

Juvenile Court Jurisdiction Over Children's Conduct: A Statutes Analysis

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OCT 4 1977

ACQUISITIONS JUVENILE COURT
JURISDICTION OVER
CHILDREN'S CONDUCT:

A STATUTES ANALYSIS

A Publication of the
National Center for Juvenile Justice
Research Division of the
National Council of Juvenile Court Judges

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PREFACE

This paper represents the first in a series of monographs to be published by the National Center for Juvenile Justice as products of research by the staff of the Center's Statutes Analysis Project. The Statutes Analysis Project is an outgrowth of the Center's Profile of Codes Project which produced the monograph Juvenile Court Organization and Status Offenses: A Statutory Profile by John Dineen. That publication was a pilot effort of the Profile of Codes Project, the ultimate goal of which was to develop a comprehensive profile of the juvenile codes of all fifty states and the District of Columbia, comparing the codes of those jurisdictions on different dimensions covering a wide range of subjects. The breadth of analysis proposed (160 discrete dimensions), the limited funds available, and the frequency of legislative amendment and revision of juvenile codes throughout the country frustrated efforts to produce a comprehensive and timely profile of juvenile codes. By the time a preliminary profile of fifty-one codes was completed, isolated sections in the codes of many states had been amended, and several juvenile codes had been completely revised. Further efforts to update the total profile by using a dozen law students to review the statutes of four or five states each within a few weeks produced inconsistent results.

A project of the National Assessment of Juvenile Corrections project at the University of Michigan resulted in the publication of a study by Mark Levin and Rosemary Sarri titled Juvenile Delinquency: A Comparative Analysis of Legal Codes in the United States. The complexities of statutory analysis of state juvenile codes are well described in the opening chapter of the NAJC report. As a result of those complexities the NAJC project, even with the use of automated data analysis techniques, could publish in June, 1974, an analysis of juvenile laws current only through the end of 1971.

As a result of the experiences of the Profile of Codes project and the NAJC project and the recognition that the value of statutory analysis depends

upon the currency of the legislation reviewed, the Center decided late in 1976 to abandon its efforts to produce in a single document a comprehensive analysis of juvenile laws. Rather, it would concentrate its efforts on producing a series of monographs, each devoted to in-depth analysis of one or two specific topics of interest and reviewing the most recent statutory material available. Each of these documents could be completed within a few months by a single author and a research assistant, assuring uniform analysis, and could be published before the legislation covered was out of date. Together, the series will constitute a comprehensive analysis of state juvenile codes with each volume current as of its date of publication and periodically revised to account for legislative developments. Each monograph will contain the citations of statutory source material for the reader's easy reference, and where required for clarity, the text of relevant sections will be presented for direct comparison of the language of different codes.

This first monograph in the series reviews the definitions of delinquency and status offenses in the juvenile codes of the fifty states, the District of Columbia, several model acts and the Juvenile Justice Standards Project, and compares the classification of specific types of juvenile conduct under each category. A future monograph will analyze the juvenile codes to determine the degree of statutorily mandated compliance with the requirements of the Juvenile Justice and Delinquency Prevention Act of 1974 that the states provide for de-institutionalization of status offenders and separation of delinquents from adult criminals in order to qualify for federal formula grant funds. Others will review statutory provisions for transfer of jurisdiction from juvenile court to criminal court and vice-versa, confidentiality of records and proceedings, judicial vs. executive control over commitment and release, diversion from formal court proceedings, etc. The National Center for Juvenile Justice invites responses to the material contained in the monograph series and suggestions for additional topics of interest to readers. Replies may be sent to:

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ACKNOWLEDGMENTS

The foundation of data and citations from which many of the monographs will be developed is the fruit of many hours of labor by John Dineen and twelve assistants. Their contribution is gratefully acknowledged.

The research assistance provided by Regina Sestak, on the original project and especially in the preparation of this first monograph, has been invaluable. Center staff have all contributed their advice and encouragement to this effort, but a special note of thanks is due Richard Gable for suggesting that an unmanageable task could be accomplished in manageable steps. To Bernadette Magnus and Diane Axelson thanks are due for their patience and attention to detail in the preparation of the manuscript. Any errors or inadequacies in the report are those of the author.

JUVENILE COURT JURISDICTION OVER CHILDREN'S CONDUCT

INTRODUCTION

This monograph examines that conduct of juveniles which subjects them to the jurisdiction of the juvenile court, as distinguished from the conduct of adults (e.g. abuse, neglect, abandonment) which may result in the exercise of the court's dependency or neglect jurisdiction.

Children's conduct over which the juvenile court exercises its jurisdiction is commonly viewed as falling into two categories: (1) delinquency -- conduct of juveniles which would constitute a violation of a criminal statute if committed by an adult, and (2) status offenses -- children's behavior which would not be criminal if committed by an adult. The juvenile codes of most states define two categories of juveniles whose conduct subjects them to the jurisdiction of the juvenile court; however, the nature of the conduct encompassed by the statutory classifications varies widely and only approximates the commonly accepted meanings of the terms "delinquency" and "status offense."

Forty-one (41) jurisdictions categorize juvenile lawbreakers as "delinquents."¹ In the remaining ten states, the statutes use what are intended to be less stigmatizing names -- "offender,"² "ward of the court,"³ -- or simply declare that children who commit certain acts are within the jurisdiction

¹ Ala., Alaska, Ariz., Ark., Colo., Conn., Del., D.C., Fla., Ga., Ill., Ind., Iowa, Kans., Ky., La., Md., Mass., Minn., Miss., Mont., Nev., N.H., N.J., N.M., N.Y., N.C., N.D., Ohio, Okla., Pa., R.I., S.C., S.D., Tenn., Texas, Vt., Wash., W.Va., Wisc., Wyo.

² Maine

³ Cal.

of the court.⁴ In thirty-seven (37) states, separate labeled categories have been established which include juveniles engaging in conduct which would not be criminal if committed by an adult,⁵ and sometimes neglected or dependent children as well. The most commonly used label is "child in need of supervision" (thirteen states), but many others are used: "minor (or person or juvenile) in need of supervision," "unruly child," "incorrigible child," etc. In the remaining fourteen (14) states,⁶ such non-criminal behavior is either specifically included in the definition of delinquency, described in a separate but unlabeled category, or included in a general jurisdictional section which establishes the court's jurisdiction over "all children who [engage in criminal and certain non-criminal conduct]."

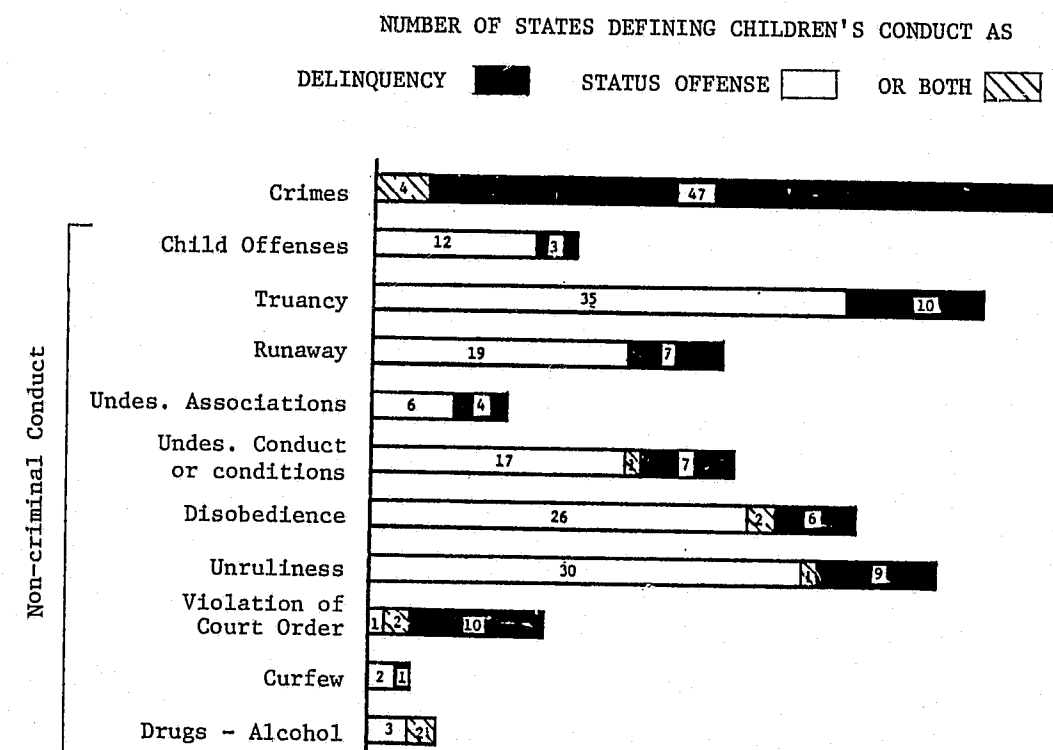
Even where distinct labeled categories have been established, however, they do not conform to the criminal--non-criminal distinction connoted by the terms "delinquent" and "status offender." Some non-criminal conduct may be included in the definition of delinquency even where a separate status offense category is defined, and in a few cases some less serious criminal offenses may be included in the status offense category. In some statutes the same conduct may be described in both the delinquency and status offense categories, or the court may be granted discretion to treat any juvenile who commits a delinquent act as a status offender.

The bar graph on page three presents an overview of the data of this report and clearly indicates the incongruity between the connotative distinction between delinquency and status offenses (criminal vs. non-criminal) and the statutory definitions.

⁴ Haw., Idaho, Mich., Mo., Neb., Oregon, Utah, Va.

⁵ Ala., Alaska, Ariz., Ark., Cal., Colo., D.C., Fla., Ga., Ill., Iowa, Kans., Ky., La., Md., Mass., Mo., Mont., Neb., Nev., N.H., N.J., N.M., N.Y., N.C., N.D., Ohio, Okla., Pa., R.I., S.D., Tenn., Texas, Vt., Wash., Wisc., Wyo.

⁶ Conn., Del., Haw., Idaho, Ind., Maine, Mich., Minn., Miss., Oregon, S.C., Utah, Va., W.Va.



Study Methodology

This monograph reviews the definitions of delinquency and status offenses in the juvenile codes of the fifty states and the District of Columbia. In addition, the provisions of several model acts and the Juvenile Justice Standards Project are included for comparison.

The data of the report is presented in three tables and the graph above:

TABLE I presents in detail the statutes' definitional schemes. It sets forth for each state the terminology used to refer to juveniles engaging in delinquent and status offense conduct and the nature of conduct included under those jurisdictional categories. A narrative description of TABLE I follows at pages 17 to 25.

TABLE II contains the text of the definition/jurisdiction sections of the juvenile codes from which the data in TABLE I was derived. In the event

of any ambiguity in the data reported in TABLE I or for comparison of the exact language of the statutes, TABLE II should be consulted.

TABLE III reports the currency of the legislative material reviewed in each state. Rather than reporting the state of the law in all states on a particular date, the most recent statutory material available in each state was reviewed to obtain as current data as possible on the law of each state.

Delinquent or Status Offender? The classification schemes of the reviewed statutes are of three general types:

- (1) All juveniles engaging in conduct, whether criminal or non-criminal, over which the court is granted jurisdiction, are expressly included in a single labeled category, usually "delinquent child."
- (2) Juveniles engaging in conduct over which the court is granted jurisdiction are divided into two categories, one or both of which are labeled, one including primarily criminal conduct and one primarily non-criminal.
- (3) Juveniles engaging in conduct over which the court is granted jurisdiction are described, but not labeled, in jurisdictional sections providing that the court has jurisdiction "over children who (engage in certain criminal and non-criminal conduct)." Such statutes may, or may not, distinguish between juveniles on the basis of available dispositional alternatives or age of jurisdiction.

For purposes of this report, juveniles engaging in conduct over which the court is granted jurisdiction have been classified as delinquent and status offender on the basis of express statutory classifications (type 1 and 2 above) or similarity of statutory treatment as to dispositions and age (type 3 above):

- (1) Where all juveniles engaging in conduct over which the court is granted jurisdiction are included in a single labeled category, or described in a jurisdictional section with no distinctions drawn on the basis of dispositional alternatives or age of jurisdiction, all such juveniles are classified as delinquent. The label attached, or the symbol J_D if no label is attached, to such juveniles is entered in the delin-

quency column of the terminology section of TABLE I, and a D is entered under each type of conduct expressly included in the court's jurisdiction.

