTIVE
16.1%	26.4%	49.4%	8.0%

15. Do you feel that the criteria for eligibility for diversion generally do a good job of identifying candidates for diversion?

NR = 0%

YES	11.5%	NO	88.5%
-----	-------	----	-------

16. Do you feel that the current diversion options available in your district are adequate?

NR = 0%

YES	71.3%	NO	28.7%
-----	-------	----	-------

17. How often do you utilize the following diversion options? (Please rank the options in order of how frequently they are used, with 1 being the most frequent, 2 being second most frequent, etc.)

Avg. Rank

2.23	community service	84 responses
3.11	restitution	84 responses
2.57	referral to social services	83 responses
2.02	education seminar (LRE)	43 responses
2.46	letters and essay assignment	15 responses
1.85	other	34 responses

18. Which diversion options are most successful? (Please rank the options in order of their success, with 1 being the most successful, 2 being second most successful, etc.)

Avg. Rank

2.08	community service	86 responses
2.69	restitution	84 responses
3.11	referral to social services	82 responses
1.60	education seminar (LRE)	43 responses
2.18	letters and essay assignment	15 responses
1.88	other	34 responses

19. Do you feel that the requirement for a juvenile to have liability insurance before they can enter a diversion program has kept any juveniles out of diversion?

NR = 0%

YES	28.7%	NO	71.3%
-----	-------	----	-------

22. What specific problems do you encounter in dealing with truancy cases?

Total Responses = 89

PROBLEM AREA	FREQUENCY	PERCENT
Lack of Timely Reporting by DPP	39	43.8
Family Problems/Uncooperative Parents	17	19.1
Lack of Alternative Education/Prevention	12	13.5
Courts Have Few Options to Ensure Compliance	11	12.4
Other	10	11.2

MENTAL HEALTH ACT

23. Do you deal with juveniles under the Mental Health Act?

NR = 0%

YES 26.4% NO 73.6%

24. What are the three most critical problems you face when dealing with children hospitalized under the Mental Health Act (Chapter 645) of the Unified Juvenile Code? **(Please List the Problems and Briefly Describe)**

Total Responses = 31

PROBLEM AREA	FREQUENCY	PERCENT
Lack of Facilities*	9	29.0
Problems w/Filing Petition	5	16.1
Lack of Understanding of Process	5	16.1
Keeping Updated on Child's Status	4	12.9
Other	8	25.9

*Most popular suggestions were "More Facilities" and "More MH Education and Training."

RELATIONSHIPS WITH OTHER ENTITIES

26. How would you characterize your working relationship with the following entities in implementing the mandates of the Unified Juvenile Code? **(PLACE A NUMBER IN THE CORRESPONDING BLANK NEXT TO EACH ITEM, USING THE FOLLOWING SCALE:)**

	GOOD/EXCELLENT		FAIR/POOR	
Law Enforcement	74	(85.1%)	13	(14.9%)
District Judge	76	(87.4%)	11	(12.6%)
Local CHR	38	(31.7%)	49	(56.3%)
Schools	68	(78.1%)	19	(21.9%)
County Attorney	76	(87.4%)	11	(12.6%)
Public Defender	69	(82.1%)	15	(17.9%)
County Government	64	(78.0%)	18	(22.0%)

27. Do any mandates of the Unified Juvenile Code interfere with your relationships with any other entities, such as being unable to share information, etc.?

NR = 0%

YES

17.5%

NO

82.8%

ADDITIONAL RECOMMENDATIONS

28. How have past problems related to implementing the juvenile code in your area been resolved? **(Please briefly describe both the problem and the strategies used to solve the problem.)**

Of 34 Responses 27 (79.4%) said increased communication/regular meetings among entities had solved problems in the past.

29. Do you have any additional suggestions that could lead to more effective administration of the Juvenile Code? **(Please list and briefly describe your suggestions. If you need additional space, please attach a separate sheet.)**

Total Responses = 50

Better Communication/Relationships

<u>Among Entities</u>	(15)	30%
<u>Eliminate Status Offenses</u>	(8)	16%
<u>Move Treatment Options</u>	(7)	14%

30. What suggestions do you have for improving the CDW program?

Total Responses = 126

<u>Change on-call requirement/increase compensation.</u>	<u>(34)</u>	<u>27.0%</u>
<u>Increased Staff</u>	<u>(21)</u>	<u>16.7%</u>
<u>Better working relations with supervisors</u>	<u>(13)</u>	<u>10.3%</u>

DEMOGRAPHIC INFORMATION/FOLLOW-UP

Judicial District: _____

County/Countries Covered: _____

Number of years in current position: _____

While the individual responses to this survey will be kept confidential, it may be necessary for us to contact you about the answers you have given. Therefore, we ask that you provide your name and telephone number. If you do not wish to provide your name, please complete the survey anyway and return it as soon as possible.

Name: _____ Telephone number: _____

APPENDIX C

LEGISLATIVE RESEARCH COMMISSION
PROGRAM REVIEW SURVEY OF CHR DISTRICT MANAGERS
ON THE UNIFIED JUVENILE CODE

Total Sent - 14

Total Returned - 14 =

Response Rate = 100%

Issues, concerns, and problems arising from the implementation and operation of the Unified Juvenile Code (UJC) may vary with factors such as job responsibilities, locale, or the availability of community resources. To further identify the issues, concerns, and problems you have, we are asking that you answer the following questions. **Please return the survey by May 28, 1993.**

WORKLOAD ISSUES

1. Of the time your offices spend handling juvenile cases, what percent of that time is spent handling the various types of juvenile cases? **(Please estimate a percent of time spent for each type of case and place it in the appropriate box below. If you do not handle a certain type of case, place zero [0] in the appropriate box.)**

Percent

Status offenses

Criminal offenses (public and youthful offenses)

Dependent, neglected, abused

Mental health under KRS Chapter 645

2. Based on their workload since January 1, 1992, do you feel that the amount of time your employees spend handling juvenile cases is: **(Please circle the number that best reflects your opinion.)**

NR = 14.3%

High

(1)

64.3%

About Right

(2)

14.3%

Low

(3)

7.1%

STATUS OFFENDERS

3. What are the three most critical problems that you encounter when handling status offender cases? **(Please list the problems and briefly describe.)**

Total Responses = 40

PROBLEM AREA	FREQUENCY	PERCENT
Lack of Treatment Options	18	45.0
Family / Juvenile Problems	9	22.5
Relationships With Other Entities	7	17.5
Lack of Facilities to House Status Offenders	6	15.0

4. What specific suggestions do you have for resolving each of these problems?

Total Responses = 40

SUGGESTION AREA	FREQUENCY	PERCENT
Move Local CHR Treatment Program	21	52.5
More Parental Responsibility / Sanctions	7	17.5
Holding Facilities for Status Offenders	5	12.5
Better Relationship	5	12.5
Other	2	5.0

PUBLIC/YOUTHFUL OFFENDERS

5. What are the three most critical problems that you encounter when handling public and youthful offender cases? **(Please list the problems and briefly describe.)**

Total Responses = 33

PROBLEM AREA	FREQUENCY	PERCENT
Lack of Treatment Options	20	60.6
CHR Understaffed / CHR Issues	5	15.2
No Detention Facilities	4	12.1
Other	4	12.1

6. What specific suggestions do you have for resolving each of these problems?

Total Responses = 37

SUGGESTION AREA	FREQUENCY	PERCENT
Expand Local/CHR Treatment	21	56.8
More Social Workers / Better Training	5	13.5
Regional detention Centers	3	8.1
Better Coordination Among Agencies	3	8.1
Other	5	13.5

DEPENDENT, NEGLECTED, ABUSED

7. What are the three most critical problems that you encounter when handling dependency, neglect and abuse cases? (Please list the problems and briefly describe.)

Total Responses = 40

PROBLEM AREA	FREQUENCY	PERCENT
Lack of Treatment For Juveniles	14	35.0
Lack of Social Workers / High Turnover	9	22.5
Relationships With other Entities	9	22.5
CHR Issues	3	7.5
Lack of Foster Homes	3	7.5
Lack of Treatment for Perpetrators	2	5.0

8. What specific suggestions do you have for resolving each of these problems?

Total Responses = 38

SUGGESTION AREA	FREQUENCY	PERCENT
More Treatment Programs for Juveniles	14	36.8
More Social Workers for Investigation	10	26.3
Better Coordination With Other Entities	10	26.3
More Foster Homes	3	7.9
More Treatment for Perpetrators	1	2.6

9. Are the roles and responsibilities of the Local Foster Care Review Boards clearly defined by the statutes?

NR = 0%

YES

75%

NO

25%

MENTAL HEALTH

10. What are the three most critical problems that you face when dealing with children hospitalized under the Mental Health Act of the Unified Juvenile Code (KRS Chapter 645)? (Please list the problems and briefly describe.)

Total Responses = 26

PROBLEM AREA	FREQUENCY	PERCENT
Placements Too Short / No Follow Up	9	34.6
Lack of Facilities/Statewide Coordination	7	26.9
Comp Care Not Involved Enough	4	15.4
Other	6	23.1

11. What specific suggestions do you have for resolving each of these problems?

RELATIONSHIPS WITH OTHER ENTITIES

12. How would you characterize your working relationship with the following entities in implementing the mandates of the Unified Juvenile Code?
(PLACE A NUMBER IN THE CORRESPONDING BLANK NEXT TO EACH ITEM, USING THE FOLLOWING SCALE:)

	GOOD/EXCELLENT		FAIR/POOR	
Law Enforcement	12	(92.3%)	1	(7.7%)
CDW*	8	(61.5%)	5	(38.5%)
District Judges	9	(69.2%)	4	(30.8%)
County Attorney	7	(53.8%)	6	(46.2%)
Schools	10	(76.9%)	3	(23.1%)
Public Defenders	8	(66.7%)	4	(33.3%)
County Government	10	(76.9%)	3	(23.1%)
Local Foster Care Review Boards	7	(58.3%)	5	(41.7%)

*Seven of the fourteen survey respondents mentioned that there needed to be more cooperation and information sharing between CHR and the Court Designated Workers.

13. What problems have your Family Service Workers encountered in Coordinating efforts with Court Designated Workers?
14. Do any mandates of the Unified Juvenile Code interfere with or create barriers to your ability to work with other entities, such as being unable to share information, etc ?

NR = 0%

YES	15.4%	NO	84.6%
-----	-------	----	-------

CONFIDENTIALITY

16. Are the current rules of confidentiality adequate in balancing the protection of the juvenile with the other goals of the juvenile justice system?

NR = 0%

YES	100%	NO	0%
-----	------	----	----

17. Is confidentiality of juvenile case information essential in all instances?

NR = 0%

YES	41.7%	NO	58.3%
-----	-------	----	-------

18. Are the confidentiality constraints too rigid so as to be unfair to the victims of offenders?

NR = 0%

YES	36.4%	NO	63.6%
-----	-------	----	-------

19. Do you have access to sufficient information from the Court Designated Worker and law enforcement agencies to adequately handle your cases?

NR = 0%

YES	76.9%	NO	23.1%
-----	-------	----	-------

20. Should expungement of juvenile records be automatic?

NR = 0%

YES	46.2%	NO	53.8%
-----	-------	----	-------

21. What other concerns do you have with the confidentiality issues?

ADDITIONAL RECOMMENDATIONS

22. How have past problems related to implementing the juvenile code in your area been resolved? **(Please briefly describe both the problem and the strategies used to solve the problem.)**
23. Do you have any additional suggestions that could lead to more effective administration of the Juvenile Code? **(Please list and briefly describe your suggestions. If you need additional space, please attach a separate sheet.)**

DEMOGRAPHIC INFORMATION/FOLLOW-UP

District: _____

Counties: _____

Number of years in position: _____

While the information provided in this survey will be kept confidential, it may be necessary for us to contact you about the answers you have given. Therefore, we ask that you provide your name and telephone number. If you do not wish to provide your name, please complete the survey anyway and return it as soon as possible.

Name: _____

Telephone

number: _____

(Please print)

Note: Remember to return the survey in the enclosed postage paid envelope by May 28, 1993. If you have any questions, please contact John Snyder, Program Review staff at 502/564-8100.

