

Attached is the March, 1977 Report of the National Advisory Committee on Juvenile Justice and Delinquency Prevention's Subcommittee on Standards. The Report is in ADVANCE DRAFT form. The Advisory Committee is currently reviewing and developing commentary for each of the Standards and Strategies. When the review is completed the Report will be combined with the Standards on Adjudication recommended in the Advisory Committee's September 30, 1976 Report and published in final form. Please note that this review and editing process may result in changes in the text of the Standards.

Although the Office of Juvenile Justice and Delinquency Prevention has provided staff support and financial support to the Advisory Committee, it should be clearly understood that the recommendations are those of the Committee and do not necessarily represent the official policies of the OJJDP, LEAA, or the U. S. Department of Justice.

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REPORT OF THE ADVISORY COMMITTEE TO THE ADMINISTRATOR ON STANDARDS FOR THE ADMINISTRATION OF JUVENILE JUSTICE MARCH 1977

THE ADMINISTRATION FUNCTION • THE PREVENTION FUNCTION • THE INTERVENTION FUNCTION • THE SUPERVISION FUNCTION

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ISTRATION OF JUVENILE JUSTICE REPORT

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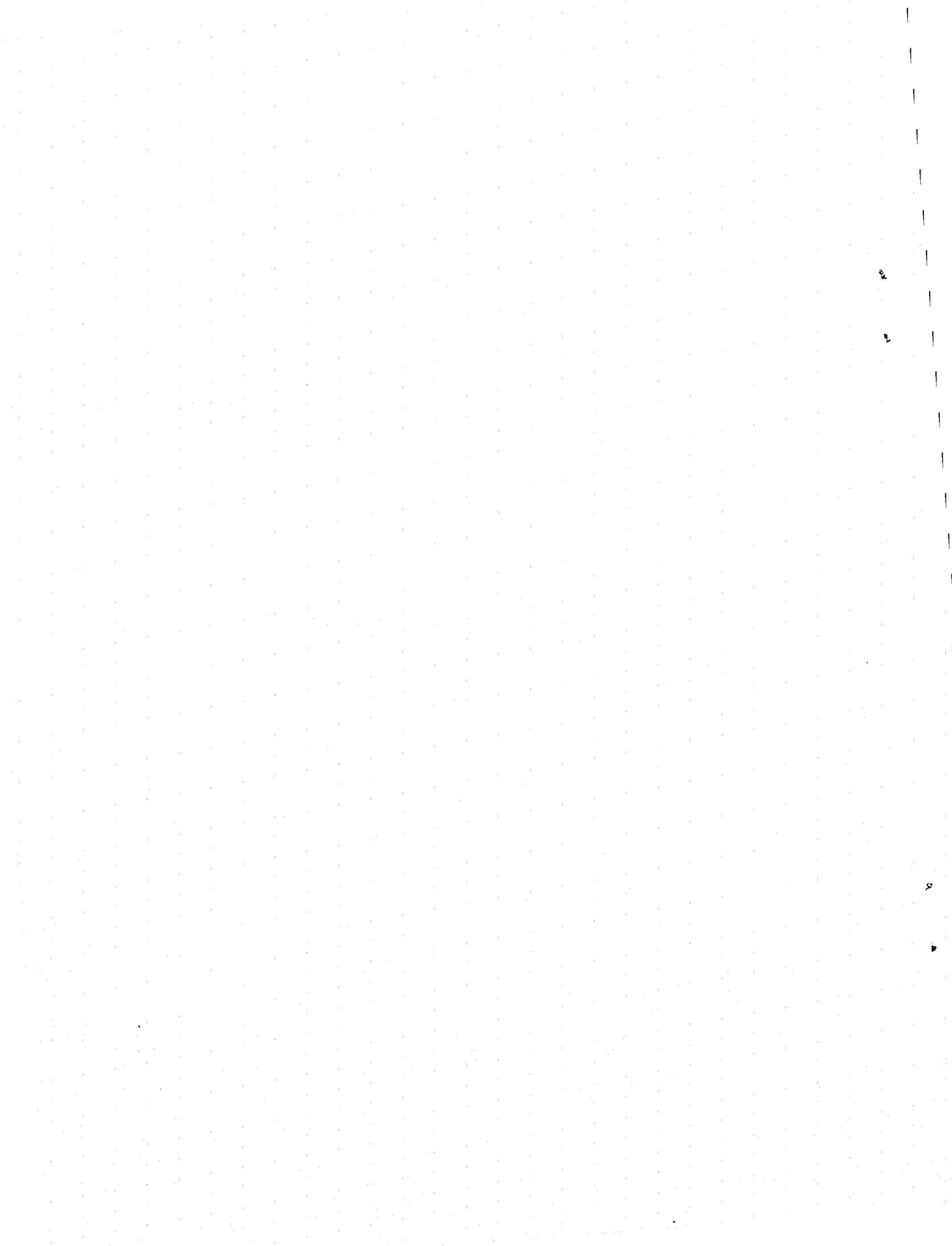
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ACQUISITIONS

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To the President and to the Congress of the United States

I have the honor of transmitting herewith the Report of the Advisory Committee to the Administrator on Standards for the Administration of Juvenile Justice.

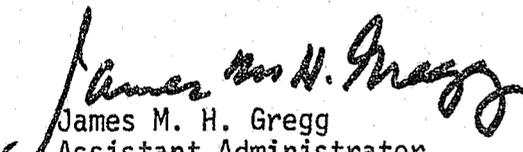
This Report was prepared in accordance with the schedule contained in the initial Report of the Advisory Committee on Standards, submitted pursuant to the provisions of Section 247 of the Juvenile Justice and Delinquency Prevention Act of 1974 (Public Law 93-415)(JJDP Act) on September 6, 1975.

The JJDP Act created a major Federal initiative to respond to the "enormous annual cost and unmeasurable loss of human life, personal security, and wasted human resources," caused by juvenile delinquency, and delegated the responsibility for administering and coordinating the programs established under that initiative to the Law Enforcement Assistance Administration. As part of this effort, the Act called for the development of "national standards for the administration of juvenile justice including recommendations for administrative, budgetary, and legislative action at the Federal, State, and local level to facilitate the adoption of such standards." Section 102(5).

This report presents recommendations regarding delinquency prevention; intervention in the lives of children and their families by law enforcement and other governmental agencies; supervision of persons subject to the jurisdiction of the family court; and the administration of the juvenile service system.

These recommendations, together with the standards on adjudication contained in the Committee's September 30, 1976 report, and the standards and model legislation formulated by other State and national groups, provide an important resource for use by policy-makers, planners, and juvenile justice professionals in all parts of the country in the effort to combat the urgent problem of youth crime and to improve the quality of juvenile justice. LEAA is now developing programs and supporting research to facilitate review of these recommendations and to encourage their implementation.

Respectfully submitted,


James M. H. Gregg
Assistant Administrator
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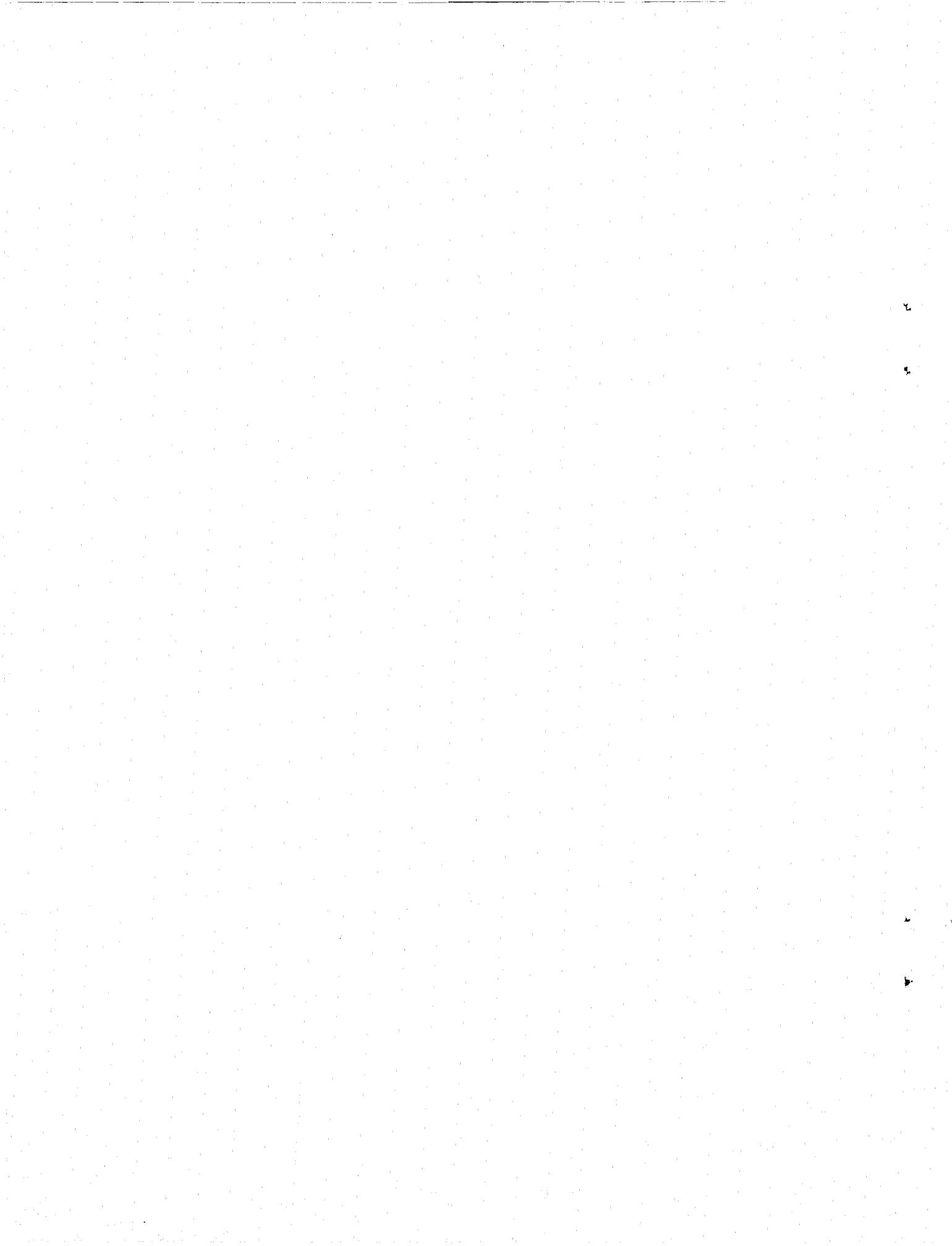