(2) Where juveniles engaging in conduct over which the court is granted jurisdiction are divided into two categories, either expressly by the statute or by implication based on distinctions in dispositional alternatives or age of jurisdiction, those juveniles engaging in criminal acts and those placed in the same category by label, disposition or age are classified as delinquent. Those juveniles distinguished from criminal-type offenders are classified as status offenders. The labels attached to the categories, or the symbol J_D or J_S if one or both categories are unlabeled, are entered in the delinquency and status offense column of the terminology section in TABLE I, and D or S is entered under each type of conduct included in the definition of the delinquent or status offender label or jurisdiction. In statutes where the same conduct is described in both the delinquent and status offense categories, or where the court has discretion to treat as status offenders juveniles committing delinquent acts, both D and S appear in the appropriate conduct column.

TABLE I
CONDUCT DEFINED AS DELINQUENCY OR STATUS OFFENSE

TABLE I identifies the terminology of the statutes and the elements of the definitions of delinquent and status offender in the statutes of all fifty states, the District of Columbia (D.C.), the Model Family Court Act (MFCA),¹ the Uniform Juvenile Court Act (UJCA),² the Standard Juvenile Court Act (SJCA),³ and the IJA-ABA Juvenile Justice Standards Project (IJA-ABA).⁴

A key to the abbreviations in TABLE I is set forth inside the back cover flap, which may be folded out for easy reference when consulting the table. A narrative description of TABLE I follows the table at pages 17 to 25.

¹Model Acts for Family Courts and State-Local Children's Programs, Department of Health, Education, and Welfare Publication No. OHY/OYD 75-26041.

²9 U.L.A. 397. The Uniform Juvenile Court Act was approved by the National Conference of Commissioners on Uniform State Laws and the American Bar Association in 1968. It has been adopted in full or substantial part in Georgia and North Dakota.

³Standard Juvenile Court Act, Sixth Edition, 1959. National Council on Crime and Delinquency, New York.

⁴Institute for Judicial Administration-American Bar Association Juvenile Justice Standards Project, Standards Relating to Juvenile Delinquency and Sanctions and Standards Relating to Noncriminal Misbehavior, Tentative Drafts, 1977, Ballinger Publishing Co., Cambridge, Mass.

TABLE I - CONDUCT DEFINED AS

TERMINOLOGY		CONDUCT OR CONDITION						
State	D	S	Crimes	Child Offense	Truancy School Offense	Runaway	Undes. Assoc.	Undes. Condition or Conduct
<u>Ala.</u>	DC	CINS	D ¹	S	S*			
<u>Alaska</u>	DM	CINS	D ¹		S*	S*	S	S*
<u>Ariz.</u>	DC	IncC	D	D	S*	S		S
<u>Ark.</u>	DJ	JINS	D ¹	D	S*	S		
<u>Cal.</u>	WdCt \$602	WdCt \$601	D		S*			
<u>Colo.</u>	DC	CINS	D ³		S*	S		S
<u>Conn.</u>	DC		D		D*	D		D
<u>Del.</u>	DC		D ³		D			D*
<u>D.C.</u>	DC	CINS	D ¹	S	S*			
<u>Fla.</u>	DC	DepC UngC	D ¹		S*	S*		
<u>Ga.</u>	DC	UnrC	D ³ , S ³	S	S*	S		
<u>Haw.</u>	J _D	J _S	D					S

DELINQUENCY OR STATUS OFFENSE

CONDUCT OR CONDITION					
Disobedience-Unruliness	Violation of Court Order	Curfew	Drugs Alcohol	Other	And Needs Care or Supervision
S-----S/BC					D,S
S*-----S/Unc, Wwd					
S-----S,BC	D				
S*					
S*-----S/BC		S			
S/BC	D				
D/BC	D				
D/Unc					
S*-----S/Ung					D,S
D,S*-----D*,S/BC					
S*-----S/Ung	D,S	S	D,S		D,S
S/BC					

TABLE I -

TERMINOLOGY				CONDUCT OR CONDITION				
State	D	S	Crimes	Child Offense	Truancy School Offense	Runaway	Undes. Assoc.	Undes. Condition or Conduct
<u>Idaho</u>	J _D		D ¹	D				
<u>Ill.</u>	DM	MINS	D ¹		S*			
<u>Ind.</u>	DC		D ³		D*			
<u>Iowa</u>	DC	CINA	D					S
<u>Kans.</u>	DC MC TO	WwdC Truant	D		S*	S		S
<u>Ky.</u>	DA	SA	D ¹		S*	S*		
<u>La.</u>	DC	CINS	D ²	S	S*			
<u>Maine</u>	JO		D ¹		D*	D*	D	D
<u>Md.</u>	DC	CINS	D ³	S	S*			S
<u>Mass.</u>	DC	CHINS	D ¹		S*	S*		
<u>Mich.</u>	J _D	J _S	D		D*	D	S*	D*, S
<u>Minn.</u>	DC		D		D*			

CONTINUED

CONDUCT OR CONDITION					
Disobedience-Unruliness	Violation of Court Order	Curfew	Drugs Alcohol	Other	And Needs Care or Supervision
	S/BC	S	S		
D*-----D/Inc, Ung, BC		D*			
S*-----S/Unc, Wwd					
S*	D				
S*-----S/Wwd					
S*-----S/Ung, BC					D, S
S*-----S/Ung, BC					D, S
S*					
D*, S-----S/MD			D*, S*		
D*-----D/Unc, Wwd					

TABLE I -

TERMINOLOGY		CONDUCT OR CONDITION						
State	D	S	Crimes	Child Offense	Truancy School Offense	Runaway	Undes. Assoc.	Undes. Condition or Conduct
Miss.	DC		D		D*	D	D	D
Mo.	J _D	CINCT	D				S	S
Mont.	DY	YINS	D,S	S	S*			
Neb.	J _D	CINSS	D		S*	S*		S
Nev.	DC	CINS	D		S*	S		
N.H.	DC	PINS	D ¹	S	S*			
N.J.	DJ	JINS	D ¹	S	S*			S
N.M.	DC	CINS	D ¹	S	S*			
N.Y.	JD	PINS	D		S			
N.C.	DC	UndC	D		S	S		S*
N.D.	DC	UnrC	D ¹	S	S*			S
Ohio	DC	UnrC	D ¹	S	S*	S*	S	S

CONTINUED

CONDUCT OR CONDITION					
Disobedience-Unruliness	Violation of Court Order	Curfew	Drugs Alcohol	Other	And Needs Care or Supervision
D*-----D/BC, Inc, Unc, Wwd					
S* S/Ung,BC	D,S		S		
S*-----S/Unc,Wwd					
S*-----S/Unm	D				S
S*-----S/Ung,BC	D				D,S
S* S/Ung, Inc					
S*-----S/Inc,Ung,BC					D,S
S*-----S/BC					
S*-----S/ Ung	D				
S*					D,S
S*-----S/Wwd	D			S	

TABLE I -

TERMINOLOGY				CONDUCT OR CONDITION				
State	D	S	Crimes	Child Offense	Truancy School Offense	Runaway	Undes. Assoc.	Undes. Condition or Conduct
<u>Okla.</u>	DC	CINS	D ¹		S*			S*
<u>Oregon</u>	J _D	J _S	D			S		S
<u>Pa.</u>	DC	DepC	D ³		S*			
<u>R.I.</u>	DC	WwdC	D ² , S ²		S*	S	S*	S
<u>S.C.</u>	DC		D ³		D*	D	D	D
<u>S.D.</u>	DC	CINS	D ¹		S*	S		S
<u>Tenn.</u>	DC	UnrC	D ¹	S	S*			
<u>Texas</u>	DC	CINS	D ¹ , S ¹		S*	S		
<u>Utah</u>	J _D		D ¹		D*			D
<u>Vt.</u>	DC	CINCS	D ¹					
<u>Va.</u>	J _D	J _S	D		S*	D	S	S
<u>Wash.</u>	DC	DepC	D		S*			

CONTINUED

CONDUCT OR CONDITION					
Disobedience-Unruliness	Violation of Court Order	Curfew	Drugs Alcohol	Other	And Needs Care or Supervision
S*-----S/BC	D			D	
	S/BC				
D-----D/Ung					D
S*					
D*-----D/Inc, Ung, BC				D	
	S/BC				
S*-----S/Ung					D, S
	D				
	D/BC				
	S/BC				
S*	S/BC, Inc				
	S/Inc, BC		S		

TABLE I -

TERMINOLOGY				CONDUCT OR CONDITION				
State	D	S	Crimes	Child Offense	Truancy School Offense	Runaway	Undes. Assoc.	Undes. Condition or Conduct
<u>W.Va.</u>	DC		D ²		D [*]	D [*]	D	D
<u>Wisc.</u>	DC	CINS	D ¹		S [*]	S [*]		S [*]
<u>Wyo.</u>	DC	CINS	D		S [*]	S		

<u>MFCA</u>	DC		D ¹					
<u>UJCA</u>	DC	UnrC	D ¹	S	S [*]			
<u>SJCA</u>	J _D	J _S	D					S
<u>IJA-ABA</u>	J _D		D ¹					

Totals for 51 states (including District of Columbia)

D		S		CONDUCT OR CONDITION					
				Crimes	Child Offense	Truancy School Offense	Runaway	Undes. Assoc.	Undes. Condition or Conduct
DA - 1	CHINS- 1								
DC - 34 ^a	CINA - 1								
DJ - 2	CINCS- 1								
DM - 2	CINCT- 1								
DY - 1	CINS -13								
JD - 1	CINSS- 1								
JO - 1	DepC - 3								
MC - 1	IncC - 1								
TO - 1	JINS - 2								
WdCt- 1	MINS - 1								
J _D - 8	PINS - 2								
51 ^a	SA - 1								
	Truant-1								
	UndC - 1								
	UngC - 1								
	UnrC - 4								
	YINS - 1								
	WdCt - 1								
	WwdC - 2								
	J _S - 4								
	41 ^b								

D ₁ - 20	D - 3	D - 1	D - 5	D - 4	D - 6
D ₂ - 22	S - 12	D* - 9	D* - 2	S - 4	D* - 2
D ₂ - 2		S - 2	S - 12	S* - 2	S - 16
D ₃ - 7	15	S* - 33	S* - 7	10	S* - 4
S ₁ - 1		45	26		27 ^d
S ₂ - 1					
S ₂ - 1					
S ₃ - 1					
S ₃ - 1					

^a Kansas has three delinquency categories.

^b Florida and Kansas have two status offense categories. Ten states have none.

^c In Georgia, Montana, Rhode Island and Texas some criminal offenders may be treated as status offenders.

^aKansas has three delinquency categories.^bFlorida and Kansas have two status offense categories. Ten states have none.^cIn Georgia, Montana, Rhode Island and Texas, some criminal offenders may be treated as status offenders.

CONTINUED

CONDUCT OR CONDITION					
Disobedience-Unruliness	Violation of Court Order	Curfew	Drugs Alcohol	Other	And Needs Care or Supervision
D*-----D/Inc, Ung, BC					
S/Unc					
S*-----S/Ung, BC					

					D
S*-----S/Ung					D, S
S/BC					

(footnotes explain why columns do not always add to total)

Disobedience-Unruliness	Violation of Court Order	Curfew	Drugs Alcohol	Other	And Needs Care or Supervision
(28-----28)	D - 12	D*-1	D - 1	D - 2	D - 10
	S - 3	S - 2	D*- 1	S - 1	S - 10
D - 1	13 ^e	3	S - 4	3	11 ^g
D*- 7			S*- 1		
S - 3			5 ^e		
S*-27					
36 ^e					

^dIn Michigan, such conduct may be either delinquency or status offense.^eIn two states, such conduct may be either delinquency or status offense.^fIn Florida, such conduct may be either delinquency or status offense.^gIn nine states, showing is required for both delinquency and status offense.