THANK YOU FOR YOUR COOPERATION

APPENDIX D

LEGISLATIVE RESEARCH COMMISSION
PROGRAM REVIEW SURVEY OF KENTUCKY COUNTY GOVERNMENTS
ON THE UNIFIED JUVENILE CODE

Total Distributed - 120

Total Returned - 37

Response Rate = 30.8%

Issues, concerns, and problems arising from the implementation and operation of the unified juvenile code (UJC) may vary with factors such as job responsibilities, locale, or the availability of community resources. To further identify the issues, concerns, and problems you have, we are asking that you answer the following questions. **Please return the survey no later than May 5, 1993.**

1. What are the three most critical problems you face when dealing with juveniles under the Unified Juvenile Code? **(Please List the Problems and Briefly Describe)**

Total Responses = 73

PROBLEM AREA	FREQUENCY	PERCENT
Lack of Detention/Costs/Regulations	44	60.3
Lack of Treatment Options	9	12.3
Detention Used Too Frequently/Inappropriately	8	11.0
Lack of Strict Punishments	5	6.8
Other	7	9.6

2. What specific suggestions do you have that could help resolve each of these problems?

Total Responses = 56

PROBLEM AREA	FREQUENCY	PERCENT
More Detention Facilities/State Involvement	29	51.8
Limits on Detention	8	14.3
Alternatives to Detention/Non-Secure Facilities	4	7.1
Stiffer Penalties	4	5.4
More Treatment Options	3	5.4
Other	8	14.3

JUVENILE DETENTION

3. Does your county operate a secure juvenile detention facility or juvenile holding facility?

NR = 0%

YES	24.3%	NO	75.7%
-----	-------	----	-------

If YES, please answer the following questions. If NO, go to question # 10.

4. What type of facility does your county operate?

Secure Juvenile Detention Facility	3 (33.3%)
Juvenile Holding Facility	3 (33.3%)
Intermittent Holding Facility	3 (33.3%)

5. What is the capacity of your facility?

Capacities Ranged from
2 to 56
Total Beds Reported 121

6. What percentage of the time is this facility filled to capacity?

6 of 9 counties respond
that center was at
capacity 80% of time or more

7. Do you accept juveniles from other counties?

NR = 0%

YES	8 (88.9%)	NO	1 (11.1%)
-----	-----------	----	-----------

If so, how many different counties?

Range from 2 to 51

8. What is the per diem rate charged at this facility?

Cost range from \$50 - \$100

9. For FY 1991-92, how much money did this facility receive from other counties to house juveniles?

10. Does your county contract with other counties to provide detention for juveniles?

NR = 0%

YES	75.7%	NO	24.3%
-----	-------	----	-------

If YES, please answer the following questions. If NO, go to question #14.

11. For FY 1991-92, how many juveniles from your county were detained in other counties?

Range from 0 to 185
Majority less than 25

12. For FY 1991-92, how much did detention of juveniles cost your county?

13. How many counties does your county contract with to handle juveniles?

Range from 1 to 6 counties

14. Does your county have a curfew ordinance for juveniles?

NR = 0%

YES	89.2%	NO	10.8%
-----	-------	----	-------

RELATIONSHIPS WITH OTHER ENTITIES

15. How would you characterize your working relationship with the following entities in implementing the mandates of the Unified Juvenile Code?
(PLACE A NUMBER IN THE CORRESPONDING BLANK NEXT TO EACH ITEM, USING THE FOLLOWING SCALE:)

GOOD/EXCELLENT	POOR/FAIR	
Local Law Enforcement Agencies	<u>1 (3.2%)</u>	<u>30 (96.8%)</u>
Court Designated Workers	<u>4 (14.8%)</u>	<u>27 (85.2%)</u>
District Judges	<u>6 (19.5%)</u>	<u>25 (80.1%)</u>
Local Cabinet for Human Resources Office	<u>7 (22.6%)</u>	<u>24 (77.4%)</u>
Local School Officials	<u>7 (22.6%)</u>	<u>24 (77.4%)</u>
County Attorneys	<u>2 (6.7%)</u>	<u>28 (93.3%)</u>
Public Defenders	<u>5 (16.1%)</u>	<u>26 (83.9%)</u>

16. Do any mandates of the Unified Juvenile Code interfere with your relationships with any other entities, such as being unable to share information, etc.?

NR = 0%

YES	8.1%	NO	91.9%
-----	------	----	-------

17. How have past problems related to implementing the juvenile code in your area been resolved? **(Please briefly describe both the problem and the strategies used to solve the problem.)**
18. Do you have any additional suggestions that could lead to more effective administration of the Juvenile Code? **(Please list and briefly describe your suggestions. If you need additional space, please attach a separate sheet.)**

DEMOGRAPHIC INFORMATION / FOLLOW-UP

County : _____

Job Title: _____

Number of years in current position: _____

While the individual responses to this survey will be kept confidential, it may be necessary for us to contact you about the answers you have given. Therefore, we ask that you provide your name and telephone number. If you do not wish to provide your name, please complete the survey anyway and return it as soon as possible.

Name: _____
number: _____

Telephone

(Please print)

Note: Remember to return the survey in the enclosed postage paid envelope by May 5, 1993. If you have any questions, please contact John Snyder, Program Review staff, at 502/564-8100.

THANK YOU FOR YOUR COOPERATION

APPENDIX E

LEGISLATIVE RESEARCH COMMISSION
PROGRAM REVIEW SURVEY OF KENTUCKY DISTRICT JUDGES
ON THE UNIFIED JUVENILE CODE

Total Distributed - 125

Total Returned - 60

Response Rate = 48%

Issues, concerns, and problems arising from the implementation and operation of the Unified Juvenile Code (UJC) may vary with factors such as job responsibilities, locale, or the availability of community resources. To further identify the issues, concerns, and problems you have, we are asking that you answer the following questions. **Please return the survey no later than May 5, 1993.**

CASELOAD / WORKLOAD

1. Do you regularly handle any sessions of juvenile court in your district?

51 valid responses

YES

51

NO

9

If YES, please complete the remainder of the survey. If NO, please complete only the demographic information on the last page and return the survey.

2. On average, how many juvenile cases do you handle in a month?
3. Of the total time you spend handling juvenile cases, what percent of that time is spent handling various types of juvenile cases? **(Please estimate a percent of time spent for each type of case and place it in the appropriate box below. If you do not handle a certain type of case, place zero [0] in the appropriate box.)**

Percent

Status offenses

Criminal offenses. (Public and Youthful Offenders)

Dependent, Neglected, Abused

Mental Health Cases under KRS Chapter 645

4. Based on your workload since January 1, 1992, do you feel the amount of time you spend handling juvenile cases is:? **(Please circle one number that best reflects your opinion.)**

High	NR = 4%	Low
(1)	About Right	(3)
35%	(2)	6%
	55%	

PUBLIC/YOUTHFUL OFFENDERS

5. What are the three most critical problems you face when dealing with public or youthful offenders under the Unified Juvenile Code? **(Please List the Problems and Briefly Describe)**

Total Responses = 124

PROBLEM AREA	FREQUENCY	PERCENT
Lack of Disposition/Treatment Options	56	45.2
Lack of Pre-Adjudication Detention/Alternatives	37	29.8
Punishments not severe enough	11	8.9
Family Problems	8	6.5
Relationships With Other Entities	5	4.0
Other	7	5.6

6. What specific suggestions do you have that could help resolve each of these problems?

Total Responses = 113

SUGGESTION AREA	FREQUENCY	PERCENT
Expand Local/CHR Treatment	47	41.6
Expand Detention/Relax Regs on Detentions	37	32.7
Better Coordination Among Agencies	10	8.8
Mandate Parental Responsibility/Consequences	7	6.2
Allow Stronger Punishments	5	4.5
Other	7	6.2

PLEASE INDICATE YOUR LEVEL OF AGREEMENT WITH THE FOLLOWING STATEMENTS USING THE FOLLOWING SCALE:

STRONGLY DISAGREE	DISAGREE	DON'T KNOW	AGREE	STRONGLY AGREE
1	2	3	4	5

7. The criteria for pre-adjudication detention are effective in balancing the rights of the child and the safety of the child and public.

NR = 4%

STRONGLY DISAGREE	DISAGREE	DON'T KNOW	AGREE	STRONGLY AGREE
8%	8%	2%	62%	18%

8. There are adequate detention facilities in my district.

NR = 0%

STRONGLY DISAGREE	DISAGREE	DON'T KNOW	AGREE	STRONGLY AGREE
68%	16%	0%	10%	8%

9. The alternatives to detention in my district are effective in taking the place of traditional detention options.

NR = 2%

STRONGLY DISAGREE	DISAGREE	DON'T KNOW	AGREE	STRONGLY AGREE
40%	34%	2%	22%	2%

10. Adult jails and lockups should be eliminated as a placement option for accused juvenile offenders, provided that appropriate alternatives are made available.

NR = 2%

STRONGLY DISAGREE	DISAGREE	DON'T KNOW	AGREE	STRONGLY AGREE
10%	2%	0%	40%	48%

11. The criteria for determining eligibility for diversion by the CDW are effective in designating which cases can be handled without formal court proceedings.

NR = 2%

STRONGLY DISAGREE	DISAGREE	DON'T KNOW	AGREE	STRONGLY AGREE
4%	10%	8%	62%	16%

12. The intent and priorities of the Unified Juvenile Code are clear as to when to rehabilitate, when to punish, and when to protect.

NR = 2%

STRONGLY DISAGREE	DISAGREE	DON'T KNOW	AGREE	STRONGLY AGREE
18%	44%	6%	26%	4%

STATUS OFFENDERS

13. What are the three most critical problems you face when dealing with status offenders under the Unified Juvenile Code? **(Please List the Problems and Briefly Describe)**

Total Responses = 109

PROBLEM AREA	FREQUENCY	PERCENT
Lack of Treatment Options	47	43.1
Family Problems/Parents	15	13.8
Truancy	12	11.0
Lack of Non-Secure Holding Facilities	11	10.0
Limits on Detention	10	9.2
Lack of Probation Monitoring/Follow-up	6	5.5
Lack of Stiff Punishments	3	2.8
Other	5	4.6

14. What specific suggestions do you have that could help resolve each of these problems?

Total Responses = 82

SUGGESTION AREA	FREQUENCY	PERCENT
Move Local CHR Treatment Program	38	46.3
Move Non-Secure Holding Facilities	13	15.9
Allow Detention for Some Status Offenders.	9	11.0
Require More Parental Involvement/Responsibility	6	7.3
Better Probation Monitoring	5	6.1
Other	11	13.4

15. Have you ever sentenced a youth to detention as a result of a habitual truancy case?

NR = 0%

YES 56.9% NO 43.1%

16. On average how often does this occur over the course of a school year?

Total Responses = 25

NUMBER OF OCCURRENCES	FREQUENCY	PERCENT
1 - 5 Times	16	64
6 - 10 Times	5	20
10 - 15 Times	3	12
15 + Times	1	4

17. Have you ever sentenced or fined a parent as a result of a habitual truancy case?

NR = 0%

YES 78.4% NO 21.6%

18. On average how often does this occur over the course of a school year?

Total Responses = 35

NUMBER OF OCCURRENCES	FREQUENCY	PERCENT
1 - 5 Times	17	48.6
6 - 10 Times	10	28.6
10 - 15 Times	3	8.6
15 + Times	5	14.3

DEPENDENT, NEGLECTED, AND ABUSED

19. What are the three most critical problems you face when dealing with dependent, neglected and abused children under the Unified Juvenile Code?
(Please List the Problems and Briefly Describe)

Total Responses = 90

PROBLEM AREA	FREQUENCY	PERCENT
CHR Overloaded/Problems with Investigations	26	28.9
Lack of Emergency Shelters/Foster Homes	19	21.1
Lack of Treatment for Lasting Change	17	18.9
Standards for Removal too High/Evidence Problems	8	8.9
Procedural Matters	6	6.7
Other	14	15.6

20. What specific suggestions do you have that could help resolve each these problems?

Total Responses = 83

SUGGESTION AREA	FREQUENCY	PERCENT
Move CHR Staff/Training in Investigations	26	31.3
More Treatment Programs	20	24.1
More Emergency Shelters/Foster Homes	19	22.9
Change Statutes = More Emphasis on Protection	8	9.6
Procedural Matters	3	3.6
Other	7	8.4

21. Are the Guardians ad Litem who appear on behalf of children generally knowledgeable and experienced in this area of the law?