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The opinions, recommendations, and determinations contained herein are those of the Advisory Committee to the Administrator on Standards for the Administration of Juvenile Justice and do not necessarily represent the official position or policies of the U.S. Department of Justice.

REPORT OF THE
ADVISORY COMMITTEE
TO THE ADMINISTRATOR
ON STANDARDS FOR
THE ADMINISTRATION
OF JUVENILE JUSTICE

Preface to the Advance Draft

The Advisory Committee to the Administrator on Standards for the Administration of Juvenile Justice was established by Section 208(e) of the Juvenile Justice and Delinquency Prevention Act of 1974 (Public Law No. 93-415) as a subdivision of the National Advisory Committee on Juvenile Justice and Delinquency Prevention.

It is directed by Section 247 of that Act:

- To oversee the review of "existing reports, data and standards relating to the juvenile justice system;"
- To recommend standards for the administration of juvenile justice at the Federal, State and local level; and
- To recommend Federal, State, and local actions to facilitate adoption of those Standards.

This is the fourth report of the Advisory Committee on Standards. In its first report, submitted one year after the passage of the Act, the Committee presented its initial recommendations and outlined the scope of the standards to be recommended and the process to be used in developing them. The report indicated that the standards would address the full range of law enforcement, judicial, treatment, social service, health, educational and planning activities affecting youth, and that they would be organized so that groups and agencies performing similar functions would be governed by the same set of principles. It stated further, that an interim report would be submitted by March 31, 1976, that the first set of standards and

implementation recommendations would be submitted by September 30, 1976, and that the remaining standards would be delivered by March 31, 1977.

The Interim Report explained the progress which had been made in the intervening seven months and announced that the first volume of recommended standards would concern the adjudication function.

In accordance with these commitments, the September 30, 1976 Report contained:

- a) Standards on the jurisdiction and organization of the court hearing matters relating to juveniles, the rights of the parties in delinquency, non-criminal misbehavior, neglect and abuse proceedings, and the criteria and procedures applicable to intake, detention, and disposition decisions;
- b) A general implementation plan indicating the factors used in assessing the various implementation mechanisms available and proposing two implementation strategies which appear to be in accordance with those factors; and,
- c) Specific recommendations for facilitating the adoption of particular standards."

The Report has been distributed to State Planning Agencies, State Advisory Groups, national organizations concerned with juvenile justice issues and other interested groups and individuals, and is available through the National Criminal Justice Reference Service.

This volume addresses the remaining generic functions of the juvenile justice and delinquency prevention system: Administration, Prevention, Intervention, and Supervision. As was the case in the development of the Standards on Adjudication, the Advisory Committee on Standards has closely coordinated the performance of its statutorily assigned responsibilities with the full National Advisory Committee on Juvenile Justice and Delinquency Prevention. National Advisory Committee members have been provided with detailed information concerning the drafts under discussion, and the approved standards and recommendations were submitted to the full Committee for consideration and endorsement.

At its February, 1977 meeting, the National Advisory Committee on Juvenile Justice and Delinquency Prevention endorsed the positions adopted by the Advisory Committee on Standards, commending the Standards Committee for its thoroughness, objectivity, and commitment to the improvement of juvenile justice and delinquency prevention. No action was taken by the National Advisory Committee to reconsider its non-concurrence with the recommendation contained in the Standards on Adjudication in favor of continued, though limited, jurisdiction over non-criminal misbehavior. As in the September 30, 1976 Report, this difference of opinion is noted wherever a Standard refers to continuation of the family court's authority to act in non-criminal misbehavior cases.

The volume is divided into four chapters corresponding to the functions listed above. The chapter on the Administration Function contains standards on the role and responsibilities of local, State and Federal governments for the planning, management and evaluation of the juvenile service system. The Standards emphasize the need for a coordinated, multi-level planning process. This process is intended to encompass the identification of prevention needs and resources, the development of a comprehensive prevention program consistent with those needs and resources, as well as the design and implementation of measures necessary to maintain and improve the operation of the traditional components of the juvenile justice system. Other series of Standards within this chapter discuss the selection of and the pre-service and in-service training which should be offered to juvenile service system personnel; and the compilation, retention, correction, availability, and disposition of identifiable records pertaining to juveniles.

The chapter on the Prevention Function contains a recommended definition of delinquency prevention together with 37 possible program strategies. These program strategies are presented not as prescriptive standards, but as illustrations of the types of programs which States and communities should consider in developing a comprehensive prevention program that addresses local needs and takes advantage of already available resources. The Advisory Committee on Standards concluded that because of the myriad of possible programs which could be subsumed under the rubric of delinquency prevention, the variety of local problems which these programs could be used to address, and the lack of information concerning the effectiveness of particular approaches, it was inappropriate to attempt to define, at a national level, what the exact content of a State or locality's prevention program should be. Accordingly, the program strategies are intended as a roadmap showing important possible routes to consider rather than as a compass indicating the one direction to effective prevention.

The recommended tool for States and communities to determine the routes which they will take is the coordinated planning process delineated in the Administration chapter. To assist in this planning process, the suggested program strategies are classified according to the theoretical perspective on which they are based, the methods which they use, and the agency, program or societal institution which they are designed to affect. This framework is intended to facilitate the transition from planning to action and the development of some consensus on the focus for prevention programs. It was the Committee's view that without such a consensus, there will be little coherence or coordination among many State and local prevention efforts. A fuller explanation of the organization and purpose of the framework appears in the introduction to the Prevention chapter.

The chapter on the Intervention Function concentrates on the point at which a public official makes contact with a juvenile and/or family because of alleged delinquency or non-criminal misbehavior, or to protect a juvenile in danger of serious harm who has no adult with whom he/she has substantial ties, willing and able to provide protection against that harm. Intervention does not automatically or necessarily result in a referral to the intake unit and the family court. Such a referral is only one of a number of options open to the intervening law enforcement officer, child protective service worker, or welfare or health official. Other options include counseling and releasing the juvenile, referring the juvenile and/or family to community services provided on a voluntary basis, or in some cases, doing nothing. The Standards recommended in the Intervention chapter define the situations in which intervention is appropriate; set forth criteria to guide decisions to refer individuals to the intake unit and decisions to take a juvenile into custody; and delineate the procedures and rights which should apply following intervention. They follow the principle recommended in the Standards on Adjudication of using the least restrictive or intrusive alternative available to achieve the objectives of the intervention. Hence, it is anticipated that many interventions will continue to result in nothing more than a brief conversation or referral to services without coercion or continuing supervision. The chapter also includes recommendations on the authority of law enforcement and other public agencies to intervene, and the role of specialized juvenile units in law enforcement agencies and juvenile specialists in patrol teams or units.