NARRATIVE DESCRIPTION OF TABLE I

A. TERMINOLOGY

This section identifies the terminology of the statute applied to juveniles engaging in conduct which subjects them to the jurisdiction of the juvenile court. These terms have been separated into categories of delinquent (D) and status offender (S). Where the statutes do not include specific terminology labelling different categories of children, the symbols J_D and J_S indicate the areas of the court's delinquency and status jurisdiction respectively.

In general, delinquency includes conduct which would be criminal if committed by an adult, and status offense includes non-criminal conduct of juveniles. However, the variety of statutory classification schemes renders any attempt at uniform definitions futile. In several states, all juveniles within the court's jurisdiction, whether for criminal or non-criminal conduct, are labelled as delinquent. In most, some non-criminal conduct is included with criminal acts in the definition of delinquency, while other non-criminal conduct only constitutes a status offense category. In a few states, first-time criminal or misdemeanor offenses are placed with non-criminal offenses in a status offense category, and only repeated or serious criminal offenses are defined as delinquent acts. In several states, some status offense type conduct of juveniles is included in the court's dependency or neglect jurisdiction. In one state, as many as five different categories are established for juveniles whose conduct brings them within the jurisdiction of the court. In several states no definitional categories are established, the statutes merely providing that "the juvenile court shall have jurisdiction over all children who..." or similar language.

The terminology of the statutes and the children encompassed by those terms have been classified as delinquents and status offenders to the extent possible in conformance with the generally accepted meaning of those terms. Each definitional category was determined to be primarily criminal or non-criminal and classified accordingly. Where labelled categories were not defined by the statute,

they were artificially created on the basis of distinctions in dispositional alternatives or age of jurisdiction. The abbreviations entered in the table are explained in the Key to TABLE I inside the back cover flap. The key may be folded out for easy reference when consulting the table.

B. CONDUCT OR CONDITION

This section of TABLE I details for each state the nature of juvenile conduct expressly included by the juvenile code within the categories of delinquent and status offender entered in the Terminology section. The entry of D or S in the appropriate column indicates that juveniles engaging in such conduct are expressly included within the delinquent or status offender category, respectively.

Because of the incorporation of other statutes into juvenile codes, the inherent vagueness of much of the statutory language and the broad interpretations often applied, the absence of such an express reference to particular conduct (and the absence of a column entry) does not necessarily indicate that the court has no jurisdiction over juveniles engaging in such conduct. For example, provisions of state law or local ordinances outside the juvenile code, and hence beyond the scope of this study, may define curfew, liquor, truancy or other violations for children. Such conduct, even if not expressly set forth in the juvenile code, might be brought within the court's jurisdiction under such language as "violation of any state or federal law or local ordinance" or "violation of a statute applicable only to children" which would be reflected by an entry in the Crimes or Child Offense column. Similarly, running away from home, school disciplinary offenses, undesirable associations etc., although not expressly referred to in the code and entered in the table, may be within the interpretation given to Disobedience-Unruliness language. Caution should be exercised, therefore, in interpreting the absence of an entry in the columns of this section of the table.

1. Crimes

An entry in this column indicates that the juvenile court has jurisdiction over children who commit acts which would be criminal if committed by an adult. While some statutes use just such language, others are more broadly

phrased, clearly encompassing such criminal conduct but, possibly, offenses only for children as well.

All states grant juvenile court jurisdiction over criminal conduct of juveniles, although many states expressly exclude certain criminal conduct of juveniles from the definition of delinquency and the jurisdiction of the court. The superscripts indicate the nature of the exclusions, as indicated below.

D¹ - Some minor offenses excluded (Usually vehicle, fish and game violations).

D² - Some serious offenses excluded (Usually murder and some other serious felonies or second offenses).

D³ - Some minor and some serious offenses excluded.

Most states expressly define juveniles engaging in criminal conduct as delinquent. In those states without a labelled delinquency category, criminal conduct is included within the artificially created category of delinquency jurisdiction (J_D). Therefore, in every jurisdiction a D is entered in this column. In four (4) states some juveniles committing criminal acts may also be adjudicated status offenders.¹ Therefore, both D and S have been entered for those jurisdictions.

2. Child Offenses

An entry in this column indicates that the definitional/jurisdictional section of the statute expressly provides that the court has jurisdiction over children who commit "violations which are not criminal for adults," "offenses only for children," or similar language. Twelve (12) states categorize such conduct as a status offense² and three (3) as delinquency.³ Since child-only offenses may be incorporated in the "Crimes" language of the statute (e.g. "any child who violates any state or local law or municipal ordinance" could encompass state liquor laws, local curfew ordinances, etc.), such offenses may be included in

¹Ga., Mont., R.I., Texas.

²Ala., D.C., Ga., La., Md., Mont., N.H., N.J., N.M., N.D., Ohio, Tenn.

³Ariz., Ark., Idaho.

delinquency in many states where not expressly stated in the juvenile code and thus not reflected in the table.

3. Truancy, School Offenses

An entry in this column indicates that truancy and/or school offenses are expressly included in the definitional/jurisdictional section of the juvenile code. Nine (9) states, having no status offense category, define such conduct as delinquent.⁴ In Michigan, it is within the court's jurisdiction-to-age-17 category, classified as delinquent because it includes crimes. In thirty-five (35) jurisdictions, truancy is a status offense.⁵ In other states, while not expressly stated in the juvenile code, truancy may be encompassed by the "violation of any statute" or the "child-only offenses" language of the court's jurisdiction. Similarly, school disciplinary offenses may be encompassed by language such as "disobedient to or beyond the control of his proper custodian." Of the forty-five (45) states which expressly refer to truancy, forty-two (42) expressly require habitual truancy or repeated absences.⁶ In other states, however, truancy may be defined outside the juvenile code in terms of repeated or numerous absences from school.

4. Runaway

An entry in this column indicates an express reference to "running away from home," "truant from home," "absence from home without permission," or similar language. In five (5) states with delinquent categories only,⁷ and in Michigan and Virginia, such conduct is classified as delinquent. In nineteen (19) jurisdictions it is a status offense.⁸ Of these twenty-six (26) jurisdictions, nine (9)

⁴Conn., Del., Ind., Maine, Minn., Miss., S.C., Utah, W.Va.

⁵Ala., Alaska, Ariz., Ark., Cal., Colo., D.C., Fla., Ga., Ill., Kans., Ky., La., Md., Mass., Mont., Neb., Nev., N.H., N.J., N.M., N.Y., N.C., N.D., Ohio, Okla., Pa., R.I., S.D., Tenn., Texas, Va., Wash., Wisc., Wyo.

⁶All but Del., N.Y., and N.C.

⁷Conn., Maine, Miss., S.C., W.Va.

⁸Alaska, Ariz., Ark., Colo., Fla., Ga., Kans., Ky., Mass., Neb., Nev., N.C., Ohio, Oregon, R.I., S.D., Texas, Wisc., Wyo.

states expressly require habitual or repeated conduct.⁹ In some states while not expressly mentioned, running away may be brought within the court's jurisdiction under disobedience or unruliness language.

5. Undesirable Associations

Included under this column are express references to association with vagrants, vicious or immoral people, pimps, prostitutes, criminals, etc., or to associations injurious to the child's welfare. Four (4) states label such conduct delinquent,¹⁰ while six (6) treat it as a status offense.¹¹ Michigan and Rhode Island expressly require repeated or habitual association. While the statutes of only ten (10) states make such express reference to undesirable associations, such conduct may in other states be brought within the court's jurisdiction under language included in the Undesirable Conduct or Condition or the Unruliness categories explained below.

6. Undesirable Conduct or Condition

This column encompasses children whose conduct, condition, environment or situation is "dangerous to life and limb," "injurious to health, morals, or welfare," etc., who are found "on premises used for illegal purposes," "in a house of prostitution," etc., or who are "vagrant," "idle," "leading an immoral life," "in danger of becoming morally depraved," etc. The statutes of twenty-seven (27) states contain some such language, but the Undesirable Associations and Unruliness categories are so closely related to this one that the same conduct or condition might be brought within the court's jurisdiction under language within those categories even in the absence of an express provision such as those set forth herein. Of the twenty-seven (27) which include such language in their codes, seven (7) classify such children as delinquent¹² and

⁹Alaska, Fla., Ky., Maine, Mass., Neb., Ohio, W.Va., Wisc.

¹⁰Maine, Miss., S.C., W.Va.

¹¹Alaska, Mich., Mo., Ohio, R.I., Va.

¹²Conn., Del., Maine, Miss., S.C., Utah, W.Va.

nineteen (19) place them in a status offense category.¹³ In Michigan, such conduct falls into both categories. Five (5) states expressly require that such conduct or condition be habitual or repeated.¹⁴

7. Disobedience-Unruliness

Thirty-six (36) juvenile codes expressly grant jurisdiction over children who disobey their parents. An entry under disobedience is indicative of such an express reference to "disobey[ing] the reasonable and lawful demands of his parents," "being habitually disobedient," "refus[ing] to obey the reasonable and proper orders or direction of his parent, guardian or custodian," or similar language. Of the thirty-six (36) states with such provisions, in six (6) disobedient children are classified as delinquent,¹⁵ in twenty-eight (28) they are status offenders,¹⁶ and in Florida and Michigan, disobedience is included in both categories. Thirty-two (32) states expressly require habitual, repeated or persistent disobedience,¹⁷ and in Michigan the court has jurisdiction to age 17 (the delinquency category) of children who are "repeatedly disobedient," and to age 18 (the status offense category) of children who are "willfully disobedient ... and in danger of becoming morally depraved."

Statutes often specify jurisdiction over children who are "wayward," "incorrigible," "unruly," "beyond control," etc., often using such terms in combination. All such provisions are included under the term "Unruliness" in the table, and the specific term or terms used in the statute are indicated by abbreviations following the / in the column entry and described in the key for TABLE I inside

¹³Alaska, Ariz., Colo., Haw., Iowa, Kans., Md., Mo., Neb., N.J., N.C., N.D., Ohio, Okla., Oregon, R.I., S.D., Va., Wisc.

¹⁴Alaska, Del., N.C., Okla., Wisc.

¹⁵Ind., Minn., Miss., Pa., S.C., W.Va.

¹⁶Ala., Alaska, Ariz., Ark., Cal., D.C., Ga., Iowa, Kans., Ky., La., Md., Mass., Mont., Neb., Nev., N.H., N.J., N.M., N.Y., N.C., N.D., Ohio, Okla., R.I., Tenn., Va., Wyo.

¹⁷Alaska, Ark., Cal., D.C., Fla., Ga., Ind., Iowa, Kans., Ky., La., Md., Mass., Minn., Miss., Mont., Neb., Nev., N.H., N.J., N.M., N.Y., N.C., N.D., Ohio, Okla., R.I., S.C., Tenn., Va., W.Va., Wyo.

the back cover flap. Forty-two (42) states detail some form of unruliness jurisdiction, with nine (9) placing such children in the delinquent category¹⁸ and thirty-three (33) in a status offender category.¹⁹ In Florida, a child may be found delinquent for his second such "offense."

Many juvenile codes establish the court's jurisdiction over disobedient and unruly children within the same subsection of the statute, often with a conjunctive or causal relationship between the two conditions. For example, in Arizona, an incorrigible child is defined in part as "one who refuses to obey the reasonable and proper orders or directions of his parent, guardian or custodian, and who is beyond the control of such person." (Emphasis added.) In Alaska, children in need of supervision include those who "by reason of being wayward or habitually disobedient [are] uncontrolled by [their] parent, guardian or custodian." (Emphasis added.) The existence in twenty-eight (28) states of such a relationship between the two jurisdictional grounds is indicated by a line (----) between the two entries in the Disobedience-Unruliness column. The text of the statutes in TABLE II should be consulted to determine the precise nature of the relationship.

8. Violation of Court Order

Thirteen (13) states expressly include within the jurisdiction of the juvenile court, juveniles who "violate any lawful order of the court," "disobey the terms of supervision contained in a court order," "run away from any juvenile [facility] after placement therein by an order of a juvenile court," or similar language.²⁰ In eleven (11) of those states such conduct is a delinquent offense.²¹

¹⁸Conn., Del., Ind., Minn., Miss., Pa., S.C., Utah, W.Va.