NR = 0%

YES 80.4% NO 19.6%

MENTAL HEALTH ACT

22. What are the three most critical problems you face when dealing with children hospitalized under the Mental Health Act (Chapter 645) of the Unified Juvenile Code? (Please List the Problems and Briefly Describe)

Total Responses = 41

PROBLEM AREA	FREQUENCY	PERCENT
Lack of Facilities/Transportation	22	53.7
Lack of Understanding of Process	7	17.1
Lack of Local Resources/Alternatives	4	9.8
Unnecessary Hospitalizations	3	7.3
Other	5	12.2

23. What specific suggestions do you have that could help resolve each of these problems?

TR = 24

regional mental health hospital for children	(8)	33.3%
increased training of mental health hospital/CMHCs	(4)	16.7%
alternative placements	(2)	8.3%

RELATIONSHIPS WITH OTHER ENTITIES

24. How would you characterize your working relationship with the following entities in implementing the mandates of the Unified Juvenile Code? **(PLACE A NUMBER IN THE CORRESPONDING BLANK NEXT TO EACH ITEM, USING THE FOLLOWING SCALE:)**

	GOOD/EXCELLENT		FAIR/POOR	
Law Enforcement	46	(90.2%)	5	(9.8%)
CDW	45	(88.2%)	6	(11.8%)
Local CHR	41	(82%)	9	(18%)
Schools	41	(82%)	9	(18%)
County Attorney	45	(88.2%)	6	(11.8%)
Public Defenders	47	(92.2%)	4	(7.8%)
County Government	35	(71.4%)	14	(28.6%)

25. Do any mandates of the Unified Juvenile Code interfere with your relationships with any other entities, such as being unable to share information, etc.?

NR = 0%

YES

25%

NO

75%

DEMOGRAPHIC INFORMATION / FOLLOW-UP

Judicial District: _____
 Number of Years as District Judge: _____
 Number of Years Handling Juvenile Cases _____

While the individual responses to this survey will be kept confidential, it may be necessary for us to contact you about the answers you have given. Therefore, we ask that you provide your name and telephone number. If you do not wish to provide your name, please complete the survey anyway and return it as soon as possible.

Name: _____ Telephone number: _____

APPENDIX F

LEGISLATIVE RESEARCH COMMISSION
PROGRAM REVIEW SURVEY OF KENTUCKY LAW ENFORCEMENT
OFFICIALS

ON THE UNIFIED JUVENILE CODE

Total DISTRIBUTED - 149

Total Returned - 54

Response Rate = 36.2%

Issues, concerns, and problems arising from the implementation and operation of the unified juvenile code (UJC) may vary with factors such as job responsibilities, locale, or the availability of community resources. To further identify the issues, concerns, and problems you have, we are asking that you answer the following questions. **Please return the survey no later than May 5, 1993.**

WORKLOAD ISSUES

1. On average, how many juvenile cases does your department handle per month?

2. Of the total time your department spends handling juvenile cases, what percent of that time is spent handling various types of juvenile cases? **(Please estimate a percent of time spent for each type of case and place it in the appropriate box below. If you do not handle a certain type of case, place zero [0] in the appropriate box.)**

Percent

<input type="text"/>	Status offenses
<input type="text"/>	Criminal offenses (Public and Youthful Offenders)
<input type="text"/>	Dependent, Neglected, Abused
<input type="text"/>	Mental Health Cases under KRS Chapter 645

3. Based on your workload since January 1, 1992, do you feel that the amount of time your department spends handling juvenile cases is: **(Please circle the number that best reflects your opinion.)**

NR = 3.7%

Too Much
(1)
44.4%

About Right
(2)
50.0%

Not Enough
(3)
1.9%

4. Does the time and paperwork involved in processing a juvenile case ever influence whether or not your officers take a child into custody?

NR = 0%

YES	44.4%	NO	55.6%
-----	-------	----	-------

If yes, please explain:

Time and paperwork problems	48%
Issue citation instead	12%
Dependent on caseload	12%

5. Does the time and paperwork involved in processing a juvenile case ever influence whether or not your officers issue a citation?

NR = 0%

YES	20.4%	NO	79.6%
-----	-------	----	-------

If yes, please explain:

Use warnings on less serious offenses	40%
Time involved	40%

6. Do you feel that their experience, education or training has adequately prepared your officers to deal with juveniles?

NR = 0%

YES	70.4%	NO	29.6%
-----	-------	----	-------

a. Is training to handle juveniles available where you can participate?

NR = 0%

YES	50%	NO	50%
-----	-----	----	-----

b. If there is specific training that your department would like, please list three topics or areas.

TR = 45

Criminal procedure training	(8)	17.8%
Understanding code/whole system	(7)	15.6%
Handling physical/sexual abuse cases	(5)	11.1%

STATUS OFFENDERS

7. What are the three most critical problems that you encounter when handling status offender cases? **(Please list the problems and briefly describe.)**

TOTAL RESPONSES = 90

PROBLEM AREA	FREQUENCY	PERCENT
Lack of Non-Secure Placements/Shelters	15	16.7
Problems with Process (Time/Paperwork)	15	16.7
Parental Involvement	15	16.7
Juvenile Attitudes/Problems	12	13.3
Runaways	9	10
Relationships with Other Entities	5	5.6
Can't Detain Status Offenders	4	4.4
Lack of Treatment/Placements	3	3.3
Other	12	13.3

8. What specific suggestions do you have for resolving each of these problems? **(Please list your suggestions and briefly describe.)**

TOTAL RESPONSES = 54

PROBLEM AREA	FREQUENCY	PERCENT
More Treatment Options	12	22.2
Improve Relationships with Other Entities	11	20.4
More Non-Secure Placement Options	11	20.4
Stiffer Penalties	6	11.1
More Parental Responsibility	6	11.1
Streamline Process	5	9.2
Allow Detention of Status Offenders	3	5.6

PUBLIC/YOUTHFUL OFFENDERS

9. What are the three most critical problems that you encounter when handling criminal (public/youthful offender) cases? **(Please list the problems and briefly describe.)**

TOTAL RESPONSES = 102

PROBLEM AREA	FREQUENCY	PERCENT
No Detention Facilities Available/Restrictions	35	34.3
Procedural Problems	25	24.5
Juvenile Problems	14	13.7
No Stiff Punishments	13	12.7
Ineffective/Apathetic Parents	10	9.8
Other	5	5

10. What specific suggestions do you have for resolving each of these problems? **(Please list your suggestions and briefly describe.)**

TOTAL RESPONSES = 71

PROBLEM AREA	FREQUENCY	PERCENT
Expand Detention/Alternatives	29	40.8
Stiffer Punishments	15	21.1
More Placement/Treatment Options	7	9.9
Expand CDW Roles/Program	7	9.9
Streamline Procedures	6	8.5
Training for Various Entities	4	5.6
More Parental Responsibility	3	4.2

DEPENDENT, NEGLECTED, ABUSED

11. What are the three most critical problems that you encounter when handling dependent, neglected, abused cases? **(Please list the problems and briefly describe.)**

TOTAL RESPONSES = 65

PROBLEM AREA	FREQUENCY	PERCENT
Problems with CHR Investigations	24	37
Problems with Code/Procedures + Burden of Proof	15	23
Lack of Emergency Shelters/Foster Homes	9	13.8
Family Problems/Lack of Cooperation	7	10.8
Problems Contacting Judge after hours	3	4.6
Lack of Counseling	2	3.1
Other	5	7.7

12. What specific suggestions do you have for resolving each of these problems? **(Please list your suggestions and briefly describe.)**

TOTAL RESPONSES = 45

PROBLEM AREA	FREQUENCY	PERCENT
More and Better Trained CHR Staff	16	35.6
More Family Resources	7	15.6
More Emergency Shelters	7	15.6
More Training for Law Enf./Judges	6	13.3
Improved Procedures	5	11.1
More Judges On-Call	3	6.6
Enforce Confidentiality	1	2.2

MENTAL HEALTH ACT

13. Does your department handle cases falling under the Mental Health Act (KRS Chapter 645 of the Unified Juvenile Code)?

NR = 0%

YES 33.3% NO 66.7%

If YES, answer the following questions. If NO, go to #16.

14. What are the three most critical problems that you encounter when handling cases under the Mental Health Act? **(Please list the problems and briefly describe.)**

TOTAL RESPONSES = 18

PROBLEM AREA	FREQUENCY	PERCENT
Lack of Placements/Holding Facilities	9	50
Procedural Problems	5	27.7
Lack of CHR/Comp Care Involvement	2	11.1
Not Effective for 16/17 yr. olds	1	5.6
Parents Don't Understand Process	1	5.6

15. What specific suggestions do you have for resolving each of these problems? **(Please list your suggestions and briefly describe.)**

TOTAL RESPONSES = 11

PROBLEM AREA	FREQUENCY	PERCENT
More Training	3	27.3
More Facilities/Services	3	27.3
Require CHR/Comp Care Involvement	2	18.2
Improved Procedures	2	18.2
Parent Education	1	9

RELATIONSHIPS WITH OTHER ENTITIES

16. How would you characterize your departments working relationship with the following entities in implementing mandates of the Unified Juvenile Code? **(PLACE A NUMBER IN THE CORRESPONDING BLANK NEXT TO EACH ITEM, USING THE FOLLOWING SCALE:)**

	GOOD/EXCELLENT		FAIR/POOR	
Law Enforcement	46	(86.8%)	7	(13.2%)
CDW	37	(68.5%)	17	(31.5%)
District Judge	38	(70%)	16	(30%)
Local CHR	28	(52%)	26	(48%)
County Attorneys	40	(74%)	14	(26%)
Public Defenders	27	(52%)	25	(48%)
County Government	29	(55%)	24	(45%)

17. Do any mandates of the Unified Juvenile Code interfere with or create barriers to your ability to work with other entities, such as being unable to share information, etc.?

NR = 0%

YES 18.5% NO 81.5%

a. If yes, please describe the situation(s)

AVAILABILITY OF RESOURCES

18. What types of alternative treatment programs or detention facilities are available to handle juveniles in your area? (Please list and give the name, location, and type of facility, i.e., shelter, secure detention, etc.)

Facility (1)	Location (2)	Distance Away (3)	Type of Facility (4)
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

19. Please list the facilities for which you are reimbursed for transporting juveniles and the rate of reimbursement.

*Only two departments reported being reimbursed.

20. On average, how many times must your department transport juveniles within a one month period?

NR 28 = 52%

Range from 1 - 10
Majority less
than 5

21. Do you feel that treatment and detention resources are adequate in your area?

YES _____

NO _____

a. If No, what types of resources are needed, and where should they be located ? (Please list resources needed, suggested location, and indicate whether they should serve local or regional populations.) Total Responses = 53

<u>Resource Needed</u>	<u>Suggested Location</u>	<u>Local/Regional</u>
Detention	66%	_____
Hold Fac/Shelter	13.2%	_____
Treatment	18.9%	_____
More CDWs	1.9%	_____

ADDITIONAL RECOMMENDATIONS

22. How have past problems related to implementing the juvenile code in your area been resolved? (Please briefly describe both the problem and the strategies used to solve the problem.)

TR = 24

Housing/transportation problems not solved	(6)	25%
Communication	(6)	25%
Cooperation w/CDW	(5)	20.8%

23. Do you have any additional suggestions that could lead to more effective administration of the Juvenile Code? (Please list and briefly describe your suggestions. If you need additional space, please attach a separate sheet.)

TR = 21

Regional detention facilities	(6)	28.6%
More CDW availability	(4)	19%
Stiffer penalties	(4)	19%

DEMOGRAPHIC INFORMATION/FOLLOW-UP

Dept. Name:

County of Employment:

Job Title:

Number of years in current position:

While the individual responses to this survey will be kept confidential, it may be necessary for us to contact you about the answers you have given. Therefore, we ask that you provide your name and telephone number. If you do not wish to provide your name, please complete the survey anyway and return it as soon as possible.

Name: Telephone number: _____
(Please print)

Note: Remember to return the survey in the enclosed postage paid envelope by May 5, 1993. If you have any questions, please contact Betty M. Davis, Program Review staff at 502/564-8100.