The chapter on the Supervision Function is directed to those agencies and programs supervising juveniles and families subject to the jurisdiction of the family court over delinquency, non-criminal

misbehavior, neglect and abuse. Particular attention is given to the size and nature of and the services and staff which should be available in residential programs such as training schools, camps and ranches, group homes, foster homes, detention centers and shelter care facilities. Although, as noted above, the Advisory Committee on Standards recommends the selection of the least restrictive alternative and therefore, the use of community supervision and small, community-based residential programs whenever possible, it recognized that training schools and other large congregate facilities will remain in many jurisdictions, at least until such time as the results of deinstitutionalization programs like those undertaken in Massachusetts for adjudicated delinquents and in 10 other States in conjunction with OJJDP's deinstitutionalization of status offender initiative, become more clear. Accordingly, the Standards in this chapter strongly urge that such facilities be structured and provided with the necessary services, staff and resources to accomplish the treatment objectives they were established to perform. The Supervision chapter also contains recommendations regarding the operation of non-residential programs and the services which should be available to persons placed in such programs; the rights of persons subject to court-ordered supervision; disciplinary, transfer and grievance procedures; the use of mechanical and medical restraints; the creation of an ombudsman program; and the responsibility for operating supervisory programs.

In making these recommendations, the Advisory Committee on Standards recognizes that some Standards, like those on the services which should be required in residential programs, may require substantial shifts in resources. However, other provisions, such as those recommending development of guidelines for intervention decisions, may have a significant impact without a major expenditure of funds. Indeed the effect of those guidelines, and the criteria for intake, detention, and disposition decisions recommended in the Committee's September 30, 1976 Report, may be an increase in the number of juveniles referred to community services and a reduction in the number of juveniles housed or confined in expensive residential programs, resulting in a substantial saving. The recommendations on limiting the scope of juvenile records and the period for which they may be retained, is also likely to reduce or, at least curb expenditures. Thus, it is not unreasonable to expect that any increased costs arising from implementation of some of the Committee's recommendations will be substantially offset by the savings resulting from implementing other sections of the Standards.

As noted in the September 30, 1976 Report, in developing its recommendations, the Advisory Committee on Standards has attempted to distill the best thinking from the proposals of the many national and State commissions, professional organizations and other groups and agencies which have prepared standards, models and guidelines relating to juvenile justice. Rather than formulating a wholly new set of prescriptions, it has sought whenever possible, to endorse selected standards adopted by those efforts. This review and assessment process has been aided by access to the Comparative Analysis of the Positions of Past Standards Setting Groups and Current State Practices prepared for the Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention as well as to the working drafts of the standards recommended by the Task Force and by the Institute of Judicial Administration/American Bar Association Joint Commission on Juvenile Justice Standards.* The primary sources for each of the Advisory Committee's recommendations are listed directly below the Standard. The terms "see generally" or "see also" preceding a citation denote that while the recommended Standard is drawn in large part from the listed source material, there are some significant differences in the positions taken. Because of the range of the topics covered in this volume and the number of recommendations presented, the Committee has been frustrated in its desire to complete the commentary for each provision before the promised submission date. Hence, the Report is being submitted initially in advance draft form, with only the introduction to each chapter, the Standards and strategies themselves, and the sources included. The individual commentaries are being prepared and reviewed. When they have been completed, this volume will be combined with the Standards on Adjudication, to form the comprehensive set of recommendations called for in the Act. The combined volumes will then be published and widely disseminated. An outline of the full set of Standards and strategies is attached as an appendix.

*Citations to the work of the Task Force and the IJA/ABA Joint Commission are to the latest available drafts, which may, in some instances, differ in form or content from the documents now being readied for publication.

The Advisory Committee on Standards is now working with LEAA's Office of Juvenile Justice and Delinquency Prevention to establish a process enabling States and localities to review the entire body of recommended Standards. In this way, there can be a thorough examination of the philosophical bases and interdependence of the Committee's recommendations before the need arises to select which of the Standards to implement first. The Committee recognizes that the implementation process will take a number of years to complete and that it must be accompanied by rigorous evaluation. The Committee will monitor the implementation and evaluation process and will modify its recommendations, whenever necessary in light of the impact, costs and benefits of the Standards, new research findings, and the comments received from practitioners, theorists and the public regarding the Standards. However, the Advisory Committee on Standards is confident that the Standards and strategies contained in this volume and in its September 30, 1976 Report, represent a workable response to many of the criticisms which have been leveled against the juvenile justice system in recent years, and that when implemented, they will help to reduce delinquency and materially improve the administration of juvenile justice.

THE ADMINISTRATION FUNCTION

Introduction

This chapter addresses the organization and administration of the entire juvenile service system. Hence, the series of standards on the responsibilities and roles of each level of government, planning, evaluation, personnel selection, training, and records are intended to apply to the programs and activities described in the prevention chapter as well as to the agencies and courts discussed in the chapters on intervention, adjudication and supervision.

The initial series of Standards concern the development of a multi-level planning and coordination process through which local communities in conjunction with a single State agency can identify their juvenile service needs and develop appropriate strategies for preventing delinquency and improving the juvenile justice system. Standards 0.111-0.114. The proposed organizational framework assigns the decision-making responsibilities to the local community, the level of government which is closest to the problems of youth and youth crime and most familiar with immediate resources and programs available. The State agency would be responsible for integrating local and State plans and services, providing necessary technical, financial and programmatic resources to facilitate the planning process, and developing an evaluation process to assess State provided services and State and local planning activities. Standards 0.121-0.126. The Federal government's role would be to provide direction and appropriate resources technical assistance and training to the State and local communities. Standards 0.131-0.134.

The second series of standards focuses on the planning process. Standards 0.21-0.29. These standards delineate the necessary components of the process which the local community and the State can use to develop a plan to carry out the planning responsibilities described above.

The third series of standards concerns the development of an evaluation and research capability. Standards 0.31-0.32. It identifies the methods and mechanisms for providing information regarding the effectiveness of current programs, the scope of current problems, and the means for addressing those problems to assist the local, State and Federal planning process.

The fourth series of standards deals with the selection and training of juvenile service system personnel. Standards 0.41-0.429. The provisions on selection stresses that the staff of law enforcement agencies, family courts, educational agencies and other components of the juvenile justice service system should be chosen on a merit basis and should include men and women from a variety of ethnic and social backgrounds. The Standards on training focus on specific types of personnel and recommend that pre-service and in-service training be provided on the policies and assumptions underlying the juvenile service system as well as on techniques for dealing with juvenile problems.

The final series of standards in the Administration chapter sets forth the principles which should govern the collection and use of records pertaining to juveniles. Standards 0.51-0.56. Specific standards relating to the compilation, maintenance, accuracy and disposition of as well as access to such records are provided to assure both the preservation of important information and the protection of the youths who are the subject of that information.

In developing these recommendations, the Advisory Committee on Standards recognized that the integration of State and local planning efforts into a coordinated planning process, and the extension of that process to delinquency prevention activities, would take time and dedication to achieve. Conflicts in values and goals will have to be accommodated and/or resolved, and institutional and individual relationships forged. However, it concluded that the creation of a more effective, more rational, and fairer juvenile service system was worth the effort involved.

0.1 Roles and Responsibility

0.11 Local Level Participation

0.111 Organization of the Local Juvenile Service System

THE LOCAL COMMUNITY IN CONJUNCTION WITH THE STATE AGENCY DESCRIBED IN STANDARD 0.121, SHOULD DEVELOP A JUVENILE JUSTICE AND DELINQUENCY PREVENTION PLANNING AND COORDINATING AUTHORITY. THE PLANNING AUTHORITY SHOULD BE RESPONSIBLE FOR IDENTIFYING AND ASSESSING ALL OF THE LOCAL JUVENILE SERVICE NEEDS AND SHOULD POSSESS THE CAPABILITY FOR DEVELOPING STRATEGIES TO MEET THOSE NEEDS ACCORDING TO ESTABLISHED STATE STANDARDS AND GUIDELINES.

THE COMPOSITION OF THE LOCAL AUTHORITY SHOULD CONSIST OF YOUTH, THE POLICY-MAKING OFFICIALS OF THE MAJOR JUVENILE SERVICE AGENCIES, LOCAL EXECUTIVE MANAGEMENT AND BUDGET AGENCIES, OTHER GOVERNMENTAL ENTITIES, CITIZEN GROUPS, BUSINESSES, AND PRIVATE NON-PROFIT ORGANIZATIONS PROVIDING SERVICES FOR JUVENILES.

Sources See generally, Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention, Standards 1.1, 2.1, 2.2, 2.5-2.9, and 25.3, (July, 1976); Report of the White House Conference on Youth, 722a-722b (1971); Susan Buckle and Leonard Buckle, Proposed Standards Relating to Planning for Juvenile Justice, Standard 2.4 (IJA/ABA, Draft, April, 1976).