¹⁹Ala., Alaska, Ariz., Cal., Colo., D.C., Fla., Ga., Haw., Ill., Iowa, Ky., La., Md., Mich., Mont., Neb., Nev., N.H., N.J., N.M., N.Y., N.C., Ohio, Okla., Oregon, S.D., Tenn., Vt., Va., Wash., Wisc., Wyo.

²⁰Ariz., Colo., Conn., Ga., Ill., Kans., Mont., Nev., N.H., N.C., Ohio, Okla., Texas.

²¹Ariz., Colo., Conn., Kans., Mont., Nev., N.H., N.C., Ohio, Okla., Texas.

The effect of such a provision in those states with separate status offender categories is that the status offender who violates court ordered placement or probation may be adjudicated delinquent.²² In Georgia, the child's classification does not change; the delinquent who violates a court order commits a delinquent act and the status offender another status offense. In Illinois, violation of a court order is defined as a status offense.

9. Curfew

Only three (3) juvenile codes expressly declare the court's jurisdiction over curfew violations. Of these states, only Indiana, which has no status offense category, defines curfew violators as delinquent; in California and Georgia they are status offenders. In many more, however, state or local curfew provisions may be incorporated into the juvenile code by the Crimes or Child Offense language of the statutes described above.

10. Drugs, Alcohol

Included under this category are express grants of jurisdiction over juveniles who violate alcohol or drug laws, are addicted to drugs or alcohol or are found on premises where alcohol is sold. Only five (5) states include such an express reference in their juvenile codes,²³ although drug and alcohol violations may be incorporated in the Crimes and Child Offense language of the statutes described above.

11. Other

An express reference to conduct other than that encompassed by the specific categories described above is indicated by an entry in this column. The three entries represent habitual use of profanity and begging (S.C.), attempts to marry without parental permission (Ohio), and habitual traffic offenses (Okla.).

²²Ariz., Colo., Kans., Mont., Nev., N.H., N.C., Ohio, Okla., Texas.

²³Ga., Ill., Mich., Mont., Wash.

12. And Needs Care or Supervision

Several states expressly include in the definitional or jurisdictional section of the statute the requirement that the child need care, supervision, rehabilitation or similar language. The requirement of this element in addition to certain conduct or behavior is represented by an entry in this column. In nine (9) states it is an element of both delinquent and status offender categories.²⁴ In Nevada, such a showing is required only for status offenders and in Pennsylvania only for delinquents.

²⁴ Ala., D.C., Ga., La., Md., N.H., N.M., N.D., Tenn.

TABLE II
TEXT OF DEFINITIONS

TABLE II presents the text of the statutes in each state which describe the juvenile court's jurisdiction over children's conduct. The language of the statutes has been separated into categories of delinquent and status offender consistent with the classifications in TABLE I as described in the Introduction. The official statutory citation follows the text of each section.

TABLE II - TEXT OF DEFINITIONS

DELINQUENT

STATUS OFFENDER

ALABAMA

"Delinquent Act" means an act designated a crime under the law of this state, or of another state if the act occurred in another state, or under federal law, or a violation of a municipal ordinance; however, traffic offenses committed by one 16 years of age or older shall be excepted unless transferred to the juvenile court by the court having jurisdiction; *Ala. Code tit. 13A, § 5-101(h)*.

"Delinquent child" means a child who has committed a delinquent act and is in need of care or rehabilitation; *Ala. Code tit. 13A, § 5-101(i)*.

- "Child in need of supervision" means a child who:
- (1) Being subject to compulsory school attendance, is habitually truant from school; or
 - (2) Disobeys the reasonable and lawful demands of his parents, guardian or other custodian and is beyond their control; or
 - (3) Has committed an offense established by law but not classified as criminal or one applicable only to children; and
 - (4) In any of the foregoing is in need of care or rehabilitation; *Ala. Code tit. 13A, § 5-101(d)*.

ALASKA

"delinquent minor" is a minor whom the court determines is within the provisions of § 10(a)(1) of this chapter; *Alaska Stat. § 47.10.290(2)*.

Jurisdiction. (a) Proceedings relating to a minor under 18 years of age residing or found in the state are governed by this chapter, except as otherwise provided in this chapter, when the minor...

- (1) violates a law of the state, or an ordinance or regulation of a political subdivision of the state; *Alaska Stat. § 47.10.010(a)(1)*.

"child in need of supervision" is a minor whom the court determines is within the provisions of § 10(a)(2), (3), or (6). *Alaska Stat. § 47.10.290(7)*.

Jurisdiction. (a) Proceedings relating to a minor under 18 years of age residing or found in the state are governed by this chapter, except as otherwise provided in this chapter, when the minor...

- (2) by reason of being wayward or habitually disobedient is uncontrolled by his parent, guardian or custodian;
- (3) is habitually truant from school or home, or habitually so conducts himself as to injure or endanger the morals or health of himself or others;...
- (6) associates with vagrant, vicious or immoral people, or engages in an occupation or is in a situation dangerous to life or limb or injurious to the health, morals, or welfare of himself or others; *Alaska Stat. § 47.10.010(a)*.

ARIZONA

"Delinquent act" includes an act by a child, which if committed by an adult would be a public offense or any act that would constitute a public offense which could only be committed by a child or by a minor, including violation of any law of this state, or of another state if the act occurred in that state, or of the United States, or any ordinance of a city, county, or political subdivision of this state defining crime, or the failure to obey any lawful order of the juvenile court; provided, however, that any child remanded for prosecution as an adult shall not be adjudicated as a delinquent child for that same offense for which he was remanded. A.R.S.A. § 8-201(8).

"Delinquent child" means a child who is adjudicated to have committed a delinquent act. A.R.S.A. § 8-201(9).

"Incorrigible child" means a child adjudicated as one who refuses to obey the reasonable and proper orders or directions of his parent, guardian or custodian, and who is beyond the control of such person, or any child who is habitually truant from school, or who is a runaway from his home or parent, guardian or custodian, or who habitually so departs himself as to injure or endanger the morals or health of himself or others. A.R.S.A. § 8-201(12).

ARKANSAS

"Delinquent juvenile" means any juvenile who (a) has committed an act other than a traffic offense which, if such act had been committed by an adult, would subject such adult to prosecution for a felony or misdemeanor under the applicable criminal law of this State, or (b) has committed [committed] an offense applicable only to a juvenile. Ark. Stat. Ann. § 45-403(2).

"Juvenile in need of supervision" means any juvenile who:

- (a) while subject to compulsory school attendance, is habitually and without justification absent from school; or
- (b) is habitually disobedient to the reasonable and lawful commands of his parent, guardian, or custodian; or
- (c) has absented himself from his home without sufficient cause, permission, or justification.

Ark. Stat. Ann. § 45-403(3).

DELINQUENT

STATUS OFFENDER

CALIFORNIA

Any person who is under the age of 18 years when he violates any law of this state or of the United States or any ordinance of any city or county of this state defining crime, other than an ordinance establishing a curfew based solely on age, is within the jurisdiction of the juvenile court, which may adjudge such person to be a ward of the court. *West's Ann. Welf. & Inst. Code § 602.*

(a) Any person under the age of 18 years who persistently or habitually refuses to obey the reasonable and proper orders or directions of his parents, guardian, or custodian, or who is beyond the control of such person, or who is under the age of 18 years when he violated any ordinance of any city or county of this state establishing a curfew based solely on age is within the jurisdiction of the juvenile court which may adjudge such person to be a ward of the court.

(b) If a school attendance review board determines that the available public and private services are insufficient or inappropriate to correct the habitual truancy of the minor, or to correct the minor's persistent or habitual refusal to obey the reasonable and proper orders or directions of school authorities, or if the minor fails to respond to directives of a school attendance review board or to services provided, the minor is then within the jurisdiction of the juvenile court which may adjudge such person to be a ward of the court; provided, that it is the intent of the Legislature that no minor who is adjudged a ward of the court pursuant solely to this subdivision shall be removed from the custody of the parent or guardian except during school hours.
West's Ann. Welf. & Inst. Code § 601.

COLORADO

(a) "Delinquent child" means any child ten years of age or older who, regardless of where the violation occurred, has violated:

- (I) Any federal or state law, except state traffic and game and fish laws or regulations;
- (II) Any municipal ordinance except traffic ordinances, the penalty for which may be a jail sentence; or
- (III) Any lawful order of the court made under this title.

(5) "Child in need of supervision" means any child:

- (a) Who is repeatedly absent from school in violation of the requirements of article 33 of title 22, C.R.S. 1973;
- (b) Who has run away from home or is otherwise beyond the control of his parent, guardian, or other legal custodian; or
- (c) Whose behavior or condition is such as to endanger his own or others' welfare. *C.R.S.A. § 19-1-103(5).*

(b) This definition shall not apply to:

- (I) Children fourteen years of age or older who allegedly commit crimes of violence defined by section 18-1-105, C.R.S. 1973, as class 1 felonies; or
- (II) Children who within the previous two years have been adjudicated a delinquent child, and the act for which the child was adjudicated a delinquent would have been a felony if committed by an adult, and who are sixteen years of age or older who allegedly commit crimes defined by section 18-1-105, C.R.S. 1973, as class 2 or class 3 felonies, except felonies defined by sections 18-3-401(1)(d) and 18-3-403(1)(d); C.R.S. 1973, or who commit nonclassified felonies punishable by a maximum punishment of life imprisonment or death; or
- (III) Children fourteen years of age or older who allegedly commit any felony subsequent to any other felony which is the subject of proceedings under section 19-3-108 resulting in waiver of jurisdiction by any juvenile court in this state.

(c) The provisions of paragraph (a)(I) of this subsection (9) notwithstanding, the term "delinquent child" shall include any child under sixteen years of age who has violated a traffic law or ordinance if his case is transferred from the county court to the juvenile court. C.R.S.A. § 19-1-103(9).

CONNECTICUT

a child may be found "delinquent" (a) who has violated any federal or state law or municipal or local ordinance, or (b) who has without just cause run away from his parental home or other properly authorized and lawful place of abode, or (c) who is beyond the control of his parent, parents, guardian or other custodian, or (d) who has engaged in indecent or immoral conduct, or (e) who has been habitually truant or who, while in school has been continuously and overtly defiant of school rules and regulations, or (f) who has violated any lawful order of the juvenile court. Conn. Gen. Stat. Ann. § 17-53.

No separate status offense category.

DELINQUENT

STATUS OFFENDER

DELAWARE

"Delinquent child" means a child who commits an act which if committed by an adult would constitute a crime or, who is uncontrolled by his custodian or school authorities or who habitually so deports himself as to injure or endanger the morals or health of himself or others. *Del. Code Ann. tit. 10, § 901(7)*.

No Separate status offense category.

DISTRICT OF COLUMBIA

The term "delinquent child" means a child who has committed a delinquent act and is in need of care or rehabilitation. *D.C.C.E. § 16-2301(6)*.

31 The term "delinquent act" means an act designated as an offense under the law of the District of Columbia, or of a State if the act occurred in a State, or under Federal law. Traffic offenses shall not be deemed delinquent acts unless committed by an individual who is under the age of sixteen. *D.C.C.E. § 16-2301(7)*.

The term "child in need of supervision" means a child who--

- (A) (i) is subject to compulsory school attendance and habitually truant from school without justification;
- (ii) has committed an offense committable only by children; or
- (iii) is habitually disobedient of the reasonable and lawful commands of his parent, guardian, or other custodian and is ungovernable; and
- (B) is in need of care or rehabilitation. *D.C.C.E. § 16-2301(8)*.

FLORIDA

"Delinquent child" means a child who commits a violation of law, regardless of where the violation occurs, except a child who commits a juvenile traffic offense and whose case has not been transferred to the circuit court by the court having jurisdiction. *F.S.A. § 39.01(12)*.

"Ungovernable child" means a child who persistently disobeys the reasonable and lawful demands of his parents or other legal custodians and is beyond their control. For the purposes of this act, the first time a child is adjudicated as ungovernable, he may be defined and treated as a dependent child, and all of the provisions of this act relating to dependency shall be applicable. For the second and subsequent adjudications for ungovernability, the child may be defined and treated as a delinquent child, and all the provisions of this act relating to delinquency shall be applicable. ... *F.S.A. § 39.01(11)*.