THANK YOU FOR YOUR COOPERATION

APPENDIX G

LEGISLATIVE RESEARCH COMMISSION
PROGRAM REVIEW SURVEY OF KENTUCKY PUBLIC DEFENDERS
ON THE UNIFIED JUVENILE CODE

Total Sent - 86
Total Returned - 25 =
Response Rate = 29%

Issues, concerns, and problems arising from the implementation and operation of the Unified Juvenile Code (UJC) may vary with factors such as job responsibilities, locale, or the availability of community resources. To further identify the issues, concerns, and problems you have, we are asking that you answer the following questions. **(Please return the survey no later than May 7, 1993.)**

Caseload / Workload

1. On the average, how many cases do you handle in a month? _____
2. Of the total time you spend handling juvenile cases, what percent of that time is spent handling various types of juvenile cases? **(Please estimate a percent of time spent for each type of case and place it in the appropriate box below. If you do not handle a certain type of case, place zero [0] in the appropriate box.)**

Percent

- | | |
|----------------------|---|
| <input type="text"/> | Status offenses |
| <input type="text"/> | Criminal offenses (Public and Youthful Offenders) |
| <input type="text"/> | Dependent, Neglected, Abused |
| <input type="text"/> | Mental Health Cases under KRS Chapter 645 |

3. Based on your workload since January 1, 1992, do you feel that the amount of time you spend handling juvenile cases is? **(Please circle one number that best reflects your opinion.)**

High	About Right	Low
(1)	(2)	(3)
28%	68%	0%

Public/Youthful Offenders

4. What are the three most critical problems you face when dealing with public or youthful offenders under the Unified Juvenile Code? **(Please List the Problems and Briefly Describe)**

Total Responses = 52

PROBLEM AREA	FREQUENCY	PERCENT
Lack of/Delay in Treatment	13	25.0
Juvenile/Family Problems	11	21.1
Detention	8	15.4
Relationship With Other Entities	8	17.3
Youthful Offenders	7	13.5
PD Office Issues	4	7.7

5. What specific suggestions do you have that could help resolve each of these problems?

Total Responses = 33

SUGGESTION AREA	FREQUENCY	PERCENT
Increased Treatment Programs	12	36.4
Detention Expansion	6	18.2
Better Relations Among Entities	5	15.2
More Parental Sanctions/Responsibilities	4	12.1
Better Defined Youthful Offender Criteria	4	12.1
Increase Fund to Public Defenders	2	6.1

Regarding the pre-adjudication period, please indicate your level of agreement with the following statements using the following scale.

STRONGLY DISAGREE	DISAGREE	DON'T KNOW	AGREE	STRONGLY AGREE
1	2	3	4	5

6. 24-hour detainment is too frequently used.

STRONGLY DISAGREE	DISAGREE	NR = 12% DON'T KNOW	AGREE	STRONGLY AGREE
8%	16%	12%	32%	20%

7. 24-hour detainment is used for "shock " value.

STRONGLY DISAGREE	DISAGREE	NR = 12% DON'T KNOW	AGREE	STRONGLY AGREE
0%	12%	16%	20%	40%

8. Criteria for determining eligibility for diversion by the CDW are effective in designating which children can avoid formal court proceedings.

STRONGLY DISAGREE	DISAGREE	NR = 12% DON'T KNOW	AGREE	STRONGLY AGREE
16%	28%	4%	32%	8%

9. There is lack of notification of an appropriate adult, parent, or guardian.

STRONGLY DISAGREE	DISAGREE	NR = 12% DON'T KNOW	AGREE	STRONGLY AGREE
16%	36%	8%	8%	20%

10. Parents are generally given access to their children when they are in custody.

STRONGLY DISAGREE	DISAGREE	NR = 12% DON'T KNOW	AGREE	STRONGLY AGREE
16%	12%	24%	32%	4%

11. Rights of juveniles are adequately protected.

STRONGLY DISAGREE	DISAGREE	NR = 12% DON'T KNOW	AGREE	STRONGLY AGREE
20%	24%	8%	32%	4%

Regarding the post-adjudication period, please indicate your level of agreement with the following statements using the following scale.

STRONGLY DISAGREE	DISAGREE	DON'T KNOW	AGREE	STRONGLY AGREE
1	2	3	4	5

12. Defender is unable to participate in treatment planning.

STRONGLY DISAGREE	DISAGREE	NR = 12% DON'T KNOW	AGREE	STRONGLY AGREE
12%	40%	4%	16%	16%

13. Defender is unable to maintain contact with juveniles during this time.

STRONGLY DISAGREE	DISAGREE	NR = 12% DON'T KNOW	AGREE	STRONGLY AGREE
12%	20%	12%	28%	16%

14. Habitual truants are too often sentenced to detention on contempt.

STRONGLY DISAGREE	DISAGREE	NR = 12% DON'T KNOW	AGREE	STRONGLY AGREE
8%	24%	16%	20%	20%

15. Pre-adjudication time is not applied to post-adjudication detention (30-45 days)

STRONGLY DISAGREE	DISAGREE	NR = 20% DON'T KNOW	AGREE	STRONGLY AGREE
20%	24%	28%	0%	8%

16. Rights of juveniles are adequately protected.

STRONGLY DISAGREE	DISAGREE	NR = 12% DON'T KNOW	AGREE	STRONGLY AGREE
8%	24%	12%	40%	4%

17. Are there specific examples of instances where juveniles rights have not been protected?

NR = 0%			
YES	48%	NO	52%

18. Have you experienced problems with the appeal process?

NR = 0%

YES 20% NO 80%

Status Offenders

19. What are the three most critical problems you face when dealing with status offenders under the Unified Juvenile Code? **(Please List the Problems and Briefly Describe)**

Total Responses = 47

PROBLEM AREA	FREQUENCY	PERCENT
Lack of/Delay in Treatment	20	42.6
Family/Juvenile Problems	18	38.3
Truancy	3	6.4
Other	5	10.6

20. What specific suggestions do you have that could help resolve each of these problems?

Total Responses = 46

SUGGESTION AREA	FREQUENCY	PERCENT
Increase Treatment Options	21	45.7
More Parental Responsibility/Accountability	9	19.6
Forbid S.O. Detention/Decriminalize S.O.	7	15.2
More CDW Training/Screening of Cases	6	13.0
Other	3	6.5

Dependent, Neglected, and Abused

21. What are the three most critical problems you face when dealing with dependent, neglected and abused children under the Unified Juvenile Code? **(Please List the Problems and Briefly Describe)**

Total Responses = 14

PROBLEM AREA	FREQUENCY	PERCENT
CHR Investigation Skill	8	57.2
Lack of Foster Homes/Treatment	3	21.4
Other	3	21.4

22. What specific suggestions do you have that could help resolve each of these problems?

Total Responses = 12

SUGGESTION AREA	FREQUENCY	PERCENT
More Foster Homes/Treatment	6	50.0
More/Better Trained Social Workers	5	41.7
Other	1	8.3

Confidentiality

23. Are the current rules of confidentiality adequate in balancing the protection of the juvenile with the other goals of the juvenile justice system?

NR = 0%

YES 64% NO 36%

24. Is confidentiality of juvenile case information essential in all instances?

NR = 0%

YES 64% NO 36%

25. Are the confidentiality constraints too rigid so as to be unfair to the victims of offenders?

NR = 0%

YES 12% NO 88%

26. Do you have access to sufficient information from the Court Designated Worker, Family Service Worker and law enforcement agencies to adequately represent your clients?

NR = 0%

YES 52% NO 48%

27. Should expungement of juvenile records be automatic?

YES 84% NR = 0% NO 16%

28. What other concerns do you have with the confidentiality issues?

Mental Health Act

29. Do you deal with juveniles under the Mental Health Act (Chapter 645)?

YES 24% NR = 0% NO 76%

If yes, answer questions 30 and 31. If no, go to question 32.

30. What are the three most critical problems you face when dealing with children hospitalized under the Mental Health Act (Chapter 645) of the Unified Juvenile Code? **(Please List the Problems and Briefly Describe)**

Total Responses = 78

PROBLEM AREA	FREQUENCY	PERCENT
Procedural Matters*	7	87.5
Lack of Facilities	1	12.5

*All suggestions dealt with procedural matters.

Relationships With Other Entities

32. How would you characterize your working relationship with the following entities in implementing the mandates of the Unified Juvenile Code? **(PLACE A NUMBER IN THE CORRESPONDING BLANK NEXT TO EACH ITEM, USING THE FOLLOWING SCALE:)**

	GOOD/EXCELLENT		FAIR/POOR	
Law Enforcement	17	(77.3%)	5	(22.7%)
CDW	15	(68.2%)	7	(31.8%)
District Judge	19	(86.4%)	3	(13.6%)
Local CHR	12	(54.5%)	10	(45.5%)
Schools	11	(50%)	11	(50%)
County Attorney	19	(86.4%)	3	(13.6%)
County Government	13	(61.9%)	8	(38.1%)

33. Do any mandates of the Unified Juvenile Code interfere with your relationships with any other entities, such as being unable to share information, etc.?

NR = 0%

YES

12%

NO

88%

Additional Recommendations

35. Do you have any additional suggestions that could lead to more effective administration of the Juvenile Code? **(Please list and briefly describe your suggestions. If you need additional space, please attach a separate sheet.)**

Demographic Information/Follow-Up

Judicial District _____ County _____

Number of years of service as Public Defender _____

Number of years of service as Juvenile Public Defender _____

While the individual responses to this survey will be kept confidential, it may be necessary for us to contact you about the answers you have given. Therefore, we ask that you provide your name and telephone number. If you do not wish to provide your name, please complete the survey anyway and return it as soon as possible.

Name: _____

Telephone

number: _____

(Please print)

Note: Remember to return the survey in the enclosed postage paid envelope by May 7, 1993. If you have any questions, please contact Anne Armstrong, Program Review staff at 502/564-8100.

THANK YOU FOR YOUR COOPERATION

APPENDIX H

LEGISLATIVE RESEARCH COMMISSION
PROGRAM REVIEW SURVEY OF SCHOOL OFFICIALS
ON THE UNIFIED JUVENILE CODE

Total Distributed - 176

Total Returned - 110

Response Rate = 63%

Issues, concerns, and problems arising from the implementation and operation of the unified juvenile code (UJC) may vary with factors such as job responsibilities, locale, or the availability of community resources. To further identify the issues, concerns, and problems you have, we are asking that you answer the following questions. **Please return the survey no later than May 5, 1993.**

PUBLIC AND YOUTHFUL OFFENDERS

1. What are the three most critical problems you face when dealing with public or youthful offenders under the Unified Juvenile Code? **(Please List the Problems and Briefly Describe)**

Total Responses = 132

PROBLEM AREA	FREQUENCY	PERCENT
Court Processes and Procedures	30	22.7
Juvenile Problems	27	20.5
Lack of Treatment	23	17.4
Lack of Punishments	20	15.2
Family Problems	11	8.3
Lack of Detention Facilities	10	7.6
Relationships Among Entities	9	6.8
Other	2	1.5

2. What specific suggestions do you have that could help resolve each of these problems?

Total Responses = 106

SUGGESTION AREA	FREQUENCY	PERCENT
More Treatment Options	32	30.2
More Severe Punishments	22	20.8
More Parental Responsibility/Programs	15	14.2
Speed Up Court Process	15	14.2
More Juvenile Detention	10	9.4
More CDWs	8	7.5
Other	4	3.8

STATUS OFFENDERS

3. What are the three most critical problems you face when dealing with status offenders under the Unified Juvenile Code? **(Please List the Problems and Briefly Describe)**

Total Responses = 163

PROBLEM AREA	FREQUENCY	PERCENT
Truancy	40	24.5
Beyond Control Youth	24	14.7
Court Process and Procedures	24	14.7
Lack of Punishments	20	12.3
No Parental Involvement/Family Problems	17	10.4
Juvenile Problems	16	9.8
Lack of Treatment Options	16	9.8
Relationships Among Entities	6	3.7

4. What specific suggestions do you have that could help resolve each of these problems?

Total Responses = 146

SUGGESTION AREA	FREQUENCY	PERCENT
More Parent Responsibility/Sanctions	56	38.4
More Severe Punishments	37	25.3
More Treatment Options	25	17.1
Shorten Court Process	12	8.2
More CDWs	11	7.5
Better Relationships Among Entities	5	3.4

5. What specific problems do you encounter in handling habitual truants?

Total Responses = 160

PROBLEM AREA	FREQUENCY	PERCENT
Length/Problems with Court Process	80	50
Lack of Parental Support/Responsibility	55	34.4
Lack of Punishments/Options	22	13.8
Other	3	1.9

Two definitions of the term "habitual truant" exist. One definition is included in the compulsory attendance laws, KRS 159.150, and reads as follows:

- #1** *Any child who has been **absent** from school **without valid excuse** for **three or more days** or **tardy three or more days** is a **truant**. Any child who has been reported as a **truant three or more times** is a **habitual truant**. Being absent for less than half of a school day shall be regarded as being tardy.*

The second definition occurs in the definition section of the introductory chapter of the Juvenile Code, KRS 600.020, and reads as follows:

- #2** ***Habitual truant means any child who has been found by the court to have been absent from school without valid excuse for three or more days during a one year period or tardy for three or more days on at least three occasions during a one year period.***

6. Do you experience any problems reconciling the two definitions of habitual truancy?

YES 36.8% NR = 0% NO 63.2%

7. Which definition do you use to determine when formal truancy proceedings begin?

#1 83.7% NR = 0% #2 16.3%

8. Do you feel that the process of identification and adjudication of truants takes too long?

YES 83.7% NR = 0% NO 16.3%

If YES, what are the causes of the slow process?