0.112 Development of A Local Juvenile Service Plan

THE LOCAL PLANNING AND COORDINATING AUTHORITY SHOULD DEVELOP A JUVENILE SERVICE PLAN IN ACCORDANCE WITH THE REQUIREMENTS OF THE STATE AGENCY DESCRIBED IN STANDARD 0.121.

THE LOCAL JUVENILE SERVICE PLAN SHOULD ADDRESS THOSE ASPECTS OF THE SERVICES PROVIDED TO JUVENILES RELATED TO DELINQUENCY PREVENTION, LAW ENFORCEMENT, ADJUDICATION, AND SUPERVISION, AND SHOULD CONTAIN THE FOLLOWING COMPONENTS:

- a. DATA COLLECTION;
- b. AN INVENTORY OF LOCAL JUVENILE SERVICE RESOURCES;
- c. PROBLEM IDENTIFICATION AND ANALYSIS;
- d. A STATEMENT AND PRIORITIZATION OF NEEDS;
- e. A STATEMENT OF JUVENILE SERVICE SYSTEM GOALS;
AND,
- f. A DESCRIPTION OF PROGRAM STRATEGIES.

Sources See generally, Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention, Standards 1.1-1.5, 1.7, 2.1, 25.2-25.4, 26.1-26.5, and 27.1-27.4 (July, 1976); Report of the White House Conference on Youth, 722a-722b (1971); Susan Buckle and Leonard Buckle, Proposed Standards Relating to Planning for Juvenile Justice, Standard 2.4 (IJA/ABA, Draft, April, 1976).

0.113 Coordination, Development and Implementation of Local Juvenile Service Programs and Guidelines

PURSUANT TO THE LOCAL JUVENILE SERVICE COORDINATION PLAN, THE PLANNING AUTHORITY SHOULD FACILITATE THE DEVELOPMENT, IMPLEMENTATION, AND COORDINATION OF APPROPRIATE PROGRAMS, POLICIES AND SERVICE SYSTEM MODIFICATION. IN CONJUNCTION WITH THE STATE AGENCY DESCRIBED IN STANDARD 0.121, IT SHOULD DESIGNATE WHICH LOCAL JUVENILE SERVICE AGENCIES, ORGANIZATIONS AND PROGRAMS SHOULD BE RESPONSIBLE FOR THE PROVISION OF SPECIFIC SERVICES AND THE METHODS OF PROVIDING THOSE SERVICES EITHER THROUGH THE DEVELOPMENT OF NEW PROGRAMS OR THE EXPANSION, REDIRECTION AND/OR COORDINATION OF EXISTING PROGRAMS.

Sources See generally, Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention, Standards 1.6, 2.1, 2.6, 2.8, 2.9, 26.4-26.5, and 27.1-27.4 (July, 1976); Report of the White House Conference on Youth, 722a-722b (1971); Susan Buckle and Leonard Buckle, Proposed Standards Relating to Planning for Juvenile Justice, Standard 2.4 (IJA/ABA, Draft, April, 1976).

0.114 Evaluation and Modification of the Local Level Juvenile Service System Program Efforts

THE LOCAL PLANNING AND COORDINATING AUTHORITY IN ACCORDANCE WITH THE LOCAL JUVENILE SERVICE PLAN AND ESTABLISHED STANDARDS AND GUIDELINES SHOULD EVALUATE, MONITOR AND, WHEN NECESSARY, RECOMMEND MODIFICATION OF:

- a. NEW AND EXPANDED JUVENILE SERVICE PROGRAMS, POLICIES AND SYSTEM CHANGES RESULTING FROM THE PLANNING PROCESS;
- b. THE EXISTING LOCAL JUVENILE SERVICE SYSTEM;
- c. THE LOCAL PLANNING PROCESS.

THE EVALUATION AND MONITORING FUNCTION SHOULD BE CONDUCTED ON A REGULAR AND ON-GOING BASIS BY THE LOCAL PLANNING AUTHORITY AND THE STATE AGENCY DESCRIBED IN STANDARD 0.121.

Sources See generally, Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention, Standards 1.7, 2.3, 25.1, and 27.1-27.4 (July, 1976); Report of the White House Conference on Youth, 722a-722b (1971); Susan Buckle and Leonard Buckle, Proposed Standards Relating to Planning for Juvenile Justice, Standard 2.4 (IJA/ABA, Draft, April, 1976).

0.12 State Level Participation

0.121 Organization of the State Juvenile Service System.

THE STATE GOVERNMENT SHOULD ESTABLISH AN EXECUTIVE AGENCY FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION WITH THE RESPONSIBILITY FOR LEADERSHIP AND COORDINATION OF THE LOCAL AND STATE JUVENILE SERVICE SYSTEM. THE AGENCY SHOULD BE EMPOWERED TO PLAN, COORDINATE AND FACILITATE THE IMPLEMENTATION OF ALL STATE JUVENILE SERVICES RELATED TO JUVENILE JUSTICE AND DELINQUENCY PREVENTION AND TO ASSIST LOCAL AGENCIES UPON REQUEST TO PERFORM SUCH SERVICES. THE PLANNING, COORDINATION AND IMPLEMENTATION OF THE STATE AGENCY SHOULD TAKE INTO CONSIDERATION THE SERVICES PROVIDED BY PRIVATE GROUPS AND ORGANIZATIONS AND COORDINATE ALL SERVICES INTO AN OVERALL PLAN. THE AGENCY SHOULD MONITOR ALL SERVICES PROVIDED DIRECTLY BY THE STATE AND ALSO ADVOCATE DEVELOPMENT OF SUPPLEMENTAL SERVICES AS NECESSARY AT THE STATE AND LOCAL LEVELS.

Sources See generally, Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention, Standards 1.1-1.5, 1.7, 2.3, 25.2-25.4, 26.1-26.5, and 27.1-27.4 (July, 1976); Report of the White House Conference on Youth, 722a-722b (1971); Susan Buckle and Leonard Buckle, Proposed Standards Relating to Planning for Juvenile Justice, Standard 2.4 (IJA/ABA, Draft, April, 1976); Allen F. Breed, A Statewide Program for Children and Youth Services, (1967).

0.122 Development of a State Juvenile Service Plan

THE STATE AGENCY IN COORDINATION WITH THE LOCAL PLANNING AUTHORITIES SHOULD DEVELOP A STATE JUVENILE SERVICE PLAN WHICH ADDRESSES THE PROBLEMS AND NEEDS OF ALL JUVENILES 0-18 YEARS OF AGE AND ENCOMPASSES PROBLEMS OF YOUTH WHO ARE DEPENDENT, NEGLECTED OR ABUSED OR WHO ENGAGE IN DELINQUENT CONDUCT OR NON-CRIMINAL MISBEHAVIOR. THE STATE JUVENILE SERVICE PLAN SHOULD BE DEVELOPED ON AN ANNUAL BASIS AND SHOULD DESIGNATE NEEDED FINANCIAL RESOURCES AND MECHANISMS FOR IMPLEMENTATION, MONITORING AND MODIFICATION.

THE PROCESS FOR DEVELOPMENT OF THE STATE PLAN SHOULD INCLUDE THE PARTICIPATION OF YOUTH, THE POLICY-MAKING OFFICIALS OF THE MAJOR STATE JUVENILE SERVICE AGENCIES, THE EXECUTIVE MANAGEMENT AND BUDGET AGENCY, OTHER GOVERNMENTAL ENTITIES, CITIZEN GROUPS, BUSINESSES AND PRIVATE NON-PROFIT ORGANIZATIONS PROVIDING SERVICES FOR JUVENILES.

Sources See generally, Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention, Standard 2.3, 2.7, 25.1-25.3 (July, 1976); Susan Buckle and Leonard Buckle, Proposed Standards Relating to Planning for Juvenile Justice, Standards, 1.1-1.3, 2.1-2.4, 3.1-3.5, 4.2, and 4.3 (IJA/ABA, Draft, April, 1976); Richard Kobetz and Betty Bosarge, Juvenile Justice Administration, 60-63 (International Association of Chiefs of Police, 1973).

0.123 Development of State Standards and Guidelines

THE STATE AGENCY THROUGH THE STATE AND LOCAL PLANNING PROCESS SHOULD INITIATE:

- a. A REVIEW OF NATIONAL STANDARDS FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION;
- b. THE ADOPTION, WITH OR WITHOUT MODIFICATION, OR DEVELOPMENT OF APPROPRIATE STANDARDS TO IMPROVE THE STATE JUVENILE SERVICE SYSTEM; AND
- c. THE DEVELOPMENT OF NECESSARY PROGRAMS, GUIDELINES, REGULATIONS AND LEGISLATION TO FACILITATE STATEWIDE COMPLIANCE WITH THE STATE STANDARDS.