"Delinquent act" means:

- (1) an act designated a crime by the laws of Georgia, or of another State if the act occurred in that State, or under Federal laws, or by local ordinance, and the crime does not fall under paragraph (3) of subsection (g) and is not a juvenile traffic offense as defined in section 24A-3101;
- (2) the act of disobeying the terms of supervision contained in a court order which has been directed to a child who has been adjudged to have committed a delinquent act;
- (3) patronizing any bar where alcoholic beverages are being sold, unaccompanied by the child's parent, guardian or custodian; or possessing alcoholic beverages. *Ga. Code Ann. § 24A-401(e).*

"Delinquent child" means a child who has committed a delinquent act and is in need of treatment or rehabilitation. *Ga. Code Ann. § 24A-401(f).*

GEORGIA

"Dependent child" means a child who ...

- (h) Has persistently run away from his parents or legal guardian.
- (i) Being subject to compulsory school attendance, is habitually truant from school. *F.S.A. § 39.01(10).*

"Unruly child" means a child who:

- (1) while subject to compulsory school attendance is habitually and without justification truant from school; or
 - (2) is habitually disobedient of the reasonable and lawful commands of his parent, guardian or other custodian, and is ungovernable; or
 - (3) has committed an offense applicable only to a child; or
 - (4) without just cause and without the consent of his parent or legal custodian deserts his home or place of abode; or
 - (5) wanders or loiters about the streets of any city, or in or about any highway or any public place, between the hours of 12:00 o'clock midnight and 5:00 o'clock a.m.; and
 - (6) the act of disobeying the terms of supervision contained in a court order which has been directed to a child who has been adjudicated unruly;
 - (7) patronizing any bar where alcoholic beverages are being sold, unaccompanied by the child's parents, guardian or custodian; or possessing alcoholic beverages;
 - (8) in any of the foregoing, is in need of supervision, treatment or rehabilitation; or
 - (9) has committed a delinquent act or is in need of supervision but not of treatment or rehabilitation.
- Ga. Code Ann. § 24A-401(g).*

HAWAII

Except as otherwise provided herein, the court shall have exclusive original jurisdiction in proceedings:

Except as otherwise provided herein, the court shall have exclusive original jurisdiction in proceedings...

DELINQUENT

STATUS OFFENDER

HAWAII (cont)

- (1) Concerning any child who is alleged to have violated or attempted to violate any federal, state, or local law or municipal ordinance, regardless of where the violation occurred; or any person alleged to have violated or attempted to violate any federal, state, or local law or municipal ordinance prior to having become eighteen years of age. The minor shall be dealt with under the provisions of this chapter relating to children. Jurisdiction may be taken by the court of the circuit where the minor is living or found, or in which the offense is alleged to have occurred.

Hawaii Rev. Stat. § 571-11(1):

- (2) Concerning any child living or found within the circuit

- ...
(B) whose environment is injurious to his welfare, or whose behavior is injurious to his own or others' welfare; or
(C) who is beyond the control of his parent or other custodian. *Hawaii Rev. Stat. § 571-11(2).*

IDAHO

Subject to the prior jurisdiction of the United States, the court shall have exclusive, original jurisdiction over any child and over any adult who was a child at the time of any act, omission or status, found or living within the county, in the following cases:

1. Where the act, omission or status is prohibited by federal, state, local or municipal law or ordinance by reason of minority only, regardless of where the same occurred;
2. Where the act or omission is a violation of any federal, state, local or municipal law or ordinance which would be a crime if committed by an adult, regardless of where the same occurred, except traffic, watercraft and fish and game violations; provided, however, that the prosecuting attorney of any county may bring under this act the operation of a motor vehicle while the operator's permit or license to drive is suspended or revoked; the operation of motor vehicle or watercraft while under the influence of intoxicating liquor or drugs; the operation of a

No separate status offense category.

motor vehicle in a reckless manner; the operation of a watercraft in a careless manner; or the violation of any motor vehicle, watercraft, or fish and game law or ordinance having theretofore been convicted of any combination of three (3) motor vehicle, watercraft or fish and game violations, regardless of where the violation, act, omission, revocation or suspension occurred.

3. Concerning any child under the purview of the interstate compact on juveniles as set forth in chapter 19, title 16, Idaho Code.

Idaho Code § 16-1803.

ILLINOIS

Those who are delinquent include any minor who prior to his 17th birthday has violated or attempted to violate, regardless of where the act occurred, any federal or state law or municipal ordinance; and (b) prior to January 1, 1974, any minor who has violated a lawful court order made under this Act.

S.H.A. ch. 37, § 702-2.

Those otherwise in need of supervision include (a) any minor under 18 years of age who is beyond the control of his parents, guardian or other custodian; (b) any minor subject to compulsory school attendance who is habitually truant from school; and (c) any minor who is an addict, as defined in the "Drug Addiction Act" (91-1/2 - 120.1 et seq.); and (d) on or after January 1, 1974, any minor who violates a lawful court order made under this Act. *S.H.A. ch. 37, § 702-3.*

INDIANA

The words "delinquent child" shall include any person under the age of eighteen (18) years who:

- (a) Commits an act which, if committed by an adult, would be a crime, except:
- (1) murder; or
 - (2) violations of any of the traffic laws of the state or of any traffic ordinances of a subdivision of the state if committed by a person sixteen (16) years of age or older;
- (b) Is incorrigible, ungovernable or habitually disobedient and beyond the control of his parent, guardian,

No separate status offense category.

DELINQUENT

STATUS OFFENDER

INDIANA (Cont)

- or other custodian;
- (c) Is habitually truant; or
 - (d) Being under the age of thirteen (13) years is habitually present upon any street, highway, park, public building or other public place between the hours of 10:01 p.m. and 5:00 a.m. unless he is accompanied or supervised by his parent or legal guardian or other responsible companion at least eighteen (18) years of age delegated by said parent or legal guardian to accompany him; or having attained the age of thirteen (13) years but not the age of eighteen (18) years is habitually present upon any street, highway, park, public building or other public place between the hours of 1:01 a.m. and 5:00 a.m., unless he is accompanied or supervised by his parent or legal guardian or other responsible companion at least eighteen (18) years of age delegated by said parent or legal guardian to accompany him. This subsection does not apply to a child while in a public building or place attending or participating in a religious, educational, entertainment, social or athletic event so long as said event is conducted according to law and supervised by a person at least eighteen (18) years of age.

Ind. Ann. Stat. § 31-5-7-4.1.

IOWA

"Delinquent child" means a child:

- a. Who has violated any state or local laws or ordinances except any offense which is exempted from this chapter by law.
- b. Who has violated a federal law or a law of another state and whose case has been referred to the juvenile court. I.C.A. § 232.2(12).

"Child in need of assistance" means a child: ...

- h. Who is living under conditions injurious to his mental or physical health or welfare.
- i. Who is uncontrolled by his parents, guardian, or legal custodian by reason of being wayward or habitually disobedient.
- j. Who habitually deports himself in a manner that is injurious to himself or others. I.C.A. § 232.2(13).

KANSAS

"Delinquent child" means a child less than eighteen (18) years of age:

- (1) Who does an act, other than one defined in subsection (e) of this section, which if done by a person eighteen (18) years of age or over, would make him liable to be arrested and prosecuted for the commission of a felony as defined by K.S.A. 21-3105; or
- (2) who has been adjudged a miscreant child under this act three (3) or more times. K.S.A. § 38-802(b).

"Miscreant child" means a child less than eighteen (18) years of age:

- (1) Who does an act, other than one defined in subsection (e) of this section, which if done by a person eighteen (18) years of age or over, would make him liable to be arrested and prosecuted for the commission of a misdemeanor as defined by K.S.A. 21-3105;
- (2) who does an act, other than one defined in subsection (e) of this section, which, if done by a person eighteen (18) years of age or over, would make him liable to be arrested and prosecuted for the violation of any ordinance, police regulation, order, rule or regulation adopted by any authority, city, county, township, or other political subdivision of this state;
- (3) who does an act, other than one defined in subsection (e) of this section, the commission of which by persons under the age of eighteen (18) years, is specifically prohibited and made unlawful by state law, city ordinance, police regulation, order, rule or regulation adopted by any authority, city, county, township, or other political subdivision of this state;
- (4) who has been adjudged a wayward child under this act three (3) or more times; or
- (5) who escapes from or runs away from any juvenile detention home or farm or other juvenile center after placement therein by an order of a juvenile court. K.S.A. § 38-802(c).

"Wayward child" means a child less than eighteen (18) years of age:

- (1) Whose behavior is injurious to his or her welfare;
- (2) who has deserted his or her home without good or sufficient cause; or
- (3) who is habitually disobedient to the reasonable and lawful commands of his or her parent, guardian, or other lawful custodian. K.S.A. § 38-802(d).

"Truant" means a child who, being by law required to attend school, absents himself or herself therefrom to the extent of being a truant under the provisions of K.S.A. 1975 Supp. 72-1113, and any amendments thereto. K.S.A. § 38-802(f).

DELINQUENT

STATUS OFFENDER

KANSAS (Cont)

"Traffic offender" means a child under sixteen (16) years of age who does an act which, if done by a person sixteen (16) years of age or over, would make such person liable to be arrested and prosecuted for the violation of:

- (1) Any statute relating to the regulation of traffic on the roads, highways or streets, or the operation of self-propelled or nonself-propelled vehicles of any kind except violations under K.S.A. 21-3405 and K.S.A. 1976 Supp. 8-1567; or
 - (2) any ordinance, police regulation, order, rule or regulation adopted by any authority, city, county, township or other political subdivision of this state which relates to the regulation of traffic on the roads, highways or streets, or the operation of self-propelled or nonself-propelled vehicles of any kind.
- K.S.A. § 38-802(e).

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KENTUCKY

"Delinquency action" is an action brought in the interest of a child who is accused of committing a public offense, which if committed by an adult would be a crime; Ky. Rev. Stat. Ann. § 208.010(8).

The juvenile session of the district court of each county shall have exclusive jurisdiction in proceedings concerning any child living, or found within the county, who has not reached his eighteenth birthday:

- (a) Who has committed a public offense, except a moving motor vehicle offense, involving a child sixteen (16) years of age or older. The court shall not have

"Status action" is any action brought in the interest of a child who is accused of committing acts, which if committed by an adult, would not be a crime. Such behavior shall not be termed criminal or delinquent, and such children shall not be considered delinquents; Ky. Rev. Stat. Ann. § 208.010(9).

The juvenile session of the district court of each county shall have exclusive jurisdiction in proceedings concerning any child living, or found within the county, except a moving motor vehicle offense, involving a child...
(b) Who does not subject himself to the reasonable control

jurisdiction in any prosecution of a moving motor vehicle offense involving a child sixteen (16) years of age or older. Juvenile offenders sixteen (16) years of age or older accused of moving motor vehicle offenses shall be treated as any adult offender; provided, however, that the term "moving motor vehicle offense" shall not be deemed to include the offense of stealing or converting a motor vehicle nor operating the same without the owner's consent, nor any offense which constitutes a felony. *Ky. Rev. Stat. Ann. § 208.020(1)(a).*

of his parents, teacher, guardian or custodian, by reason of being wayward or habitually disobedient; or
(c) Who is an habitual truant from home or from school;
Ky. Rev. Stat. Ann. § 208.020(1)(b), (c).

Actions brought under KRS 208.020(1)(b) and (c) shall be considered to be status actions.
Ky. Rev. Stat. Ann. § 208.020(8).

LOUISIANA

"Delinquent act" means an act designated a crime under the statutes or ordinances of this state, or of another state if the act occurred in another state, or under federal law. *LSA-R.S. 13:1569(13).*

"Delinquent child" means a child who has committed a delinquent act and is in need of care or rehabilitation. *LSA-R.S. 13:1569(14).*

"Child in need of supervision" means a child who:
a. being subject to compulsory school attendance, is habitually truant from school; or
b. habitually disobeys the reasonable and lawful demands of his parents, tutor, or other custodian, and is ungovernable and beyond their control; or
c. has committed an offense not classified as criminal or one applicable only to children; and
d. in any of the foregoing, is in need of care or rehabilitation. *LSA-R.S. 13:1569(15).*

MAINE

"Juvenile offender" means any juvenile who has been found by an appropriate juvenile court to have committed any of the acts or offenses specified in chapters 401 to 409 (section 2501 et seq.). *15 M.R.S.A. § 2502(4).*

No separate status offense category.