Total Responses = 99

REASON	FREQUENCY	PERCENT
Court System/Process/Bureaucracy	50	50.5
Lack of CDW Availability/Coordination	42	42.4
Other	7	7.1

9. Should habitual truants be treated as dependent, neglected and abused cases?

NR = 0%

YES 63.4% NO 21.8%

10. What programs are offered in your district for habitual truants and/or students with other behavioral problems?

Total Responses = 200

PROGRAM	FREQUENCY	PERCENT
In-school Counseling/Mentoring	87	43.5
Day Treatment/Alternative School	57	28.5
In-school Suspension	30	15
Dropout Prevention	13	6.5
Comp Care Counseling	11	5.5
Parenting Programs	2	1

11. What other programs are needed for habitual truants and/or students with other behavioral problems?

Total Responses = 96

PROGRAM TYPE	FREQUENCY	PERCENT
Alternative Schools/Education Programs	43	44.8
Parental Programs	19	19.8
Counseling Resources	18	18.8
Community Resources	7	7.3
Residential Placement/Treatment	6	6.3
Stricter Enforcement of Laws	3	3.1

DEPENDENT, NEGLECTED, AND ABUSED

12. What are the three most critical problems you face when dealing with dependent, neglected and abused children under the Unified Juvenile Code? (Please list the problems and briefly describe)

Total Responses = 125

PROBLEM AREA	FREQUENCY	PERCENT
Family Problems/No Parental Responsibility	46	36.8
CHR Overloaded/Inactive	25	20
Poor Relations with CHR	22	17.6
Court Process	18	14.4
Lack of Treatments	7	5.6
Other	17	13.6

13. What specific suggestions do you have that could help resolve each of these problems?

Total Responses = 89

SUGGESTION AREA	FREQUENCY	PERCENT
More Parental Responsibility/Stronger Punishment	27	30.3
Better Cooperation with CHR	21	23.6
Increase CHR staff	17	19.1
Better Relationship among all entities	10	11.2
Simplify Court Process	7	7.9
More Treatment Options	7	7.9

MENTAL HEALTH ACT

14. Do you deal with juveniles under the Mental Health Act?

YES 11.8% NR = 0% NO 88.2%

If YES, please answer questions 15 and 16. If NO, please go to next section.

15. What are the three most critical problems you face when dealing with children hospitalized under the Mental Health Act (Chapter 645) of the Unified Juvenile Code? **(Please list the problems and briefly describe)**

Total Responses = 13

PROBLEM AREA	FREQUENCY	PERCENT
Lack of Placements*	8	61.5
Other	5	38.5

*Placements was mentioned as the number one mental health solution by 50% of responses

RELATIONSHIPS WITH OTHER ENTITIES

17. How would you characterize your working relationship with the following entities in implementing the mandates of the Unified Juvenile Code? **(PLACE A NUMBER IN THE CORRESPONDING BLANK NEXT TO EACH ITEM, USING THE FOLLOWING SCALE:)**

	GOOD/EXCELLENT		FAIR/POOR	
Law Enforcement	97	(93.3%)	7	(6.7%)
CDW	86	(81.9%)	19	(18.1%)
District Judge	80	(76.9%)	24	(23.1%)
Local CHR	59	(57.8%)	43	(42.1%)
County Attorney	82	(82.8%)	17	(17.2%)
Public Defenders	62	(71.3%)	25	(28.7%)
County Government	70	(76.1%)	22	(23.9%)

18. Do any mandates of the Unified Juvenile Code interfere with your relationships with any other entities, such as being unable to share information, etc.?

NR = 0%

YES 28.7% NO 71.3%

Reasons

TR = (20)

Can't share info w/DSS	(6)	30%
Need more info. sharing	(5)	25%
Can't share info. w/CDW	(4)	20%

ADDITIONAL RECOMMENDATIONS

19. How have past problems related to implementing the juvenile code in your area been resolved? **(Please briefly describe both the problem and the strategies used to solve the problem.)**

TR = (34)

Communication	(24)	70.6%
Problems haven't been resolved	(6)	17.6%
Lobbying of district judge	(2)	6%

20. Do you have any additional suggestions that could lead to more effective administration of the Juvenile Code? **(Please list and briefly describe your suggestions. If you need additional space, please attach a separate sheet.)**

TR = (40)

More severe punishments	(6)	15%
More help for CDWs/more CDW availability	(4)	10%
Better communication among entities	(4)	10%

DEMOGRAPHIC INFORMATION/FOLLOW-UP

School District: _____
County: _____
Job Title: _____
Number of years in current position: _____

While the individual responses to this survey will be kept confidential, it may be necessary for us to contact you about the answers you have given. Therefore, we ask that you provide your name and telephone number. If you do not wish to provide your name, please complete the survey anyway and return it as soon as possible.

Name _____ Telephone number: _____
(Please print)

Note: Remember to return the survey in the enclosed postage paid envelope by May 5, 1993. If you have any questions, please contact Drew Leatherby, Program Review staff at 502/564-8100.

THANK YOU FOR YOUR COOPERATION

APPENDIX I

FEDERAL VICTIMS OF CRIME ACT (VOCA) AWARDS

OCTOBER 1, 1992 - SEPTEMBER 30, 1993

Program Name	Counties Served	VOCA Award	State / Local Match	Program Type	Program Description
Warren County Commonwealth Attorney	Warren	\$26,257	\$6,565	Underserved Population	<ul style="list-style-type: none"> • Consult with victims • Refer to appropriate support and counseling agencies • Provide property retrieval • Provide crisis intervention • Serve as liaison among support agencies • Provide court assistance and knowledge of judicial system
BIG SANDY ADD					
Mountain Comp Care	Floyd, Johnson, Magoffin, Martin, Pike	\$41,580	\$10,895	Sexual Abuse/Assault	<ul style="list-style-type: none"> • Provide specialized crisis intervention and hotline • Provide support services for children and adults • Provide specialized therapeutic services for recovery for children and adults
BLUEGRASS ADD					
Bluegrass Regional MH/MR Board	Franklin & Woodford	\$26,000	\$6,500	Child Abuse/Sexual Assault	<ul style="list-style-type: none"> • Provide advocacy services - crisis counseling, therapy, follow-up, information and referral, criminal justice support and advocacy, emergency and financial assistance, emergency legal and personal advocacy • Recruit, train and supervise volunteers • Empirically evaluate efficiency of advocacy services
Fayette County Attorney	Fayette	\$19,951	\$6,874	Underserved Population	<ul style="list-style-type: none"> • Maintain contact with victims and keep them informed • Provide reassurance, emotional support and protection and referrals • Provide direct services-transportation, intervention with employers and landlords, expediting restitution, assistance in compensation claims • Provide communication with prosecutor
Fayette County Comm Attorney	Fayette	\$67,469	\$22,604	Underserved Population	<ul style="list-style-type: none"> • Provide comprehensive support services and information • Provide crisis intervention • Provide referral services to victims and families • Provide court advocate • Provide physical assistance, i.e., transportation • Assist in proper return of property

FEDERAL VICTIMS OF CRIME ACT (VOCA) AWARDS
OCTOBER 1, 1992 - SEPTEMBER 30, 1993

Program Name	Counties Served	VOCA Award	State / Local Match	Program Type	Program Description
Franklin County Crime Assistance	Franklin	\$8,968	\$4,829	Underserved Population	<ul style="list-style-type: none"> • Provides services to felony, misdemeanor and juvenile cases • Provide court advocacy and support • Bridge judicial hiatus for victim from district to circuit court • Provide counseling referrals • Assist in obtaining Victims' Compensation Funds
Lexington Child Abuse Council	Fayette	\$13,303	\$3,325	Child Abuse/Sexual Assault	<ul style="list-style-type: none"> • Provide program and services for young children • Provide intermediate and short-term crisis intervention • Provide comprehensive system of services and support through coordinated efforts of agencies • Provide temporary safe shelter to children in protective custody • Provide follow-up and long-term counseling and support services • Provide crisis intervention and support services to adult victims • Provide emotional, psychological support, and assessment screening • Provide group counseling for child victims • Work with Fayette County Multi-disciplinary Team • Provide adult survivor support services to Jessamine Co. victims
Lexington Rape Crisis Center	Fayette	\$37,750	\$9,438	Sexual Abuse/Assault	<ul style="list-style-type: none"> • Train volunteers to provide support services • Provide individual psychotherapy for victims and adult survivors • Provide consultations with psychotherapists

FEDERAL VICTIMS OF CRIME ACT (VOCA) AWARDS
OCTOBER 1, 1992 - SEPTEMBER 30, 1993

Program Name	Counties Served	VOCA Award	State / Local Match	Program Type	Program Description
Lexington YWCA Spouse Abuse	Anderson, Bourbon, Boyle, Clark, Estill, Fayette, Franklin, Garrard, Harrison, Jessamine, Lincoln, Madison, Mercer, Nicholas, Powell, Scott & Woodford	\$32,550	\$8,138	Spouse Abuse	For Former Resident Follow-Up Project: <ul style="list-style-type: none"> • Establish contact with 1,185 former shelter residents • Provide information, referrals and advocacy • Provide individual or group counseling • Provide court accompaniment and legal advocacy
Sunshine Center (Frankfort Area Children's Council)	Franklin	\$16,000	\$4,000	Child Abuse/Sexual Assault	<ul style="list-style-type: none"> • Provide crisis intervention information, food, clothing • Provide temporary respite care and shelter • Provide therapy programs
BUFFALO TRACE ADD					
None					

FEDERAL VICTIMS OF CRIME ACT (VOCA) AWARDS
OCTOBER 1, 1992 - SEPTEMBER 30, 1993

Program Name	Counties Served	VOCA Award	State / Local Match	Program Type	Program Description
CUMBERLAND VALLEY ADD					
Cumberland River Mental Health	Bell, Clay, Harlan, Jackson, Knox, Laurel, Rockcastle, Whitley	\$10,977	\$3,298	Sexual Abuse/Assault	<ul style="list-style-type: none"> • Provide crisis intervention and other support services • Continue therapy • Provide emergency shelter and food • Recruit volunteers
FIVCO ADD					
Safe Harbor	Boyd, Carter, Elliott, Greenup & Lawrence	\$31,500	\$8,287	Spouse Abuse/Assault	<ul style="list-style-type: none"> • Provide crisis intervention and referrals • Provide criminal justice support and emergency legal assistance • Provide services to children and adult survivors • Provide group support and counseling for current and former residents • Provide emergency shelter
GATEWAY ADD					
Gateway Health Department	Bath, Menifee, Montgomery, Morgan & Rowan	\$17,981	\$4,495	Child Abuse/Sexual Assault	<ul style="list-style-type: none"> • Assure priority children are assigned CASA volunteers • Recruit, screen, train CASA • Provide support and technical assistance to CASA • Provide CASA in-service • Provide services to child victims: <ul style="list-style-type: none"> -Victim's compensation benefits -Swift return of property (evidence) held by police -Victim cooperation with law enforcement
GREEN RIVER ADD					
Daviess County Victim Assistance	Daviess	\$32,806	\$8,202	Underserved Population	<ul style="list-style-type: none"> • Provide sensitivity training to law enforcement officials • Assist other agencies with support services • Network counseling, religious and medical services • Provide court orientation and transportation