Sources See generally, Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention, Standard 2.3 (July, 1976); Susan Buckle and Leonard Buckle, Proposed Standards Relating to Planning for Juvenile Justice Standards 2.1, 2.4, 4.2, and 4.3 (IJA/ABA, Draft, April, 1976); Richard Kobetz and Betty Bosarge, Juvenile Justice Administration, 60-63 (International Association of Chiefs of Police, 1973) 1973).

0.124 Provision of Financial and Technical Resources

THE STATE AGENCY IN ORDER TO FACILITATE JUVENILE SERVICE PLANNING AND PROGRAM DEVELOPMENT AT THE STATE AND LOCAL LEVELS, SHOULD PROVIDE:

- a. PERSONNEL AND/OR NECESSARY RESOURCES TO STAFF STATE AND LOCAL PLANNING UNITS;
- b. SURSIDY FUNDS FOR JUVENILE SERVICES;
- c. TRAINING PROGRAMS FOR JUVENILE SERVICE SYSTEM PROFESSIONALS, PARA-PROFESSIONALS, VOLUNTEERS AND OTHERS PROVIDING SERVICES TO JUVENILES;
- d. FUNDS FOR NEW AND INNOVATIVE PROGRAMS TO UPGRADE THE EFFECTIVENESS OF THE EXISTING JUVENILE SERVICE SYSTEM AS WELL AS FOR THE ASSESSMENT OF SUCH PROGRAMS.

Sources See generally, Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention, Standard 2.3, and 2.8-9 (July, 1976); Susan Buckle and Leonard Buckle, Proposed Standards Relating to Planning for Juvenile Justice Standards 2.1, 2.2, 4.2 and 4.3 (IJA/ABA, Draft, April, 1976); Richard Kobetz and Betty Bosarge, Juvenile Justice Administration, 60-63 (International Association of Chiefs of Police, 1973).

0.125 Evaluation of Local and State Efforts

THE STATE AGENCY SHOULD DEVELOP AN EVALUATION PROCESS TO ASSESS SERVICES PROVIDED BY THE STATE AS WELL AS STATE AND LOCAL PLANNING AND COORDINATING EFFORTS. THE PROCESS SHOULD FOCUS ON PROGRAM ADMINISTRATION, OPERATION, COMPLIANCE WITH STANDARDS AND PLANS, AND COORDINATION OF THE STATE AND LOCAL JUVENILE SERVICES AND PLANNING ACTIVITIES. DISSEMINATION OF INFORMATION RELATING TO THE EVALUATION FINDINGS AND APPROPRIATE RECOMMENDATIONS SHOULD BE MADE AVAILABLE TO THE RESPECTIVE PLANNING UNITS AND SERVICE AGENCIES FOR CONSIDERATION AND RESPONSE. THE STATE AGENCY SHOULD BE RESPONSIBLE FOR DETERMINING THE ADEQUACY OF COMPLIANCE WITH THE RECOMMENDATIONS AND WHETHER ADDITIONAL CORRECTIVE MEASURES ARE NECESSARY.

Sources Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention, Standards 2.3, 25.1, and 27.1-27.4 (July, 1976); Susan Buckle and Leonard Buckle, Proposed Standards Relating to Planning for Juvenile Justice, Standards 2.1, 2.2, 4.2, and 4.3 (IJA/ABA, Draft, April, 1976); Richard Kobetz and Betty Bosarge, Juvenile Justice Administration, 60-63 (International Association of Chiefs of Police, 1973).

0.126 Office of Youth Advocate

THE STATE GOVERNMENT SHOULD ESTABLISH AN EXECUTIVE OFFICE OF YOUTH ADVOCATE WITH THE RESPONSIBILITY FOR INVESTIGATING AND REPORTING MISFEASANCE AND MALFEASANCE WITHIN THE JUVENILE SERVICE SYSTEM; INQUIRING INTO AREAS OF CONCERN; AND CONDUCTING PERIODIC AUDITS OF THE JUVENILE SERVICE SYSTEM TO ASCERTAIN ITS EFFECTIVENESS AND COMPLIANCE WITH ESTABLISHED RESPONSIBILITIES.

THE OFFICE OF THE YOUTH ADVOCATE SHOULD HAVE THE AUTHORITY TO:

- a. EXAMINE ALL RECORDS PERTAINING TO THE JUVENILE SERVICE SYSTEM;
- b. SUBPOENA WITNESSES AND HOLD PUBLIC HEARINGS;
- c. ISSUE REPORTS TO THE GOVERNOR, LEGISLATURE, AND THE DIRECTOR OF THE AGENCY UNDER CONSIDERATION;
- d. RECOMMEND REVOCATION OF FEDERAL AND STATE FUNDING AND/OR STATE CERTIFICATION;
- e. INITIATE LEGAL ACTION TO OBTAIN COMPLIANCE WITH THE RECOMMENDATIONS; AND,
- f. PUBLISH ITS FINDINGS AND RECOMMENDATIONS ON AN ANNUAL BASIS FOR THE GENERAL PUBLIC.

THE AUTHORITY OF THE AGENCY SHOULD EXTEND OVER ALL JUVENILE SERVICES RECEIVING STATE AND/OR FEDERAL FUNDING.

Source See generally, White House Conference on Children, Report to the President, 389-397 (1970).

0.13 Federal Level Participation

0.131 Organization and Coordination of the Federal Juvenile Service System

THE FEDERAL GOVERNMENT THROUGH AN EXECUTIVE AGENCY RESPONSIBLE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION SHOULD:

- a. PLAN, ORGANIZE AND COORDINATE ALL JUVENILE SERVICES RELATING TO JUVENILE JUSTICE AND DELINQUENCY PREVENTION AT THE FEDERAL LEVEL;
- b. COORDINATE ALL FEDERAL FUNDS IN DIRECT SUPPORT FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION.

Sources See generally, Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention, Standards 2.4, 2.5, 2.8, and 2.9, (July, 1976); Susan Buckle and Leonard Buckle, Proposed Standards Relating to Planning for Juvenile Justice, Standards 1.2, 4.1 (IJA/ABA, Draft, April, 1976); Report of the White House Conference on Youth, 7.22a(2) and 7.23a (1971).

0.132 Development and Implementation of National Juvenile Justice and Delinquency Prevention Standards.

THE FEDERAL AGENCY SHOULD DEVELOP NATIONAL STANDARDS FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION THROUGH WHICH NATIONAL GOALS, PRIORITIES AND CONCERNS SHOULD BE STATED. THE PROCESS FOR DEVELOPING STANDARDS PREPARED BY OTHER GROUPS AND ORGANIZATIONS AND SHOULD BE COORDINATED WITH RELATED EFFORTS FROM OTHER FEDERAL AGENCIES. THE AGENCY SHOULD PROVIDE THE NECESSARY RESOURCES TO FACILITATE STATE AND LOCAL STANDARDS, REVIEW, DEVELOPMENT, PRIORITIZATION AND IMPLEMENTATION.

Sources See generally, Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention, Standards 2.4, 2.8, 2.9 (July, 1976); Susan Buckle and Leonard Buckle, Proposed Standards Relating to Planning for Juvenile Justice, Standard 4.1 (IJA/ABA, Draft, April, 1976); Report of the White House Conference on Youth, 7.22a(2), 7.23a(1971).

0.133 Allocation of Financial and Technical Resources

THE FEDERAL AGENCY TO FACILITATE JUVENILE JUSTICE AND DELINQUENCY PREVENTION PLANNING, COORDINATION AND PROGRAM DEVELOPMENT, AT THE FEDERAL, STATE, AND LOCAL LEVELS SHOULD PROVIDE:

- a. APPROPRIATE RESOURCES AND DIRECTION TO INITIATE AND MAINTAIN FEDERAL LEVEL JUVENILE SERVICE SYSTEM COORDINATION;
- b. ALLOCATION OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION APPROPRIATIONS TO THE STATE AND LOCAL LEVEL;
- c. TECHNICAL ASSISTANCE AND CONSULTATION TO THE STATE AND LOCAL LEVEL FOR THE IMPROVEMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION SERVICES;
- d. SPECIALIZED TRAINING OPPORTUNITIES AND CONSULTATION OR ASSISTANCE IN DEVELOPING SUCH OPPORTUNITIES FOR THE STATE AND LOCAL LEVEL;
- e. FUNDING FOR DEMONSTRATION PROJECTS, RESEARCH AND EVALUATION;
- f. MECHANISMS FOR COLLECTING AND DISSEMINATING INFORMATION CONCERNING THEORIES, SUCCESSFUL PROGRAMS AND IMPROVED METHODS OF PROGRAM DEVELOPMENT AND ADMINISTRATION.

Sources See generally, Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention, Standards 2.4, 2.8, and 2.9 (July, 1976); Susan Buckle and Leonard Buckle, Proposed Standards Relating to Planning for Juvenile Justice, Standard 4.1 (IJA/ABA, Draft, April, 1976); Report of the White House Conference on Youth, 7.22a(2), 7.23a (1971).