The exclusive, original jurisdiction of juvenile courts shall include all offenses committed by juveniles and the following conduct of juveniles: Habitual truancy; behaving in an incorrigible or indecent and lascivious manner; knowingly and willfully associating with vicious, criminal or grossly immoral people; repeatedly deserting one's home without just cause; living in circumstances of manifest danger of falling into habits of vice or immorality.... *15 M.R.S.A. § 2552.*

DELINQUENT

MARYLAND

"Delinquent act" means an act which would be a crime if committed by an adult. *CJ § 3-801(k)*.

"Delinquent child" is a child who has committed a delinquent act and requires guidance, treatment, or rehabilitation. *CJ § 3-801(l)*.

STATUS OFFENDER

"Child in need of supervision" is a child who requires guidance, treatment, or rehabilitation because

- (1) He is required by law to attend school and is habitually truant; or
- (2) He is habitually disobedient, ungovernable, and beyond the control of the person having custody of him without substantial fault on the part of that person; or
- (3) He departs himself so as to injure or endanger himself or others; or
- (4) He has committed an offense applicable only to children. *CJ § 3-801(f)*.

MASSACHUSETTS

39 "Delinquent child," a child between seven and seventeen who violates any city ordinance or town by-law or who commits any offense against a law of the commonwealth. *M.G.L.A. ch. 119, § 52*.

"Child in need of services," a child below the age of seventeen who persistently runs away from the home of his parents or legal guardian, or persistently refuses to obey the lawful and reasonable commands of his parents or legal guardian, thereby resulting in said parent's or guardian's inability to adequately care for and protect said child, or a child between the ages of six and sixteen who persistently and wilfully fails to attend school or persistently violates the lawful and reasonable regulations of his school. *M.G.L.A. ch. 119, § 51*.

MICHIGAN

Except as provided herein, the juvenile division of the probate court shall have:

- (a) Exclusive original jurisdiction superior to and regardless of the jurisdiction of any other court in proceedings concerning any child under 17 years of age found within the county
- (1) Who has violated any municipal ordinance or law of the state or of the United States; or
 - (2) Who has deserted his home without sufficient cause or who is repeatedly disobedient to the reasonable and lawful commands of his parents,

Except as provided herein, the juvenile division of the probate court shall have:

- (d) Concurrent jurisdiction in proceedings concerning any child between the ages of 17 and 18 found within the county
- (1) Who is repeatedly addicted to the use of drugs or the intemperate use of alcoholic liquors; or
 - (2) Who repeatedly associates with criminal, dissolute or disorderly persons; or
 - (3) Who is found of his or her own free will and knowledge in a house of prostitution or assignation or

- guardian or other custodian; or
- (3) Who repeatedly associates with immoral persons, or who is leading an immoral life; or is found on premises occupied or used for illegal purposes; or
 - (4) Who, being required by law to attend school, wilfully and repeatedly absents himself therefrom, or repeatedly violates rules and regulations thereof; or
 - (5) Who habitually idles away his or her time; or
 - (6) Who repeatedly patronizes or frequents any tavern or place where the principal purpose of the business conducted is the sale of alcoholic liquors. *M.C.L.A. § 712A.2(a).*

- ill-fame; or
- (4) Who repeatedly associates with thieves, prostitutes, pimps or procurers; or
- (5) Who is wilfully disobedient to the reasonable and lawful commands of his parents, guardian or other custodian and is in danger of becoming morally depraved; or
- (6) Who habitually idles away his or her time. ...
M.C.L.A. § 712A.2(d).

MINNESOTA

- "Delinquent child" means a child:
- (a) Who has violated any state or local law or ordinance, except as provided in section 260.193, subdivision 1;
 - (b) Who has violated a federal law or a law of another state and whose case has been referred to the juvenile court; or
 - (c) Who is habitually truant from school; or
 - (d) Who is uncontrolled by his parent, guardian, or other custodian by reason of being wayward or habitually disobedient. *M.S.A. § 260.015(5).*

No separate status offense category.

MISSISSIPPI

"Delinquent child" is synonymous with the meaning of, what is commonly called a juvenile offender, and means any child not less than ten (10) years of age whose occupation, behavior, environment or associations are injurious to his welfare or the welfare of other children; or who deserts his home; or who is habitually disobedient to or beyond the control of his parents, guardian or custodian; or who being required to attend school willfully violates rules thereof, or willfully absents himself therefrom; or who violates any state law or municipal ordinance; or who, by reason of being habitually wayward or habitually disobedient, becomes an incorrigible or uncontrollable

No separate status offense category.

DELINQUENT

STATUS OFFENDER

MISSISSIPPI (Cont)

child; or who so deports himself as to injure or endanger the morals or health of himself or any other person.
Miss. Code Ann. § 43-21-5(g).

MISSOURI

Except as otherwise provided herein, the juvenile court shall have exclusive original jurisdiction in proceedings: ...

(2) Involving any child who is alleged to have violated a state law or municipal ordinance, or any person who is alleged to have violated a state law or municipal ordinance prior to attaining the age of seventeen years, in which cases jurisdiction may be taken by the court of the circuit in which the child or person resides or may be found or in which the violation is alleged to have occurred;

V.A.M.S. § 211.031.1(2).

Except as otherwise provided herein, the juvenile court shall have exclusive original jurisdiction in proceedings: ...

(1) Involving any child who may be a resident of or found within the county and who is alleged to be in need of care and treatment because: ...

(c) the behavior, environment or associations of the child are injurious to his welfare or to the welfare of others;

V.A.M.S. § 211.031.1(1).

MONTANA

"Delinquent youth" means a youth:

- (a) who has committed an offense which, if committed by an adult, would constitute a criminal offense;
- (b) who, having been placed on probation as a delinquent youth or a youth in need of supervision, violates any condition of his probation.

Mont. Rev. Codes Ann. § 10-1202(12).

"Youth in need of supervision" means a youth who commits an offense prohibited by law which, if committed by an adult, would not constitute a criminal offense, including but not limited to a youth who:

- (a) violates any Montana municipal or state law regarding use of alcoholic beverages by minors; or
- (b) habitually disobeys the reasonable and lawful demands of his parents or guardian, or is ungovernable and beyond their control; or

MONTANA (Cont)

- (c) being subject to compulsory school attendance is habitually truant from school; or
 - (d) has committed any of the acts of a delinquent youth but whom the youth court in its discretion chooses to regard as a youth in need of supervision.
- Mont. Rev. Codes Ann. § 10-1203(13).*

NEBRASKA

The juvenile court in each county shall have jurisdiction as follows: ...

- (3)(a) Exclusive original jurisdiction as to any child under the age of sixteen years at the time he has violated any law of the state or any city or village ordinance amounting to an offense other than a felony, traffic offense, or parking violation;
- (b) concurrent original jurisdiction with the district court as to any child under the age of eighteen years at the time he has violated any law of the state constituting a felony; and (c) concurrent original jurisdiction with the district court, county court, and the municipal court as to any child sixteen or seventeen years of age at the time he has (i) violated a state law or any city or village ordinance amounting to an offense other than a felony or parking violation, and (ii) as to any child under sixteen years of age at the time he has committed a traffic offense.

Neb. Rev. Stat. § 43-202(3).

NEVADA

Except as otherwise provided in this chapter, the court has exclusive original jurisdiction in proceedings: ...

- (c) Concerning any child living or found within the county who has committed a delinquent act. A child commits

The juvenile court in each county shall have jurisdiction as follows: ...

- (4) Exclusive original jurisdiction as to any child under the age of eighteen years (a) who, by reason of being wayward or habitually disobedient, is uncontrolled by his parent, guardian, or custodian; (b) who is habitually truant from school or home; or (c) who departs himself so as to injure or endanger seriously the morals or health of himself or others;

Neb. Rev. Stat. § 43-202(4).

Except as otherwise provided in this chapter, the court has exclusive original jurisdiction in proceedings: ...

- (b) Concerning any child living or found within the county who is in need of supervision because he:

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NEVADA (Cont)

a delinquent act if he:

- (1) Commits an act designated a crime under the law of the State of Nevada, or who violates a county or municipal ordinance or any rule or regulation having the force and effect of law; or
- (2) Violates the terms or conditions of an order of court determining that he is a child in need of supervision. *Nev. Rev. Stat. § 62.040(1).*

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- (1) Is a child who is subject to compulsory school attendance and is an habitual truant from school;
- (2) Habitually disobeys the reasonable and lawful demands of his parents, guardian, or other custodian, and is unmanageable; or
- (3) Deserts, abandons or runs away from his home or usual place of abode, and is in need of care or rehabilitation. Such a child shall not be considered a delinquent. *Nev. Rev. Stat. § 62.040(1).*

NEW HAMPSHIRE

"Delinquent child" means a child who has committed an offense before reaching the age of eighteen years which would be a felony or misdemeanor under the criminal code of this state if committed by an adult, or who is a child who has violated the terms of probation and is expressly found to be in need of counseling, supervision, treatment, or rehabilitation as a consequence thereof. *N.H.R.S.A. § 169:2(III).*

"Person in need of supervision" means a child under the age of eighteen who:

- (a) Being subject to compulsory school attendance, is habitually and without justification truant from school;
- (b) Habitually disobeys the reasonable and lawful commands of his parents, guardian or custodian, and is ungovernable and beyond their control;
- (c) Has committed an offense applicable only to a child;
- (d) Has committed an offense which, if committed by an adult, would be a violation under the criminal code of this state, or has violated an ordinance or by-law of a city or town; and
- (e) If any of the foregoing, is expressly found to be in need of counseling, supervision, treatment, or rehabilitation as a consequence thereof.

N.H.R.S.A. § 169:2(VI).

NEW JERSEY

As used in this act, "delinquency" means the commission of an act by a juvenile which if committed by an adult would constitute:

- a. A homicide or act of treason;
- b. A high misdemeanor or misdemeanor;
- c. A disorderly persons offense; or
- d. A violation of any other penal statute, ordinance, or regulation... N.J.S.A. § 2A:4-44.

As used in this act, "juvenile in need of supervision" means:

- a. A juvenile who is habitually disobedient to his parent or guardian;
- b. A juvenile who is ungovernable or incorrigible;
- c. A juvenile who is habitually and voluntarily truant from school; or
- d. A juvenile who has committed an offense or violation of a statute or ordinance applicable only to juveniles.

Evidence of conduct which is ungovernable or incorrigible may include but shall not be limited to:

- (1) habitual vagrancy,
- (2) immorality,
- (3) knowingly visiting gambling places, or patronizing other places or establishments, the juvenile's admission to which constitutes a violation of law,
- (4) habitual idle roaming of the streets at night,
- (5) deportment which endangers the juvenile's own morals, health or general welfare.

N.J.S.A. § 2A:4-45.

NEW MEXICO

"delinquent act" means an act committed by a child, which would be designated as a crime under the law if committed by an adult, except for offenses under municipal traffic codes or the Motor Vehicle Code other than the following offenses when committed by a child who has not reached his fifteenth birthday:

- (1) driving while under the influence of intoxicating liquor or drugs;
- (2) failure to stop in the event of an accident causing death, personal injuries or damage to property;
- (3) reckless driving;
- (4) driving without a valid operator's license or permit;

"child in need of supervision" means a child who:

- (1) being subject to compulsory school attendance, is habitually truant from school; or
- (2) habitually disobeys the reasonable and lawful demands of his parents, guardian or custodian and is ungovernable and beyond their control; or
- (3) has committed an offense not classified as criminal or one applicable only to children; and
- (4) in any of the foregoing situations is in need of care or rehabilitation; N.M. Stat. Ann. § 13-14-3(M).

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STATUS OFFENDER

NEW MEXICO (Cont)

- (5) any offense punishable as a felony; or
(6) any offense not within the trial jurisdiction of
magistrate or municipal courts;
N.M. Stat. Ann. § 13-14-3(N).