FEDERAL VICTIMS OF CRIME ACT (VOCA) AWARDS
OCTOBER 1, 1992 - SEPTEMBER 30, 1993

Program Name	Counties Served	VOCA Award	State / Local Match	Program Type	Program Description
KIPDA ADD					
Center for Women & Families	Bullitt, Henry, Jefferson, Oldham, Shelby, Spencer & Trimble	\$25,486	\$6,494	Spouse Abuse	<ul style="list-style-type: none"> • Provide court advocacy, emotional support, counseling, technical assistance and referrals • Provide professional therapy to rebuild lives
ECHO	Bullitt, Henry, Jefferson, Oldham, Shelby, Spencer & Trimble	\$23,972	\$5,993	Child Abuse/Sexual Assault	<ul style="list-style-type: none"> • Maintain and expand volunteer services • Provide information, emotional support and referrals • Alleviate anxiety of testifying in court • Provide volunteers to work with police on missing children cases • Maintain contact and coordinate services for local and national agencies
Family & Children's Agency	Jefferson	\$53,025	\$13,258	Child Abuse/Sexual Assault	<ul style="list-style-type: none"> • Organize continuum of care, integration of services, referrals, assessment, counseling, support services and volunteer training • Provide resources of salaried specialists, volunteer facilitators and peer network • Affiliate program and victims with other appropriate services • Provide 24 hour on call access • Expand volunteer component
Family Place	Jefferson	\$52,094	\$13,023	Child Abuse/Sexual Assault	<ul style="list-style-type: none"> • Provide specialized counseling, crisis intervention and court advocacy • Provide assessments and support for families • Monitor functioning of victims and families to confront re-abuse and to intervene
R.A.P.E. Relief (Center for Women & Children)	Bullitt, Henry, Jefferson, Oldham, Shelby, Spencer & Trimble	\$43,050	\$10,807	Sexual Abuse/Assault	<ul style="list-style-type: none"> • Provide immediate crisis response • Provide individual and group counseling • Provide special services for children and adults molested as children • Make mental health and psychiatric referrals • Educate and encourage reporting of crime

FEDERAL VICTIMS OF CRIME ACT (VOCA) AWARDS
OCTOBER 1, 1992 - SEPTEMBER 30, 1993

Program Name	Counties Served	VOCA Award	State / Local Match	Program Type	Program Description
KY RIVER ADD					
LKLP	Knott, Leslie, Letcher & Perry	\$58,982	\$16,856	Spouse Abuse	<ul style="list-style-type: none"> • Provide same day interviews/ counseling and follow-up counseling • Enroll children of victims in day care • Assist elderly, underserved victims of crime • Perform advocacy, court information
LAKE CUMBERLAND ADD					
Taylor County Comm Attorney	Green, Taylor, Marion & Washington	\$22,327	\$5,585	Underserved Population	<ul style="list-style-type: none"> • Provide comprehensive services • Provide crisis intervention, counseling, court advocacy and information • Assist in accessing emergency medical funds and victims compensation
LINCOLN TRAIL ADD					
Communicare	Breckinridge, Grayson, Hardin, Larue, Marion, Meade, Nelson & Washington	\$10,500	\$2,625	Sexual Abuse	<ul style="list-style-type: none"> • Provide qualified short and long-term counseling • Enhance skills of service providers
Lincoln Trail Domestic Violence	Breckinridge, Grayson, Hardin, Larue, Marion, Meade, Nelson & Washington	\$8,960	\$2,242	Spouse Abuse	<ul style="list-style-type: none"> • Reduce victim confusion about legal process • Provide court advocacy • Inform about support services • Provide emotional support
NORTHERN KY ADD					
Brighton Center	Campbell & Kenton	\$11,758	\$2,940	Child Abuse/Sexual Assault	<ul style="list-style-type: none"> • Provide shelter • Provide individual, family and aftercare counseling • Provide case management/advocacy services • Assist in compensation claims • Provide staff development and training

FEDERAL VICTIMS OF CRIME ACT (VOCA) AWARDS
OCTOBER 1, 1992 - SEPTEMBER 30, 1993

Program Name	Counties Served	VOCA Award	State / Local Match	Program Type	Program Description
Campbell County Comm Attorney	Campbell	\$35,170	\$8,914	Underserved Population	<ul style="list-style-type: none"> • Provide services to victims of felony, misdemeanor and juvenile crimes • Provide crisis intervention and counseling referral • Assist in communication with law enforcement, judges, prosecutors, probation/parole personnel, etc. • Assist in application for emergency medical and victims compensation claims
Committee for Kids	Boone, Campbell & Kenton	\$15,158	\$3,790	Child Abuse/Sexual Assault	<ul style="list-style-type: none"> • Provide group counseling and secondary informational and referral services • Provide 12 week programs • Train staff and supervise group facilitators • Assess children's progress
Kenton County Comm Attorney	Kenton	\$23,021	\$6,648	Underserved Population	<ul style="list-style-type: none"> • Provide comprehensive service to all victims even where there is no prosecutorial merit of felonies, particularly court advocacy • Make appropriate referrals to other agencies • Provide communication liaison to professionals • Assess needs for emergency funding
Women's Crisis Center	Boone, Campbell, Gallatin, Grant, Kenton, Owen & Pendleton	\$48,464	\$13,622	Spouse Abuse	<ul style="list-style-type: none"> • Crisis intervention, counseling and information • Support and reassurance to victims for court appearances, including preparation and fiscal needs • Crisis intervention and supportive services for family members of primary victims • Assess awareness of court personnel • Assess effectiveness of service delivery
PENNYRILE					
None					
PURCHASE ADD					
Childwatch	McCracken	\$17,420	\$4,355	Child Abuse/Sexual Assault	<ul style="list-style-type: none"> • Recruit and train volunteers to provide court advocacy, support and assistance • Provide 24 hour hotline services and crisis intervention

FEDERAL VICTIMS OF CRIME ACT (VOCA) AWARDS
OCTOBER 1, 1992 - SEPTEMBER 30, 1993

Program Name	Counties Served	VOCA Award	State / Local Match	Program Type	Program Description
Graves County Comm Attorney	Graves	\$14,147	\$3,539	Underserved Population	<ul style="list-style-type: none"> • Reduce victim frustration • Provide comprehensive services, information and emotional support • Provide court advocacy, transportation, and liaison • Train staff
McCracken County Comm Attorney	McCracken	\$24,844	\$6,349	Underserved Population	<ul style="list-style-type: none"> • Explain procedures and provide information • Provide crisis intervention, assessment, criminal justice advocacy, restitution and compensation claim assistance, victim protection and referral counseling • Arrange conferences with prosecutor and transport
PURCHASE ADD					
Rape Victim Services	Ballard, Calloway, Carlisle, Fulton, Graves, Hickman, Marshall & McCracken	\$41,028	\$10,260	Sexual Abuse/Assault	<ul style="list-style-type: none"> • Provide crisis intervention via hotline and emergency services • Provide medical and legal advocacy services • Provide personal advocacy counseling, information, referral services and support groups • Provide \$500 for victim assistance • Provide medical protocol for hospitals • Provide sexual assault training for law enforcement • Train volunteers
Women Aware	Calloway, Fulton, Graves, Hickman & Marshall	\$18,135	\$4,534	Spouse Abuse	<ul style="list-style-type: none"> • Provide shelter to victims and their children • Provide individual support and group support counseling • Provide literacy and job training programs • Provide transportation
TOTAL		\$928,560.00	\$254,616.00		

SOURCE: Data provided by Justice Cabinet/summarized and assembled by Program Review staff.

APPENDIX J

CHILD VICTIM TRUST FUND AWARDS

JULY 1, 1992-JUNE 30, 1993

Program Name	Counties Served	CVTF Award	State / Local Match	Program Type	Program Description
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NORTHERN KY ADD

Committee for Kids	Boone, Campbell, Kenton and Grant	\$3,695	\$3,695	Child Education/ Abuse	Support coordinator's salary to: <ul style="list-style-type: none"> Educate children (pre-5) on child abuse issues Train staff and volunteers Assess effectiveness of program Educate adults caring for children
Women's Crisis Center	Kenton, Boone and Campbell	\$4,800	\$4,800	Sexual Abuse/ Assault	<ul style="list-style-type: none"> Educate parents and professionals, community organizations, school personnel, & CASA Prevent victimization and revictimization in middle school students by an awareness program
Kentucky Council on Child Abuse	Statewide	\$3,700	\$3,700	Child Abuse	<ul style="list-style-type: none"> Purchase "Quick Think" games Target educators, children 4 - 12 and their families

GATEWAY ADD

Gateway Child Abuse Task force	Bath, Menifee, Montgomery, Morgan and Rowan	\$7,500	\$7,500	Child Abuse	Support salary of a "project staff" who will <ul style="list-style-type: none"> Review prevention education in day care Provide new curriculum to elementary and middle schools Present new videos to elementary and middle schools, etc. Teach how to respond on disclosing to appropriate adults Develop and distribute brochure on prevention Provide community awareness on prevention and Child Victim's Trust Fund Investigate need for ritualistic abuse prevention program
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KIPDA ADD

YMCA Center for Youth Alternative	Jefferson, Oldham & Bullitt	\$3,000	\$3,000	Child Abuse/ Sexual Assault	<ul style="list-style-type: none"> Educate students on nature and impact of abuse and describe available shelter services Conduct intake interviews at shelters to assess incidence of abuse Train staff to provide life skills sessions to shelter residents
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CHILD VICTIM TRUST FUND AWARDS

JANUARY 1, 1993 - DECEMBER 30, 1993

Program Name	Counties Served	CVTF Award	State / Local Match	Program Type	Program Description
KIPDA ADD					
St. Matthews Area Ministries Youth Services	Jefferson	\$4,000	\$4,000	Child Abuse/ Sexual Assault	<ul style="list-style-type: none"> • Provide prevention education to children 6 - 12 in churches and child care centers • Present seminars to professionals and local police on abuse and detection
Community Coordinated Child Care	Jefferson	\$5,808	\$5,808	Child Abuse/ Sexual Assault	<ul style="list-style-type: none"> • Provide workshop for parents and workers in child care centers • Present workshop at its family child care conference.
NORTHERN KY ADD					
Committee for Kids	Boone, Campbell, Kenton and Grant	\$7,756	\$7,756	Child Abuse/ Sexual Assault	Support coordinator's salary to: <ul style="list-style-type: none"> • Network N KY professionals • Coordinate planning for children's advocacy center • Educate professionals and public about abuse
PURCHASE ADD					
Mayfield-Graves Co Child Advocacy	Graves	\$12,000	\$12,000	Child Abuse	<ul style="list-style-type: none"> • Provide abuse prevention programs to K-3 in public and parochial schools • Present abuse prevention programs to adults
Paducah - McCracken County Child Watch, Inc.	McCracken	\$10,000	\$10,000	Child Abuse	<ul style="list-style-type: none"> • Provide abuse prevention to children K - 12 • enhance community awareness of abuse • Provide workshops for volunteers and professionals • Enhance the system's response to disclosures
TOTAL		\$62,259.00	\$62,259.00		

SOURCE: Data provided by the Victims Advocacy Div. Office of Attorney General/summarized and assembled by Program Review staff.

APPENDIX K

RECENT VICTIM'S RIGHTS LEGISLATION SUMMARY/NVC DATA

STATE	STATUTE	YEAR	SUBJECT	SUMMARY
CONNECTICUT	54-91C (a-d)	1986	Crime victim testimony prior to acceptance of plea agreement and at sentence hearing	Victim of class A, B, or C felony or sexual assault in 3rd degree may make a statement into the record. It may be written or oral and will become a part of the record. It will contain only facts of the case and the extent of any loss or injuries.
MAINE	15-3301(6)	1989	Preliminary investigation, Informal adjustment, Petition initiation	If juvenile caseworker decides not to request petition victim, etc., must be informed and may submit complaint to prosecuting attorney for review.
ILLINOIS	38-1353	1990	Impact Statement	If a child is the victim of a violent crime (as defined) the parent or guardian may provide an impact statement to be presented at sentencing hearing.
ILLINOIS	38-1406	1988	Victims Impact Statement	Where juvenile has been adjudicated as specifically defined, the victim may request to address the court regarding impact of juvenile's delinquent conduct against victim. Statement must be prepared in writing.
SOUTH CAROLINA	20-7-780(A-C)	1990	Confidential information	Department of Youth Services may provide victim of violent crime with name of juvenile, information about the system, status and disposition of delinquency action, and service available to victim. This information must not be made public except by court order.
CALIFORNIA	FC 1781	1981	Victim Notification	Youthful Offender Parole Board shall notify victim of rape of juvenile proceedings if formally requested by victim.
CALIFORNIA	PC 679.02(a)(4)	1981	Statutory Rights for Notification	Victim or representative shall be notified of all juvenile disposition hearings where case is felony.
MINNESOTA	611A.037 (1-2)	1987	Presentence Investigation, Impact Statement, Notice	A presentence investigation report shall include victim's opinion and/or objection to disposition, etc. Officer shall provide victim with sentence or plea agreement, any right to restitution, time and place of sentencing or disposition and victim's right to be present, and right to object in writing.
WASHINGTON	13.40.150(1-5)	1990	Notice of any release	If so requested victim or representative shall be notified ten days prior to any discharge, parole or any authorized leave. Victim shall also be notified of escape, emergency or medical leave. Victim is obliged to keep official address current.
FLORIDA	960.001(1)(n)	NA	Notification of Escape	If offender escapes correctional or detention facility, immediate notification to all authorities and victim is required.