0.134 Evaluation of Federal, State and Local Activities

THE FEDERAL AGENCY SHOULD DEVELOP AND IMPLEMENT ON A REGULAR AND ON-GOING BASIS, AN EVALUATION OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACTIVITIES AT THE FEDERAL, STATE AND LOCAL LEVELS TO DETERMINE THE EFFECT OF NATIONAL AND STATE STANDARDS AND PLANS.

Sources See generally, Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention, Standards 1.7, 2.4, 2.8, 2.9, and 27.1-27.4 (July, 1976); Susan Buckle and Leonard Buckle, Proposed Standards Relating to Planning for Juvenile Justice, Standards 4.1 (IJA/ABA, Draft, April, 1976); Report of the White House Conference on Youth, 7.22a(2), 7.23 (1971).

0.2 Planning

0.21 Data Base Development and Collection

THE LOCAL PLANNING AUTHORITIES IN CONJUNCTION WITH THE STATE AGENCY SHOULD DEVELOP AND MAINTAIN A DATA COLLECTION PROCESS TO FACILITATE THE PLANNING AND EVALUATION OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION SERVICES. THE COLLECTION PROCESS SHOULD COORDINATE WITH AND AUGMENT STATE AND LOCAL INFORMATION SERVICES AVAILABLE THROUGH THE MAJOR JUVENILE SERVICE AGENCIES. CLASSIFICATION OF THE INFORMATION SHOULD BE ACCORDING TO FOUR AREAS: PREVENTION, LAW ENFORCEMENT, ADJUDICATION AND SUPERVISION. THE INFORMATION SHOULD BE OBJECTIVE AND CURRENT AND SHOULD INCLUDE BUDGET DATA TO FACILITATE COST EFFECTIVENESS ESTIMATES.

Sources See generally, Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention, Standards 1.2, 25.4 (July, 1976).

0.22 Inventory and Analysis of Community Resources

THE LOCAL PLANNING AUTHORITY IN CONJUNCTION WITH THE STATE AGENCY SHOULD DEVELOP AND MAINTAIN AN INVENTORY OF STATE AND LOCAL JUVENILE JUSTICE AND DELINQUENCY PREVENTION SERVICES.

THE INVENTORY SHOULD SUMMARIZE THE FUNCTIONS OF THE PUBLIC AND PRIVATE SERVICE AGENCIES ACCORDING TO A STANDARDIZED FORMAT WHICH LISTS:

- a. THE AGENCY, NAME, LOCATION AND SERVICE-DELIVERY AREA;
- b. THE TYPES AND DESCRIPTIONS OF SERVICES PROVIDED;
- c. A DESCRIPTION AND AVAILABILITY OF PHYSICAL FACILITIES;
- d. A DESCRIPTION OF CLIENT GROUPS SERVED AND INTAKE CRITERIA;
- e. INFORMATION CONCERNING REFERRAL PROCEDURES, COSTS AND WAITING PERIODS;
- f. THE LEVEL, SOURCE AND TYPE OF FUNDING UTILIZED;
- g. A DESCRIPTION OF ADMINISTRATIVE AND STAFF STRUCTURES.

THE INVENTORY SHOULD BE ANALYZED TO DETERMINE THE SCOPE OF THE EXISTING JUVENILE SERVICE SYSTEM AT THE STATE AND LOCAL LEVEL AND TO IDENTIFY GAPS IN THE JUVENILE SERVICE DELIVERY SYSTEM. IN ADDITION, AN EFFECTIVENESS ASSESSMENT SHOULD BE UNDERTAKEN OF EXISTING PROGRAMS INTENDED TO PROVIDE PREVENTIVE AND CORRECTIVE SERVICES.

Source See generally, Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention, Standard 1.5, 1.6, and 26.1 (July, 1976); Susan Buckle and Leonard Buckle, Proposed Standards Relating to Planning for Juvenile Justice, Standards 3.1-3.5 (IJA/ABA, Draft, April, 1976).

0.23 Problem Identification and Prioritization

THE LOCAL PLANNING AUTHORITY AND THE STATE AGENCY UTILIZING THE STATISTICAL DATA AND INVENTORY RESOURCE ANALYSIS DESCRIBED IN STANDARD 0.21 AND 0.22 RESPECTIVELY, SHOULD DEVELOP A DESCRIPTIVE STATEMENT OF THE DELINQUENCY PREVENTION AND JUVENILE JUSTICE PROBLEMS AT THE LOCAL AND STATE LEVEL.

THE PROBLEM IDENTIFICATION SHOULD INCLUDE, AT A MINIMUM, DATA RELATING TO:

- a. THE INCIDENCE OF ADJUDICATED DELINQUENCY AND RECIDIVISM;
- b. THE INCIDENCE OF ADJUDICATED NON-CRIMINAL MISBEHAVIOR;*
- c. THE INCIDENCE OF DEPENDENCY AND ADJUDICATED NEGLECT AND ABUSE;
- d. THE NUMBER OF CONTACTS WITH AND THE RATES OF DIVERSION FROM THE JUVENILE JUSTICE SYSTEM;
- e. THE UTILIZATION OF DRUG ABUSE, COUNSELING, RECREATIONAL AND OTHER PROGRAMS SERVING JUVENILES;
- f. THE RATE OF SCHOOL-RELATED DIFFICULTIES SUCH AS DROPPING OUT, SUSPENSION, TRUANCY, AND PROBLEMS IN LEARNING; AND
- g. THE RATE OF YOUTH UNEMPLOYMENT.

THE LOCAL PLANNING AUTHORITY AND THE STATE AGENCY SHOULD THEN IDENTIFY AND PRIORITIZE THE SPECIFIC PROBLEMS TOWARD WHICH PREVENTION AND SYSTEM IMPROVEMENT EFFORTS WILL BE DIRECTED.

Sources See generally, Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention, Standard 1.3, 26.1, and 26.3 (July, 1976); Susan Buckle and Leonard Buckle, Proposed Standards Relating to Planning for Juvenile Justice Standards 3.1-3.5 (IJA/ABA, Draft, April, 1976).

*The National Advisory Committee on Juvenile Justice and Delinquency Prevention does not concur with the recommendation of the Advisory Committee on Standards regarding retention of jurisdiction over non-criminal misbehavior.

0.24 Needs Identification

THE LOCAL PLANNING AUTHORITY IN CONJUNCTION WITH THE STATE AGENCY, FOLLOWING THE REVIEW AND ANALYSIS OF THE JUVENILE SERVICE STATISTICAL DATA, RESOURCE INVENTORY AND PROBLEM STATEMENTS DESCRIBED IN STANDARDS 0.21-0.23 RESPECTIVELY, SHOULD IDENTIFY THE NEEDS OF THE EXISTING JUVENILE SERVICE SYSTEM.

Sources See generally, Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention, Standards 1.3, and 26.4 (July, 1976); Susan Buckle and Leonard Buckle, Proposed Standards Relating to Planning for Juvenile Justice, Standards 3.1-3.5 (IJA/ABA, Draft, April, 1976).

0.25 Goal Development

THE LOCAL PLANNING AUTHORITY IN CONJUNCTION WITH THE STATE AGENCY SHOULD DEVELOP SPECIFIC JUVENILE JUSTICE AND DELINQUENCY PREVENTION GOALS DIRECTED AT THE RESOLUTION OF THE PROBLEMS AND NEEDS IDENTIFIED THROUGH THE PLANNING PROCESS.

THE GOALS DEVELOPED BY THE LOCAL AND STATE PLANNING UNITS:

- a. SHOULD BE BASED ON AVAILABLE KNOWLEDGE AND STATED IN CLEAR AND CONCISE TERMINOLOGY;
- b. SHOULD REFLECT THE DESIRES, CONCERNS, CHARACTERISTICS, AND AVAILABLE RESOURCES OF THE COMMUNITY;
- c. SHOULD ALLOW FOR MEASUREMENT;
- d. SHOULD BE ACHIEVABLE WITHIN A SPECIFIED TIME FRAME;
- e. SHOULD PROVIDE THE FOCUS FOR ALL SUBSEQUENT PLANNING, IMPLEMENTATION AND EVALUATION ACTIVITIES; AND
- f. SHOULD BE RESPONSIVE TO MODIFICATION AND REDIRECTION.

Sources See generally, Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention, Standard 1.4, and 26.2 (July, 1976); Susan Buckle and Leonard Buckle, Proposed Standards Relating to Planning for Juvenile Justice, Standards, 3.1-3.5 (IJA/ABA, Draft, April, 1976).