"delinquent child" means a child who has committed a delinquent act and is in need of care or rehabilitation; *N.M. Stat. Ann. § 13-14-3(O).*

NEW YORK

45 "Juvenile delinquent." A person over seven and less than sixteen years of age who does any act which, if done by an adult, would constitute a crime.
Family Court Act § 712(a).

"Person in need of supervision." A male less than sixteen years of age and a female less than eighteen years of age who does not attend school in accord with the provisions of part one of article sixty-five of the education law or who is incorrigible, ungovernable or habitually disobedient and beyond the lawful control of parent or other lawful authority.
Family Court Act § 712(b).

NORTH CAROLINA

"Delinquent child" includes any child who has committed any criminal offense under State law or under an ordinance of local government, including violations of the motor vehicle laws or a child who has violated the conditions of his probation under this article.
N.C. Gen. Stat. § 7A-278(2).

"Undisciplined child" includes any child who is unlawfully absent from school, or who is regularly disobedient to his parents or guardian or custodian and beyond their disciplinary control, or who is regularly found in places where it is unlawful for a child to be, or who has run away from home.
N.C. Gen. Stat. § 7A-278(5).

NORTH DAKOTA

"Delinquent act" means an act designated a crime under the law, including local ordinances or resolutions of this state, or of another state if the act occurred in that state, or under federal law, and the crime does not fall under paragraph c of subsection 4 and is not a minor traffic offense as defined in subsection 10.

"Delinquent child" means a child who has committed a delinquent act and is in need of treatment or rehabilitation. *N.D. Cent. Code § 27-20-02(2).*

"Unruly child" means a child who:

- a. Is habitually and without justification truant from school;
- b. Is habitually disobedient of the reasonable and lawful commands of his parent, guardian, or other custodian and is ungovernable; or who is willfully in a situation dangerous or injurious to the health, safety, or morals of himself or others; or
- c. Has committed an offense applicable only to a child; and
- d. In any of the foregoing is in need of treatment or rehabilitation. *N.D. Cent. Code § 27-20-02(5).*

OHIO

As used in sections 2151.01 to 2151.54, inclusive, of the Revised Code, "delinquent child" includes any child:

- (A) Who violates any law of this state, the United States, or any ordinance or regulation of a political subdivision of the state, which would be a crime if committed by an adult, except as provided in section 2151.021 of the Revised Code;
 - (B) Who violates any lawful order of the court made under this chapter.
- Ohio Rev. Code Ann. § 2151.02.*

As used in sections 2151.01 to 2151.54, inclusive, of the Revised Code, "unruly child" includes any child:

- (A) Who does not subject himself to the reasonable control of his parents, teachers, guardian, or custodian by reason of being wayward or habitually disobedient;
 - (B) Who is an habitual truant from home or school;
 - (C) Who so deports himself as to injure or endanger the health or morals of himself or others;
 - (D) Who attempts to enter the marriage relation in any state without the consent of his parents, custodian, legal guardian, or other legal authority;
 - (E) Who is found in a disreputable place, visits or patronizes a place prohibited by law, or associates with vagrant, vicious, criminal, notorious, or immoral persons;
 - (F) Who engages in an occupation prohibited by law, or is in a situation dangerous to life or limb or injurious to the health or morals of himself or others;
 - (G) Who has violated a law applicable only to a child.
- Ohio Rev. Code Ann. § 2151.022.*

DELINQUENT

OKLAHOMA

The term "delinquent child" means (1) a child who has violated any federal or state law or municipal ordinance, excepting a traffic statute or ordinance, or any lawful order of the court made under this act; or (2) a child who has habitually violated traffic laws or ordinances. 10 Okl. St. Ann. § 1101(b).

OREGON

The juvenile court has exclusive original jurisdiction in any case involving a person who is under 18 years of age and:

- (a) Who has committed an act which is a violation, or which if done by an adult would constitute a violation, of a law or ordinance of the United States or a state, county or city;
Ore. Rev. Stat. § 419.476(1)(a).

PENNSYLVANIA

"Delinquent act" means: (i) an act designated a crime under the law of this State, or of another state if the act occurred in that state, or under Federal law, or under local ordinances; or (ii) a specific act or acts of habitual disobedience of the reasonable and lawful commands of his parent, guardian, or other custodian committed by a child who is ungovernable. "Delinquent act" shall not include the crime of murder nor shall it include summary offenses unless the child fails to pay a fine levied thereunder, in which event notice of such fact shall be certified to the court.
10 P.C.S.A. 50-102(2).

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The term "child in need of supervision" means a child who is habitually truant from school, or who is beyond the control of his parents, guardian or other custodian, or who habitually departs himself so as to injure or endanger the health or morals of himself or others.
10 Okl. St. Ann. § 1101(c).

The juvenile court has exclusive original jurisdiction in any case involving a person who is under 18 years of age and: ...

- (b) Who is beyond the control of his parents, guardian or other person having his custody; or
(c) Whose behavior, condition or circumstances are such as to endanger his own welfare or the welfare of others; or
(f) Who has run away from his home.
Ore. Rev. Stat. § 419.476(1).

"Deprived child" means a child who: ... (v) while subject to compulsory school attendance is habitually and without justification truant from school.

"Delinquent child" means a child whom the court has found to have committed a delinquent act and is in need of treatment, supervision or rehabilitation.
10 P.C.S.A. 500102(3).

RHODE ISLAND

The term "delinquent" when applied to a child shall mean and include any child--

Who has committed any offense which, if committed by an adult, would constitute a felony, or who has on more than one (1) occasion violated any of the other laws of the state or of the United States or any of the ordinances of cities and towns, other than ordinances relating to the operation of motor vehicles.
R.I. Gen. Laws Ann. § 14-1-3(F).

The term "wayward" when applied to a child shall mean and include any child--

1. Who has deserted his home without good or sufficient cause; or
 2. Who habitually associates with dissolute, vicious or immoral persons; or
 3. Who is leading an immoral or vicious life; or
 4. Who is habitually disobedient to the reasonable and lawful commands of his parent or parents, guardian or other lawful custodian; or
 5. Who, being required by chapter 19 of title 16 to attend school, wilfully and habitually absents himself therefrom, or habitually violates rules and regulations of the school when he attends.
 6. Who has on any occasion violated any of the laws of the state or of the United States or any of the ordinances of cities and towns, other than ordinances relating to the operation of motor vehicles.
- R.I. Gen. Laws Ann. § 14-1-3(G).

SOUTH CAROLINA

"Delinquent child" means a child over seven and under sixteen years of age in a domestic relations court or under seventeen years of age in a juvenile domestic relations court who

- (a) violates any law of the United States or any municipal ordinance or who commits any act which if committed by an adult would be an offense punishable otherwise than by death or life imprisonment, except that in a juvenile domestic relations court this shall

No separate status offense category.

DELINQUENT

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SOUTH CAROLINA (Cont)

- not include violation of a State law or a municipal ordinance involving the operation of a motor vehicle if the child is a licensed driver or of sufficient age to have legally obtained a driver's license,
- (b) is incorrigible, ungovernable or habitually disobedient and beyond the control of his parents, guardian, custodian or other lawful authority,
 - (c) is habitually truant,
 - (d) without just cause and without the consent of his parent, guardian or other custodian deserts his home or place of abode,
 - (e) engages in any occupation which is in violation of law,
 - (f) begs or solicits alms or money in public places,
 - (g) associates with immoral or vicious persons,
 - (h) frequents any place the maintenance of which is in violation of law,
 - (i) habitually uses obscene or profane language or
 - (j) so deports himself as wilfully to injure or endanger the morals or health of himself or others;
- S.C. Code Ann. § 15-1103(9).

"Juvenile delinquency" is the commission by a child over seven and under the age of sixteen years in a domestic relations court or under the age of seventeen years in a juvenile domestic relations court of any of the offenses enumerated in the foregoing definition of a delinquent child;
S.C. Code Ann. § 15-1103(10).

SOUTH DAKOTA

In this chapter unless the context otherwise plainly requires "delinquent child" means any child ten years of age or older who, regardless of where the viola-

In this chapter unless the context otherwise plainly requires "child in need of supervision" means any child who is an habitual truant from school; who has run

tion occurred, has violated any federal, state or local law or regulation for which there is a penalty of a criminal nature, except state or municipal hunting, fishing, boating or traffic laws cognizable by a justice of the peace or other court of comparable limited jurisdiction as may be established by law.
S.D.C.L. Ann. § 26-8-7.

away from home or is otherwise beyond the control of his parent, guardian, or other custodian; or whose behavior or condition is such as to endanger his own or others' welfare. *S.D.C.L. Ann. § 26-8-7.1.*

TENNESSEE

"Delinquent act" means an act designated a crime under the law, including local ordinances of this state, or of another state if the act occurred in that state, or under federal law, and the crime does not fall under paragraph (iii) of subsection 5 and the crime is not a traffic offense as defined in the traffic code of the state other than drunken driving and negligent homicide.
Tenn. Code Ann. § 37-202(3).

"Delinquent child" means a child who has committed a delinquent act and is in need of treatment or rehabilitation. *Tenn. Code Ann. § 37-202(4).*

- "Unruly child" means a child who:
- (i) while subject to compulsory school attendance is habitually and without justification truant from school;
 - (ii) is habitually disobedient of the reasonable and lawful commands of his parent, guardian, or other custodian and is ungovernable; or
 - (iii) has committed an offense applicable only to a child; and
 - (iv) in any of the foregoing is in need of treatment or rehabilitation;
- Tenn. Code Ann. § 37-202(5).*

TEXAS

Delinquent conduct is conduct, other than a traffic offense, that violates:

- (1) a penal law of this state punishable by imprisonment or by confinement in jail; or
- (2) a reasonable and lawful order of a juvenile court entered under Section 54.04 or 54.05 of this code, including an order prohibiting conduct referred to in Subsection (b)(4) of this section.

V.T.C.A., Family Code § 51.03(a).

- Conduct indicating a need for supervision is:
- (1) conduct, other than a traffic offense, that on three or more occasions violates either of the following:
 - (A) the penal laws of this state of the grade of misdemeanor that are punishable by fine only; or
 - (B) the penal ordinances of any political subdivision of this state;
 - (2) the unexcused voluntary absence of a child on 10 or more days or parts of days within a six-month period or three or more days or parts of days within a four-week period from school;
 - (3) the voluntary absence of a child from his home without the consent of his parent or guardian for a substantial

DELINQUENT

STATUS OFFENDER

TEXAS (Cont)

- length of time or without intent to return; or
- (4) conduct which violates the laws of this state prohibiting driving while intoxicated or under the influence of intoxicating liquor (first or subsequent offense) or driving while under the influence of any narcotic drug or of any other drug to a degree which renders him incapable of safely driving a vehicle (first or subsequent offense).

V.T.C.A., Family Code § 51.03(b).

UTAH

51 Except as otherwise provided by law, the court shall have exclusive original jurisdiction in proceedings:

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

- (2) Concerning any child:

- (b) who is beyond the control of his parent, guardian, or other lawful custodian to the point that his behavior or condition is such as to endanger his own welfare or the welfare of others; or
- (c) who is a habitual truant from school. *Utah Code*

Ann. § 55-10-77.

No separate status offense category.

VERMONT

"Delinquent act" means an act designated a crime under the laws of this state, or of another state if the act occurred in another state, or under federal law, provided, however, that traffic offenses committed by an individual after becoming 16 years of age shall not be deemed delinquent acts except for violations of sub-chapter

"Child in need of care or supervision" means a child who: ...

- (C) Is without or beyond the control of his parents, guardian or other custodian.

Vt. Stat. Ann. tit. 33, § 632(12)(C).

5 of chapter 13 and of section 1091 of Title 23.
Vt. Stat. Ann. tit. 33, § 632(3).