RECENT VICTIM'S RIGHTS LEGISLATION SUMMARY/NVC DATA

STATE	STATUTE	YEAR	SUBJECT	SUMMARY
ARIZONA	8-241 (A-H)	1991	Notice of Dispositional Hearing and Statement	Victim shall be notified of dispositional hearing, and court may consider impact statement regarding lost wages and property, injury and expenses. Court may order restitution to victim as alternative.
KANSAS	38-1673(a-f)	1990	Notice of Conditional Release	If crime was class A, B or C felony, victim shall be notified of conditional release.
KANSAS	38-1675	1990	Notice of Discharge	If crime is A, B, or C felony, victim shall be notified if juvenile reached 21 years, successfully completed commitment, or was granted conditional discharge.
TEXAS	FC.002(3,4,5,7,11)	1987	Victims Rights	If victim so requests he may be informed of: 1) relevant court proceedings, 2) procedures in the juvenile system, including preliminary investigation and informal adjustment, and 3) any type of release or release proceedings. The victim may provide a written or oral impact statement before disposition and information for child's file to be considered before release. The victim has the right to be present at public court proceedings, subject to court approval.
NEW YORK	FCA 351.1(1-7)	1986	Impact Statement	In juvenile felony cases the victim may provide an impact statement, giving his account of the crime, extent of injury or loss, opinion for disposition, and amount of any restitution.
MICHIGAN	28-1287(789)	1988	Presence at Hearing	Victim may be present throughout adjudication hearing, unless victim will be a witness. If so, court may sequester victim/witness until testimony.
MICHIGAN	28.1287(791)(1-3)	1988	Notification and Impact statement	If requested, victim may be notified of 1) offenses in adjudication, 2) right to give impact statement, 3) time and place of disposition. The impact statement may include extent of injury or trauma, extent of property loss or damage, opinion on restitution and, disposition. The statement will be available to juvenile.

RECENT VICTIM'S RIGHTS LEGISLATION SUMMARY/NVC DATA

STATE	STATUTE	YEAR	SUBJECT	SUMMARY
MICHIGAN	28.1287(793)(1-2)	1988	Notification and Impact Statement	Upon request, victim may present statement orally and receive notification of disposition.
MICHIGAN	28.1287(796)(1-2)	1988	Notification	Upon request, victim may be notified of juvenile's adjudication appeal, explanation of appeal process, whether juvenile may be released on bail, etc., time and place of appellate appeal, and appeal results.
MICHIGAN	28.1287(798)(1-3)	1988	Notification	Upon request, victim may be notified if juvenile is dismissed from court jurisdiction or discharged from social services, if the juvenile is transferred from secure to non-secure facility, or if the juvenile escapes.
MISSOURI	ART. 1, Sec 32(1)(1)	(NA)	Victims Rights	Victims of juvenile crime have the right to be present wherever the defendant is during court proceedings, if the crime would have been a felony if committed by an adult.
OHIO	109.42(A)(13)	(NA)	Bill of Rights	The bill of rights pamphlet shall include the possibility of the victim's receiving restitution from a juvenile offender.

SOURCE: Information provided by National Victim Center, Arlington, VA; compiled by Program Review Staff.

RECENT VICTIM'S RIGHTS LEGISLATION SUMMARY/NCSL DATA

STATE	ENACTED LEGISLATION	YEAR	SUBJECT	SUMMARY
GEORGIA	Act 1300	1992	Impact Statements	Victims may submit impact statements for plea bargaining, sentencing, or determining restitution.
KANSAS	Chap. 149	1990	Notification	Victims may receive notification on placement of juveniles.
MASSACHUSETTS	Chap. 362	1989	Victim Awards	Proceeds of assessments on juveniles (as permitted) are earmarked for victim and witness programs.
MARYLAND	Chap. 301	1992	Restitution	Juvenile court may order restitution for counseling costs for victims of rape, sexual abuse, or incest.
OKLAHOMA	Chap. 125	1989	Restitution	Court may order juvenile to pay into state victim compensation fund if personal injury or death occurred.

SOURCE: Information provided by NCSL; compiled by Program Review Staff.

APPENDIX L

CONSTITUTIONAL AMENDMENTS IN OTHER STATES **RIGHTS OF CRIME VICTIMS/SUMMARIES**

STATE	YEAR	SUMMARY
California	1982	<ul style="list-style-type: none"> • Right to restitution of loss from criminal activity • Right to safe schools for students and staff • Right to Truth-in-Evidence, permitting relevant information on victim impact • Permits public safety bail, except for capital crimes • Allows use of prior conviction information, whether adult or juvenile, etc.
Arizona	1990	<ul style="list-style-type: none"> • Right to fair treatment in justice process • Right to be informed, be present, be heard at specific times, read pre-sentence reports • Right to refuse interview or deposition with defendant's attorney; confer w/ prosecutor • Right to receive prompt restitution • Right to speedy trial, disposition and conclusion of case, etc.
Illinois	1992	<ul style="list-style-type: none"> • Right to be treated fairly and respectfully • Right to notification of court proceedings and information on conviction sentence, etc. • Right to communicate with prosecution, make a statement in court, be present in court • Right to timely disposition of case • Right to have advocate present at all court proceedings • Right to restitution
New Mexico	1992	<ul style="list-style-type: none"> • Right to be treated fairly and respectfully • Right to notification of court proceedings and information on conviction, sentence, etc. • Right to communicate with prosecution, make a statement in court, be present in court • Right to timely disposition of case • Right to have advocate present at all court proceedings • Right to restitution • Right to notification of victim's employer and timely return of property held as evidence
Washington	1989	<ul style="list-style-type: none"> • Right to be informed • Right to attend trial and other proceedings • Right to make a statement at sentencing, etc.

CONSTITUTIONAL AMENDMENTS IN OTHER STATES **RIGHTS OF CRIME VICTIMS/SUMMARIES**

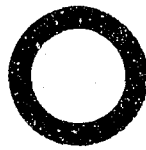
STATE	YEAR	SUMMARY
Texas	1989	<ul style="list-style-type: none"> • Right to be treated with fairness and respect • Right to be reasonably protected from the accused • Right to notification and information • Right to restitution • Right to be present at specific proceedings • Right to confer with prosecutor
Colorado	1992	<ul style="list-style-type: none"> • Right to fairness, respect and protection, secure waiting area and swift and fair resolution • Right to be informed of criminal's custody, escape, transfer, release, etc. • Right to be present at critical stages, including sentencing • Right to be heard at specific times and provide impact statement • Right to restitution, pursuit of civil judgment • Right to appropriate employer intercession, return of property, etc.
Kansas	1992	<ul style="list-style-type: none"> • Right to be informed • Right to be present at public hearings • Right to be heard at sentencing and other appropriate times
Florida	1988	<ul style="list-style-type: none"> • Right to restitution • Right to notification of certain proceedings • Right to consult with state attorney regarding sentencing • Right to be notified of additional rights and to receive brochure on rights
Michigan	1988	<ul style="list-style-type: none"> • Right to fairness, respect, privacy and protection • Right to attend trial, etc., make statement to court, and receive information • Right to restitution • Right to confer with prosecution
Missouri	1992	<ul style="list-style-type: none"> • Right to be present at proceedings and have protection • Right to information on all proceedings, criminal's release or escape and information on services • Right to restitution, speedy disposition and appellate review
New Jersey	1991	<ul style="list-style-type: none"> • Right to fairness, compassion and justice from the system • Allows legislature to define rights and remedies

**CONSTITUTIONAL AMENDMENTS IN OTHER STATES
RIGHTS OF CRIME VICTIMS/SUMMARIES**

STATE	YEAR	SUMMARY
Rhode Island	1986	<ul style="list-style-type: none">• Right to be treated with dignity, respect and sensitivity by agents of the state• Right to financial compensation for injury or loss• Right to give impact statement before sentencing

SOURCE: Information obtained by search of 50 state codes and National Victims' Center; compiled by Program Review Staff.

APPENDIX M



COMMONWEALTH OF KENTUCKY

JUSTICE CABINET

BUSH BUILDING, SECOND FLOOR

403 WAPPING STREET

FRANKFORT, KENTUCKY 40601

(502) 564-7554

FAX No. (502) 564-4840

BREBRETTON C. JONES
GOVERNOR

BILLY G. WELLMAN
SECRETARY

November 15, 1993

Senator Susan Johns
Chair
Program Review & Investigations Committee
Legislative Research Commission
State Capitol
Frankfort, Kentucky 40601

Dear Senator Johns:

Concerning the Program Review and Investigations Report on Kentucky's Unified Juvenile Code, there have been some changes in Kentucky's status with the Office of Juvenile Justice and Delinquency Prevention (OJJDP). In October of 1993 the Commonwealth of Kentucky and OJJDP entered into a resolution concerning Kentucky's appeal of OJJDP'S withholding of those funds. Kentucky's Long Range Juvenile Detention Plan provided a framework for this Resolution. I have attached a copy of the Resolution and the Long Range Plan for your information.

In the Resolution the OJJDP agrees to return \$688,000 dollars in funds for fiscal year 1991 to Kentucky to use for compliance with deinstitutionalization, separation, and jail and lockup removal requirement under the Juvenile Justice and Delinquency Prevention Act. OJJDP further agrees to provide Kentucky with 1.3 million dollars upon enactment of a state law which brings Kentucky into compliance with OJJDP regulations. Kentucky will then receive future funds based on their demonstrated compliance with the Act. Kentucky agreed to sponsor and submit legislation to the 1994 General Assembly which implements the federal requirements in Kentucky. We were allowed to use existing juvenile holding facilities under this agreement until new facilities are prepared as outlined in our Long Range Detention Plan. Kentucky further agrees that if the legislation bringing them into compliance is not implemented during the 1994 legislation session the state will voluntarily withdraw from participation in the program and return all unobligated fiscal year 1991 formula grant funds to OJJDP.

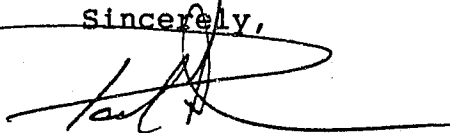
We are currently drafting legislation to carry out the terms of this agreement.

Senator Susan Johns
November 15, 1993
Page 2

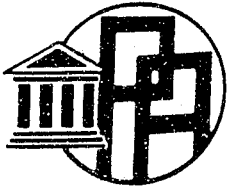
Another factor which the committee may want to be aware, the Long Range Detention Plan and this Resolution were the basis for settling the Northern Kentucky litigation concerning juvenile detention facilities.

I hope this material is beneficial to you, but if I can provide you or the committee with further information, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul F. Isaacs", is written over a horizontal line.

PAUL F. ISAACS
General Counsel



COMMONWEALTH OF KENTUCKY

DEPARTMENT OF PUBLIC ADVOCACY

100 Fair Oaks Lane
Suite 302
Frankfort, Kentucky 40601

(502) 564-8006
FAX (502) 564-7890

TO: Senator Susan Johns
Chair
Program Review & Investigations Committee
Legislative Research Commission

FROM: Allison Connelly *AK*
Public Advocate
Barbara M. Holthaus *bmh*
Assistant Public Advocate
Department of Public Advocacy

RE: Comments on Staff Report on Unified Juvenile Code

DATE: November 16, 1993

The Department Of Public Advocacy applauds the efforts made by the Program Review & Investigations Report on the Kentucky Unified Juvenile Code. The report accurately reflects the need for additional treatment resources, especially local community-based treatment, the need for alternatives to secure detention and the need for increased cooperation and coordination among the various players in the juvenile justice arena.

However, caution should be exercised before proposing "severe punishment" as a means for 'solving' the juvenile justice problem. Instead, the department would recommend an unbiased, critical and rational examination of the problems currently facing our juvenile justice system and coupled with comprehensive proposals for solving those problems.

The Unified Juvenile Code was enacted "to develop systematic approaches to the diverse problems presented by the children who

Page Two

come before the courts of Kentucky." Commentary: "Unified Juvenile Code: A Revision and Codification of Kentucky Law Related to Juveniles," by Michael R. Moloney and David W. Richart, Kentucky Revised Statutes, 1986 Acts Issue, p. 1.

This Research Report, while eye opening, is primarily anecdotal. It should be viewed as a starting point for actual research and proposed reform. It would be a mistake, at this point in time, to jump in and begin dismantling the juvenile code on a piecemeal basis. On a pragmatic note, to be effective, changes in the code require proper funding. Given the Commonwealth's current financial situation, wholesale amendments without proper consideration for the costs involved would be disastrous to every component of the criminal justice system.