0.26 Strategy Development

THE LOCAL PLANNING AUTHORITY IN CONJUNCTION WITH THE STATE AGENCY SHOULD DEVELOP STRATEGIES TO INDICATE THE SPECIFIC METHODS THROUGH WHICH THE GOALS, DESCRIBED IN STANDARD 0.25, WILL BE ACCOMPLISHED.

THE STRATEGY DEVELOPMENT PROCESS SHOULD INCLUDE:

- a. THE FORMULATION OF SELECTION CRITERIA;
- b. A REVIEW OF ALTERNATIVE STRATEGIES; AND
- c. THE SELECTION OF THE MOST APPROPRIATE STRATEGIES.

THE STRATEGIES SHOULD SPECIFY THE EXISTING OR PROPOSED AGENCY RESPONSIBLE FOR IMPLEMENTATION.

Sources See generally, Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention, Standard 26.2-26.5 (July, 1976); Susan Buckle and Leonard Buckle, Proposed Standards Relating to Planning for Juvenile Justice, Standards 3.1-3.5 (IJA/ABA, Draft, April, 1976).

0.27 Program Coordination

THE LOCAL PLANNING AUTHORITY IN CONJUNCTION WITH THE STATE AGENCY SHOULD FOSTER JUVENILE SERVICE SYSTEM COORDINATION, CONTINUITY AND COHESIVENESS FOR BOTH THE IMPLEMENTATION OF NEW PROGRAMS AND THE PROVISION OF EXISTING JUVENILE JUSTICE AND DELINQUENCY PREVENTION SERVICES.

THE COORDINATION PROCESS SHOULD ASSURE THAT EACH OF THE LOCAL AND STATE LEVEL JUVENILE SERVICES PROVIDERS:

- a. CLARIFIES ITS INTERDEPENDENT RELATIONSHIP WITH OTHER SERVICE PROVIDERS;
- b. STANDARDIZES PROFESSIONAL DEFINITIONS AND METHODS OF INTERAGENCY COMMUNICATION; AND
- c. HAS THE AUTHORITY AND CAPABILITY TO ENTER INTO FORMAL AND INFORMAL AGENCY AGREEMENTS IN ACCORDANCE WITH ESTABLISHED STATE AND LOCAL STANDARDS RELATING TO JUVENILE SERVICE PROVISION.

Source See generally, Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention, Standard 1.6 (July, 1976); Susan Buckle and Leonard Buckle, Proposed Standards Relating to Planning for Juvenile Justice, Standards 3.1-3.5 (IJA/ABA, Draft, April, 1976).

0.28 Program Development

THE LOCAL PLANNING AUTHORITY IN CONJUNCTION WITH THE STATE AGENCY SHOULD DESIGNATE THE APPROPRIATE SERVICE AGENCIES TO BE RESPONSIBLE FOR DEVELOPING THE SPECIFIC PROGRAMS, POLICIES AND SYSTEM MODIFICATIONS NECESSARY TO IMPLEMENT THE RECOMMENDED STRATEGIES DESCRIBED IN STANDARD 0.26.

THE PROGRAM DEVELOPMENT PROCESS SHOULD ASSURE THAT PROGRAM PLANS:

- a. IDENTIFY SPECIFIC AND MEASURABLE GOALS;
- b. DEFINE THE TARGET POPULATION;
- c. DESCRIBE THE PROGRAM'S RELATIONSHIP TO THE LOCAL AND STATE JUVENILE SERVICE SYSTEM, THE IMPLEMENTING AGENCY, AND THE LOCAL JUVENILE SERVICE PLAN;
- d. SPECIFY THE METHOD AND COST OF SERVICE DELIVERY; AND
- e. DELINEATE THE CRITERIA FOR EVALUATING THE PROGRAM'S EFFECTIVENESS.

TO FACILITATE THE DEVELOPMENT PROCESS, THE LOCAL PLANNING AUTHORITIES AND THE STATE AGENCY SHOULD PROVIDE TECHNICAL ASSISTANCE AND CONSULTATION.

Sources See generally, Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention, Standards 1.6 and 26.4 (July, 1976); Susan Buckle and Leonard Buckle, Proposed Standards Relating to Planning for Juvenile Justice, Standard 3.4 (IJA/ABA, Draft, April, 1976).

0.29 Program Implementation

THE LOCAL PLANNING AUTHORITY IN CONJUNCTION WITH THE STATE AGENCY SHOULD APPROVE AND OVERSEE THE IMPLEMENTATION OF THE JUVENILE SERVICE PROGRAMS, POLICIES OR SYSTEM MODIFICATIONS DEVELOPED ACCORDING TO STANDARD 0.28.

EACH PROGRAM SHOULD HAVE A DETAILED IMPLEMENTATION OUTLINE. THE IMPLEMENTATION PLAN SHOULD SPECIFY THE SOURCES, TYPES AND QUANTITIES OF RESOURCES TO BE UTILIZED, THE TIMETABLE AND METHOD FOR IMPLEMENTATION, THE CRITERIA AND METHOD OF EVALUATION, AND THE RELATIONSHIP TO THE JUVENILE SERVICE PLAN.

THE LOCAL PLANNING AUTHORITY AND THE STATE AGENCY SHOULD PROVIDE THE NECESSARY RESOURCES OR SERVE AS ADVOCATES FOR SUCH RESOURCES TO FACILITATE THE IMPLEMENTATION OF NEW AND EXPANDED PROGRAMS AND ASSURE THE MAINTENANCE OF EXISTING SERVICES.

Sources See generally, Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention, Standard 26.4, and 26.5 (July, 1976); Susan Buckle and Leonard Buckle, Proposed Standards Relating to Planning for Juvenile Justice, Standards 3.1-3.5 (IJA/ABA, Draft, April, 1976).

0.3 Evaluation and Research

0.31 Development of an Evaluation System

THE LOCAL PLANNING AUTHORITY DESCRIBED IN STANDARD 0.111 IN CONJUNCTION WITH THE STATE AGENCY, DESCRIBED IN STANDARD 0.121, SHOULD DEVELOP AN EVALUATION SYSTEM WITH THE CAPABILITY OF ASSESSING THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACTIVITIES DELINEATED IN STANDARDS 0.114 AND 0.125. THE EVALUATION SYSTEM SHOULD STANDARDIZE, COORDINATE AND AUGMENT INTERNAL AND EXTERNAL STATE AND LOCAL EVALUATION PROCESSES OF THE JUVENILE JUSTICE SYSTEM.

THE EVALUATION SYSTEM SHOULD PROVIDE INFORMATION TO ASSIST THE LOCAL AND STATE PLANNING AND COORDINATING PROCESS IN DEFINING THE OBJECTIVES OF EVALUATION EFFORTS AND DETERMINING:

- a. THE ISSUES CAPABLE OF BEING EVALUATED IN ACCORDANCE WITH STANDARD 0.28;
- b. WHETHER TO ACCEPT OR REJECT A PROGRAM APPROACH OR THEORY;
- c. WHETHER TO CONTINUE, DISCONTINUE OR MODIFY PROGRAMS, PRACTICES AND PROCEDURES;
- d. WHETHER TO INSTITUTE SIMILAR PROGRAMS ELSEWHERE;
- e. WHETHER TO ALLOCATE RESOURCES AMONG COMPETING PROGRAMS;
- f. WHAT INFORMATION SHOULD BE COLLECTED AND WHY;
- g. HOW THAT INFORMATION SHOULD BE UTILIZED;
- h. WHAT THE METHOD OF AND THE PERSONS RESPONSIBLE FOR THE COLLECTION, COMPILATION AND ANALYSIS OF THE INFORMATION; AND,
- i. WHEN AND HOW THE FINDINGS SHOULD BE DISSEMINATED.

PROCEDURES, SHOULD BE ESTABLISHED FOR EVALUATION INFORMATION TO BE REVIEWED AND RESPONSES DEVELOPED BY APPROPRIATE PARTIES, INCLUDING THE PROGRAMS AND AGENCIES EVALUATED AND ASSOCIATED OUTSIDE AGENCIES AND GROUPS, PRIOR TO THE ACCEPTANCE AND IMPLEMENTATION OF THE EVALUATION RECOMMENDATIONS.

0.32 Development of a Research Capability

THE LOCAL PLANNING AUTHORITY DESCRIBED IN STANDARD 0.111 IN CONJUNCTION WITH THE STATE AND FEDERAL AGENCIES DESCRIBED IN STANDARDS 0.121 AND 0.131, SHOULD DEVELOP A RESEARCH CAPABILITY FOR THE GENERATION OF KNOWLEDGE RELATING TO JUVENILE JUSTICE AND DELINQUENCY PREVENTION. THE STATE AND FEDERAL AGENCIES SHOULD PROVIDE THE NECESSARY FINANCIAL AND TECHNICAL RESOURCES TO SUPPORT SUCH RESEARCH.