"Delinquent child" means a child who has committed a delinquent act. *Vt. Stat. Ann. tit. 33, § 632(4).*

VIRGINIA

Except as hereinafter provided, each juvenile and domestic relations district court shall have ... exclusive original jurisdiction ... over all cases, matters and proceedings involving:

- (1) The custody, support, control or disposition of a child: ...
- (g) Who deserts or is a fugitive from his home, or who is habitually disobedient or beyond the control of his parents or other custodian, or is incorrigible;
- (i) Who violates any State or federal law, or any municipal or county ordinance; provided, however, that in violations of federal law jurisdiction in such cases shall be concurrent and shall be assumed only if waived by the federal court or the United States attorney; ...

Va. Code Ann. § 16.1-158(1).

WASHINGTON

The words "delinquent child" mean any child under the age of eighteen years who violates any law of this state, or any ordinance of any town, city, or county of this state defining a crime or who has violated any federal law or law of another state defining a crime, and whose case has been referred to the juvenile court by any jurisdiction whatsoever.
R.C.W.A. § 13.04.010.

Except as hereinafter provided, each juvenile and domestic relations district court shall have, within the limits of the territory for which it is created, exclusive original jurisdiction, and within one mile beyond the corporate limits of said city, concurrent jurisdiction with the juvenile court or courts of the adjoining county or counties over all cases, matters and proceedings involving:

- (1) The custody, support, control or disposition of a child: ...
- (f) Whose occupation, behavior, environment, condition, association, habits or practices are injurious to his welfare;
- (h) Who being required by law or his parents or custodian to attend school is a willful and habitual truant therefrom; ...

V. Code Ann. § 16.1-158(1).

For the purpose of this chapter the words "dependent child" shall mean any child under the age of eighteen years: ...

- (7) Who is incorrigible; that is, who is beyond the control and power of his parents, guardian, or custodian by reason of the conduct or nature of said child; or ...
- (9) Who is an habitual truant, as defined in the school laws of the state of Washington; or
- (10) Who uses intoxicating liquor as a beverage, or who uses opium, cocaine, morphine, heroin, or marijuana, or other similar drug, without the direction of a competent physician; *R.C.W.A. § 13.04.010.*

DELINQUENT

STATUS OFFENDER

WEST VIRGINIA

"Delinquent child" means a person under the age of eighteen years who:

- (1) Violates a law or municipal ordinance;
- (2) Commits an act which if committed by an adult would be a crime not punishable by death or life imprisonment;
- (3) Is incorrigible, ungovernable, or habitually disobedient and beyond the control of his parent, guardian, or other custodian;
- (4) Is habitually truant;
- (5) Without just cause and without the consent of his parent, guardian, or other custodian, repeatedly deserts his home or place of abode;
- (6) Engages in an occupation which is in violation of law;
- (7) Associates with immoral or vicious persons;
- (8) Frequents a place the existence of which is in violation of law;
- (9) Deports himself so as to wilfully injure or endanger the morals or health of himself or others.

W. Va. Code Ann. § 49-1-4.

No separate status offense category.

WISCONSIN

The juvenile court has exclusive jurisdiction... over any child:

- (1) Who is alleged to be delinquent because he has violated any federal criminal law, criminal law of any state, or any county, town or municipal ordinance that conforms in substance to the criminal law;

W.S.A. § 48.12.

The juvenile court has exclusive jurisdiction... over any child:...

- (2) Who is alleged to be in need of supervision because:
 - (a) He is habitually truant from school or home; or
 - (b) He is uncontrolled by parent, guardian or legal custodian; or
 - (c) He habitually so deports himself as to injure or endanger the morals or health of himself or others.

W.S.A. § 48.12.

WYOMING

"Delinquent act" means an act punishable as a criminal offense by the laws of this state or any political subdivision thereof.
Wyo. Stat. Ann. § 14-115.2(l).

"Delinquent child" means a child who has committed a delinquent act.
Wyo. Stat. Ann. § 14-115.2(m).

"Child in need of supervision" means any child who, being subject to compulsory school attendance, is habitually truant; or who has run away from home; or who habitually disobeys the reasonable and lawful demands of his parents, guardian, custodian or other proper authority, and is ungovernable and beyond control.
Wyo. Stat. Ann. § 14-115.2(n).

MODEL FAMILY COURT ACT

"delinquent act" means an act designated a crime under the law of this State, or of another State if the act occurred in another State, or under Federal law. Traffic offenses shall not be considered delinquent acts except for violations of ();
M.F.C.A. § 2(7).

"delinquent child" means a child who has committed a delinquent act and is in need of care or rehabilitation; *M.F.C.A. § 2(8).*

UNIFORM JUVENILE COURT ACT

"delinquent act" means an act designated a crime under the law, including local [ordinances] [or resolutions] of the state if the act occurred in that state, or under federal law, and the crime does not fall under paragraph (iii) of subsection (4) [and is not a juvenile traffic offense as defined in section 44 [and the crime is not a traffic offense as defined in [Traffic Code of the State] other than [designate the more serious offenses which should be included in the jurisdiction of the juvenile court such as drunken driving, negligent homicide, etc.];
U.J.C.A. § 2(2).

"unruly child" means a child who:

- (i) while subject to compulsory school attendance is habitually and without justification truant from school;
- (ii) is habitually disobedient of the reasonable and lawful commands of his parent, guardian, or other custodian and is ungovernable; or
- (iii) has committed an offense applicable only to a child; and
- (iv) in any of the foregoing is in need of treatment or rehabilitation; *U.J.C.A. § 2(4).*

DELINQUENT

STATUS OFFENDER

U.J.C.A. (Cont)

"delinquent child" means a child who has committed a delinquent act and is in need of treatment or rehabilitation; *U.J.C.A. § 2(3)*.

STANDARD JUVENILE COURT ACT

Except as otherwise provided herein, the court shall have exclusive original jurisdiction in proceedings:

1. Concerning any child who is alleged to have violated or attempted to violate any federal, state, or local law or municipal ordinance, regardless of where the violation occurred; or any minor alleged to have violated or attempted to violate any federal, state, or local law or municipal ordinance prior to having become eighteen years of age. ... *S.F.C.A. § 8.1; S.J.C.A. § 8.1*.

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Except as otherwise provided herein, the court shall have exclusive original jurisdiction in proceedings:

2. Concerning any child living or found within the district ...
 - (b) whose environment is injurious to his welfare, or whose behavior is injurious to his own or others' welfare; or
 - (c) who is beyond the control of his parent or other custodian. *S.F.C.A. § 8.2; S.J.C.A. § 8.2*.

IJA-ABA STANDARDS

A. The delinquency jurisdiction of the juvenile court should include only those offenses which are:

1. punishable by incarceration in a prison, jail, or other place of detention, and
2. except as qualified by these standards, in violation of an applicable federal, state, or local criminal statute or ordinance, or
3. in violation of an applicable state or local statute or ordinance defining a major traffic offense. *IJA-ABA Standards Relating to Juvenile Delinquency and Sanctions, Tentative Draft, 1977, Standard 2.2.*

A juvenile's acts of misbehavior, ungovernability, or unruliness which do not violate the criminal law should not constitute a ground for asserting juvenile court jurisdiction over the juvenile committing them.
IJA-ABA Standards Relating to Noncriminal Misbehavior, Tentative Draft, 1977, Standard 1.1.

TABLE III
CURRENCY OF LEGISLATION REVIEWED

TABLE III reports the currency of the legislative material reviewed in each state. Rather than reporting the state of the law in all states on a particular date, the most recent statutory material available in each state was reviewed to obtain as current data as possible on the law of each state.

The legislative reporting services in different states report legislative action with varying frequency and timeliness. The entry in TABLE III for each state indicates the date, year, or legislative session through which the legislation reviewed is current. Legislative amendments passed after the date or year entered or in a subsequent session of the legislature, are not reflected in this report. Where the legislative service, pocket part or supplement to the statutes did not indicate such a date, year or session, the title of the most recent supplement available appears. In such cases, legislative action published in subsequent supplements, pocket parts or legislative service reports would not be reflected in this report.

TABLE III - CURRENCY OF LEGISLATION REVIEWED

<u>STATE</u>	<u>LEGISLATION CURRENT THROUGH</u>	<u>STATE</u>	<u>LEGISLATION CURRENT THROUGH</u>
<u>Ala.</u>	1975	<u>Ind.</u>	1975 Regular Legislative Session
<u>Alaska</u>	December, 1976	<u>Iowa</u>	April 4, 1977
<u>Ariz.</u>	1976	<u>Kans.</u>	1977 Legislative Session
<u>Ark.</u>	January 28, 1976	<u>Ky.</u>	December 18, 1976
<u>Cal.</u>	April 11, 1977	<u>La.</u>	1976 Regular and Extraordinary Session
<u>Col.</u>	1975 First Regular Legislative Session	<u>Maine</u>	March 30, 1977
<u>Conn.</u>	May 5, 1976	<u>Md.</u>	1976 Supplement and Pocket Parts
<u>Del.</u>	December 31, 1975	<u>Mass.</u>	April 6, 1977
<u>D.C.</u>	1975 First Legislative Session	<u>Mich.</u>	August 12, 1976
<u>Fla.</u>	June 4, 1976	<u>Minn.</u>	March 31, 1977
<u>Ga.</u>	1976 Regular Legislative Session	<u>Miss.</u>	1976 Legislative Session
<u>Haw.</u>	1975 Regular Legislative Session	<u>Mo.</u>	May 15, 1976
<u>Idaho</u>	1976 Regular Legislative Session	<u>Mont.</u>	1975
<u>Ill.</u>	January 7, 1977	<u>Neb.</u>	1976 Regular Legislative Session

TABLE III - CONTINUED

<u>STATE</u>	<u>LEGISLATION CURRENT THROUGH</u>	<u>STATE</u>	<u>LEGISLATION CURRENT THROUGH</u>
<u>Nev.</u>	1975 Supplement	<u>S.C.</u>	1975 Regular Legislative Session
<u>N.H.</u>	June, 1976	<u>S.D.</u>	1975 Supplement
<u>N.J.</u>	February 24, 1977	<u>Tenn.</u>	1976 Legislative Session
<u>N.M.</u>	1976 Supplement	<u>Texas</u>	March 29, 1977
<u>N.Y.</u>	March 29, 1977	<u>Utah</u>	January 31, 1976
<u>N.C.</u>	March 31, 1977	<u>Vt.</u>	March 27, 1976
<u>N.D.</u>	1975	<u>Va.</u>	1976 Supplement
<u>Ohio</u>	April 1, 1976	<u>Wash.</u>	March 10, 1977
<u>Okla.</u>	April 12, 1977	<u>W.Va.</u>	1976 Supplement
<u>Oregon</u>	September 16, 1977	<u>Wisc.</u>	June 17, 1976
<u>Pa.</u>	July 15, 1976	<u>Wyo.</u>	1976 Supplement
<u>R.I.</u>	January 1976 Session		

KEY TO TABLE I

D - Delinquent

DA - Delinquency Action (Kentucky labels
the proceeding not the child)
DC - Delinquent Child
DJ - Delinquent Juvenile
DM - Delinquent Minor
DY - Delinquent Youth
JD - Juvenile Delinquent
JO - Juvenile Offender
MC - Misdemeanor Child
TO - Traffic Offender
WdCt - Ward of the Court
J_D - Unlabelled delinquency category

S - Status Offender

CHINS - Child in Need of Services
CINA - Child in Need of Assistance
CINCS - Child in Need of Care or Supervision
CINCT - Child in Need of Care or Treatment
CINS - Child in Need of Supervision
CINSS - Child in Need of Special Supervision
DepC - Dependent Child
IncC - Incurable Child
JINS - Juvenile in Need of Supervision
MINS - Minor in Need of Supervision
PINS - Person in Need of Supervision
SA - Status Action (Kentucky labels the
proceeding not the child)
UndC - Undisciplined Child
UngC - Ungovernable Child
UnrC - Unruly Child
YINS - Youth in Need of Supervision
WdCt - Ward of the Court
WwdC - Wayward Child
J_S - Unlabelled status offense category

Crimes

¹Some minor offenses excluded
²Some serious offenses excluded
³Some minor and serious offenses excluded

Conduct or Condition

D* or S* - Habitual conduct required

Unruliness

BC - Beyond Control
Inc - Incurable
MD - Morally Depraved
Unc - Uncontrolled
Ung - Ungovernable
Unm - Unmanageable
Wwd - Wayward

END