In addition, many of the problems identified by the various parties regarding Kentucky's juvenile system appear to arise from the way in which the code is implemented rather than the code itself. To cite but one example, the Kentucky Victim's Coalition seeks a constitutional amendment to assure that all victims are provided with "the right to be heard in court and be compensated through restitution." Research report, p. 65.

Nothing in the juvenile code prohibits a prosecuting witness from testifying at an adjudicatory hearing and providing information to the court for dispositional purposes. The statute specifically permits restitution as a disposition. Before changing the current system, a more efficient approach would be to examine

Page Three

the means by which victims' needs can be better met by the people who work in the system.

It should also be noted that many of the complaints voiced by the Victim's Advocacy groups, while well taken, do not take into account the need for different systems and methods in dealing with children and adult offenders.

Prosecuting witnesses should not have the same access to every facet of juvenile proceedings as they do in adult criminal proceedings. With the advent of modern medicine, psychology and social studies, our society began to recognize, beginning as long ago as 1899, with the passage of the Illinois Juvenile Reform Act, that children are not simply mini-adults. They must be treated differently.

People who become inadvertently involved in the juvenile justice systems as victims of crime, certainly deserve compassion and respect. However, they are not in a position to propose wholesale changes in the code. The fact that other states are changing their statutes in response to such pressure is no indication that such changes ultimately benefit anyone.

The Department of Public Advocacy recognizes the need for new structures, new concepts, new definitions and new procedures to help our courts deal with the vast changes that have occurred in our society and technology, in our children and the nature of offenses that they are committing. However, the Department also recognizes the need for informed, cohesive change rather than knee-

Page Four

jerk, or "quick fix" reactions.

The Institute of Judicial Administration and the American Bar Association have developed National Standards for juvenile justice. These standards specifically address many of the problems raised by this report and suggest a model act that would address these problems. The Department would whole heartedly recommend and endorse that before any changes to our current code take place, a thorough examination of these standards and proposals occur. As such, any would be made in an orderly, informed way resulting in an integrated and effective juvenile justice system.



- COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

CHRIS GORMAN
A. G. G. G.

F. G. G. G.

November 16, 1993

Dr. Joe Fiala
Office of Program Review
Legislative Research Commission
State Capitol
Frankfort, Kentucky 40601

RE: Report on the Juvenile Code

Dear Dr. Fiala:

The purpose of this letter is to respond to your request for comments on the Program Review & Investigations Committee's staff report on the Unified Juvenile Code. I would like to note at the outset that the report is very comprehensive and well done.

One of my concerns with the report is the very low response rate upon which the report's conclusions are based. I recognize this factor is beyond your control, but I am, nonetheless, concerned with the report's conclusions under the circumstances.

The following is a list of my comments on the specified sections of the report:

Detention - Based upon the information contained in the report, I agree that the state is in great need of more secure detention facilities. Juveniles who are convicted of crimes of violence, especially those involving a deadly weapon need to be handled in a manner commensurate with the seriousness of their offenses. Since according to the report, the Cabinet for Human Resources does not want to "get into the business of incarcerating children," I agree with the report's recommendation that secure detention facilities be implemented and managed by the Department of Corrections.

Dr. Joe Fiala--LRC
November 16, 1993
Page Two

Juvenile Punishments and Parental Responsibility - The report notes that "Several of the groups surveyed mentioned the lack of severe punishments for juvenile offenders as a major problem." This is in accord with complaints and concerns voiced to me by prosecutors, school officials and the general public. I fully agree that lack of severe punishments for juveniles is a major problem.

I also agree that parents should be required, perhaps via the contempt power of the courts, to participate in court proceedings involving their children.

Coordination Among Entities - In studying the problem of youth violence, I have often heard concern expressed that not enough information is shared among entities involved in the juvenile court system. Specifically, school officials are very concerned that they could easily have children at their schools who have been convicted of offenses involving violence, weapons, and/or drugs; and be completely unaware of this fact. In order to assist school officials in providing a safe atmosphere conducive to learning, this problem should be immediately addressed.

I am pleased to see in the Report that the Kentucky Association of School Boards' Task Force on School Safety and Violence Prevention is examining the information sharing issue and will gladly provide to the task force any assistance within my power.

Youthful Offender Criteria - Due to the well-recognized increase in violent juvenile crime I believe that the Youthful Offender criteria of Chapter 640 should be expanded to include any offense involving a deadly weapon. These cases should have their jurisdiction in the circuit court, with cases being transferred to district court when such transfer is deemed appropriate by the circuit judge.

I am also concerned that, in some cases, a juvenile's right to confidentiality inappropriately overrides the states responsibility to provide for the safety of other students and school personnel. Accordingly, I advocate the elimination of confidentiality of records in certain cases, especially those offenses involving the use of a deadly weapon.

Dr. Joe Fiala--LRC
November 16, 1993
Page Three

Victims of Juvenile Crime - The Attorney General's Office has received many complaints from the victims of juvenile crime, mostly from the parents of child victims of juvenile violence. The complaints we receive generally express frustration with the confidentiality requirements of juvenile court and the lack of victims' rights to speak out in court. I would support changes which provide rights to victims of juvenile crimes, including the right to be heard in these proceedings.

As Attorney General, I am currently considering, at the request of victims' rights groups, proposal of a Constitutional amendment to add victims' rights to our Bill of Rights.

I sincerely hope that this information will be of some benefit to you. I appreciate the opportunity to provide input regarding these issues of such vital importance to us all. If I or any member of my staff can provide further information, please do not hesitate to contact us.

Sincerely,



Chris Gorman
Attorney General



KENTUCKY DEPARTMENT OF EDUCATION
CAPITAL PLAZA TOWER • 500 MERO STREET • FRANKFORT, KENTUCKY 40601
Thomas C. Boysen, Commissioner

October 20, 1993

Senator Susan D. Johns
3120 Runnymede Road
Louisville, Kentucky 40222

Dear Senator Johns:

Commissioner Boysen appreciates the opportunity to review your committee's report on the Unified Juvenile Code. He has asked me to share any concerns or recommendations which are relevant to the Department of Education and local schools. Your committee's report identifies several issues which have the potential to adversely affect the education of some of Kentucky's neediest students.

The Department is hopeful that the newly established "Collaborative for State Agency Children" (Senate Bill 260) will ensure that students in state facilities have access to the same resources and services guaranteed to all students by the Kentucky Education Reform Act (KERA). One aspect which may require additional clarification is how the Collaborative will participate in KERA's accountability process including the sharing in rewards and sanctions related to student achievement.

Both Court Designated Workers and school officials expressed dissatisfaction with the current process of identifying chronic truants. Some school administrators (including Directors of Pupil Personnel) have expressed concerns to Department staff about what they perceive as a lack of support from the court system related to these students. They describe a reluctance on the part of some courts to punish chronic truants or their parents. The anticipated lack of punishment may discourage some school officials from initiating the truancy process. Given the differing explanations for the slowness of the truancy process among school officials and Court Designated Workers, the Department would welcome an opportunity to cosponsor training which would assist both groups to better understand one another's concerns. Issues related to suspected truancy of homebound and home-schooled students could also be addressed in these discussions.

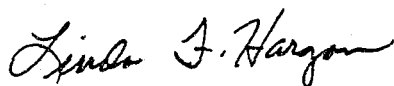
Senator Susan D. Johns
Page Two
October 20, 1993

A second issue in your report relates to the sharing of information between schools and the court system. This issue is currently receiving a considerable amount of attention from school administrators because of KRS 161.195. The legislation which was passed in the 1992 session of the General Assembly requires school officials to notify staff about any students, with whom they will have contact, who has a history of physically abusing school employees or carrying a concealed weapon on school property. Compliance with this recent legislation will require more frequent communication between schools and court officials while respecting the confidentiality of the students involved. The Department appreciates all efforts to address this issue including those by the Kentucky Association of School Boards' Task Force on School Safety and Violence Prevention.

Another aspect of your committee's report which is of particular interest to the Department is increasing the level of accountability for parents of truants. The Department supports increasing parental responsibility, in some cases, for a variety of student behaviors including truancy and possession of deadly weapons on school property. Because parental involvement and support is essential for meaningful changes in student behavior, in some cases it would seem appropriate to treat chronic truants as dependent or neglected students.

Again, thank you for sharing this report with the Department of Education. We look forward to participating in future discussions designed to address these important issues.

Sincerely,



Linda F. Hargan
Association Commissioner
Office of Learning Programs Development

LFH/WGS/pae



CABINET FOR HUMAN RESOURCES
COMMONWEALTH OF KENTUCKY
275 EAST MAIN STREET
FRANKFORT 40621

DEPARTMENT FOR SOCIAL SERVICES
AN EQUAL OPPORTUNITY EMPLOYER M/F/D

January 3, 1994

Joseph Fiala, Ph.D.
Program Review and Investigations
Committee
Legislative Research Commission
Capitol Annex
Frankfort, Kentucky 40601

Dear Dr. Fiala:

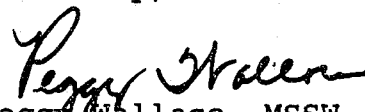
First, let me express my sincere apology for the delay in getting the Department's response to you and the committee. Due to the serious illness of my mother I had to be out of the office.

The Department appreciates the opportunity to comment on the final report on the Unified Juvenile Code completed by the Program Review and Investigations staff. As you are aware, I reviewed with staff the concerns of the Department relative to the draft report. I found John and Anne to be, as always, very understanding and cooperative. As a result of our work a number of changes were made in the report. However, there remain a few points in the final report which the Department would like to address.

The Department's comments are attached. If you have questions please feel free to contact me.

Again, thank you for the opportunity to comment on this final report.

Sincerely,


Peggy Wallace, MSSW
Commissioner

attachment

Department for Social Services
Comments on the Final Report of the
Program Review and Investigations on
Kentucky's Unified Juvenile Code
January 3, 1994

Overall Comments

As stated by Program Review and Investigations' staff, a number of the comments contained in the report reflect only the opinion of one or two staff within the Department and therefore should not have been presented as the opinion of the majority of staff within the Department; e.g., a staff's comment regarding treatment of sexual offenders in a group home setting. The decision to place sexual offenders in group homes was a policy decision made by management of the Department. Staff receive specialized training to deal with this population. If problems arise in individual group homes with individual youth they are addressed by supervisory and treatment staff. At no time is or should a youth be placed who poses a threat to the other residents, staff or the community at large.

Treatment Resources - Juvenile Services

The lack of treatment and placement resources continues to be a major problem for the Cabinet. Staff of the Cabinet have testified before legislative committees on numerous occasions regarding these critical needs.

As indicated in the report the Cabinet has, in the past, and will continue to take steps to address these problems. It should also be stressed that all of the actions taken by the Cabinet in regards to length of stay of juveniles in facilities are made based on the professional opinion of treatment staff of a facility in consultation with Family Services' staff. At no time should a child who poses a threat to himself or the citizens of the Commonwealth be released from a program regardless of our need for beds.

Lack of Treatment Causes Problems Meeting Statutory Mandates

We would like to clarify that the Department does meet its mandates for specific treatments related to sexual offenders and youthful offenders. We are not aware of other specific treatments that are mandated by statute.

Secure Detention Programs are the Responsibility of Corrections

The statement that the Cabinet did not act to build the facility because the Cabinet did not want to get into the business of incarcerating which was stated by a Cabinet

official is misleading. The Cabinet believes that the responsibility for detention rests with Corrections and since the Justice Cabinet, specifically the Corrections Department, is charged with monitoring all current facilities, we believe that they should have responsibility for overseeing the construction as well as monitoring of this new detention facility.

Problems with CHR Investigations Due to Lack of Field Staff

While it is true that the Cabinet has dire need for additional field staff the statement that heavy caseloads prohibit staff from providing timely and thorough investigations is not an accurate assessment. In order to meet our statutory mandates, we have made numerous judgments, including moving staff from specialist and supervisory positions to direct service providers.

In regards to additional training for staff, the Department's training program has been recognized nationally as one of the best in the country. In addition, a complete review of the Department's training program has just been completed by the American Humane Association, a non-profit child protection agency that found the program to be very comprehensive and effective.

Summary

The passage of the Unified Juvenile Code brought many progressive changes to the programs operated by the Cabinet. While there are certainly areas that can be improved upon, the general principles behind the Code review are solid.

We commend the Committee for Program Review and Investigations and their staff for their efforts to independently review implementation of the Code.