THE PLANNING AND CONDUCT OF RESEARCH SHOULD PROCEED ACCORDING TO THE FOLLOWING OUTLINE:

- a. IDENTIFICATION OF APPROPRIATE RESEARCH PROBLEMS;
- b. SURVEY OF THE RELEVANT LITERATURE;
- c. DEFINITION OF THE PROBLEM IN CLEAR AND SPECIFIC TERMS;
- d. STATEMENT OF UNDERLYING ASSUMPTIONS WHICH GOVERN THE DESIGN OF THE RESEARCH AND INTERPRETATION OF RESULTS;
- e. FORMULATION OF A TESTABLE HYPOTHESES AND DEFINITION OF THE BASIC CONCEPTS AND VARIABLES;
- f. CONSTRUCTION OF THE RESEARCH DESIGN;
- g. SPECIFICATION OF THE DATA COLLECTION PROCEDURES;
- h. SELECTION OF THE DATA ANALYSIS TECHNIQUES;
- i. EXECUTION OF THE RESEARCH PLAN; AND
- j. EVALUATION OF RESULTS AND THE DEVELOPMENT OF CONCLUSIONS.

A MECHANISM SHOULD BE ESTABLISHED BY EACH LEVEL OF GOVERNMENT TO DISTRIBUTE, ASSESS AND UTILIZE THE RESULTS OF THE RESEARCH IN PROGRAM DEVELOPMENT AND EVALUATION IN ACCORDANCE WITH STANDARDS 0.28 AND 0.31.

Sources See generally, Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention, Standard 27.4 (July, 1976); Stephen Isaac and William Michael, Handbook in Research and Evaluation. (1974).

Sources See generally, Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention, Standards 27.1-27.3 (July, 1976). Carol H. Weiss, Evaluation Research, 1-23 (1972).

0.4 Personnel

0.41 Personnel Selection

THE PROFESSIONAL AND NON-PROFESSIONAL STAFF OF THE FAMILY COURT AND OF ALL AGENCIES PROVIDING SERVICES TO JUVENILES SUBJECT TO THE JURISDICTION OF THE FAMILY COURT SHOULD BE SELECTED ON A MERIT BASIS AND SHOULD BE COMPRISED OF INDIVIDUALS, INCLUDING MINORITY GROUP MEMBERS AND WOMEN, FROM A WIDE VARIETY OF BACKGROUNDS.

A PERSONNEL SELECTION PROCESS AND A SET OR SETS OF CRITERIA SHOULD BE DEVELOPED AND UTILIZED BY EACH OF THE AGENCIES OF THE JUVENILE SERVICE SYSTEM, TO AFFORD IMPARTIALITY AND OBJECTIVITY IN THE DEVELOPMENT OF JOB SPECIFICATIONS AND THE SELECTION OF THOSE WHO CAN BEST FILL THE JOB.

Source See generally Josephine Gittler, Proposed Standards Relating to Juvenile Probation Function Standard 4.1 (d)(e)(IJA/ABA, Draft, January, 1976).

0.42 Training

0.421 Law Enforcement Personnel

ALL LAW ENFORCEMENT OFFICERS SHOULD BE PROVIDED WITH TRAINING ON THE LAW AND PROCEDURES GOVERNING MATTERS SUBJECT TO THE JURISDICTION OF THE FAMILY COURT; THE POLICIES ESTABLISHED FOR THOSE MATTERS BY THE LOCAL LAW ENFORCEMENT AGENCIES AND AGENCIES RESPONSIBLE FOR INTAKE AND PROTECTIVE SERVICES; THE LOCAL AND STATE GROUPS AND AGENCIES PROVIDING SERVICES TO JUVENILES AND THEIR FAMILIES; CAUSES OF DELINQUENCY AND FAMILY CONFLICT; THE MOST COMMON LEGAL PROBLEMS INVOLVING YOUTH IN THE LOCAL COMMUNITY; PERSONAL AND FAMILY CRISIS INTERVENTION TECHNIQUES; ETHNIC, CULTURAL AND MINORITY RELATIONS.

IN-SERVICE EDUCATION PROGRAMS SHOULD BE PROVIDED TO ALL LAW ENFORCEMENT OFFICERS TO ASSURE THAT THEY ARE AWARE OF CHANGES IN LAW, POLICY AND PROGRAMS. LAW ENFORCEMENT OFFICERS ASSIGNED TO THE JUVENILE UNIT OF THE POLICE DEPARTMENT OR DESIGNATED AS PATROL UNIT JUVENILE SPECIALISTS SHOULD RECEIVE, IN ADDITION TO THE TRAINING DESCRIBED ABOVE, INSTRUCTION ON METHODS FOR CONTROLLING AND PREVENTING DELINQUENCY AND FAMILY CONFLICT, AND SHOULD PERIODICALLY VISIT PROGRAMS AND FACILITIES PROVIDING SERVICES TO JUVENILES.

Sources See generally, Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention, Standards 7.6-7.8 (July, 1976); Richard Kobetz and Betty Bosarge, Juvenile Justice Administration, 176-179 (International Association of Chiefs of Police, 1973).

0.422 Judicial Personnel

FAMILY COURT JUDGES SHOULD BE PROVIDED WITH PRE-SERVICE TRAINING ON THE LAW AND PROCEDURES GOVERNING MATTERS SUBJECT TO THE JURISDICTION OF THE FAMILY COURT, THE POLICIES ESTABLISHED FOR THOSE MATTERS BY THE FAMILY COURT, LOCAL LAW ENFORCEMENT AGENCIES, AND AGENCIES RESPONSIBLE FOR INTAKE AND PROTECTIVE SERVICE; THE LOCAL AND STATE GROUPS AND AGENCIES PROVIDING SERVICES TO JUVENILES AND THEIR FAMILIES, THE CAUSES OF DELINQUENCY AND FAMILY CONFLICT, THE METHODS FOR PREVENTING AND CONTROLLING SUCH CONDUCT AND CONFLICT, AND THE MOST COMMON LEGAL PROBLEMS INVOLVING YOUTH IN THE LOCAL COMMUNITY.

IN-SERVICE EDUCATION PROGRAMS SHOULD BE PROVIDED TO JUDGES IN THE FAMILY COURT TO ASSURE THAT THEY ARE AWARE OF CHANGES IN LAW, POLICY AND PROGRAMS. IN ADDITION, EACH FAMILY COURT JUDGE SHOULD PERIODICALLY VISIT PROGRAMS AND FACILITIES PROVIDING SERVICES TO JUVENILES AND BEING UTILIZED AS DISPOSITIONAL ALTERNATIVES.

Sources See generally, Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention, Standards 17.1, 17.2, and 17.5 (July, 1976); Richard Kobetz and Betty Bosarge, Juvenile Justice Administration, 273-274, and 282 (International Association of Chiefs of Police, 1973).

0.423 Prosecutorial Personnel

ALL ATTORNEYS ASSIGNED TO THE STAFF OF A PROSECUTOR'S OFFICE SHOULD BE PROVIDED PRE-SERVICE TRAINING ON THE LAW AND PROCEDURE GOVERNING MATTERS SUBJECT TO THE JURISDICTION OF THE FAMILY COURT; THE POLICIES ESTABLISHED FOR THESE MATTERS BY THE FAMILY COURT, LOCAL LAW ENFORCEMENT AGENCIES, AND THE AGENCIES RESPONSIBLE FOR INTAKE AND PROTECTIVE SERVICES; THE LOCAL AND STATE GROUPS AND AGENCIES PROVIDING SERVICES TO JUVENILES AND THEIR FAMILIES; THE CAUSES OF DELINQUENCY AND FAMILY CONFLICT; AND THE MOST COMMON LEGAL PROBLEMS INVOLVING YOUTH IN THE LOCAL COMMUNITY.

IN-SERVICE EDUCATION PROGRAMS SHOULD BE PROVIDED TO ALL ATTORNEYS IN THE PROSECUTORS' OFFICES TO ASSURE THAT THEY ARE AWARE OF CHANGES IN LAW, POLICY AND PROGRAMS. ATTORNEYS ASSIGNED TO THE FAMILY COURT SECTION OF THE PROSECUTOR'S OFFICE SHOULD RECEIVE INSTRUCTION ON THE METHODS FOR CONTROLLING AND PREVENTING DELINQUENCY, AND FAMILY CONFLICT IN ADDITION TO THE TRAINING DESCRIBED ABOVE, AND SHOULD PERIODICALLY VISIT PROGRAMS AND FACILITIES PROVIDING SERVICES TO JUVENILES.

Sources See generally, Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention, Standard 15.6 (July, 1976); Richard Kobetz and Betty Bosarge, Juvenile Justice Administration, 273-274 (International Association of Chiefs of Police, 1973).

0.424 Legal Services Personnel

ATTORNEYS ON THE STAFF OF PUBLIC DEFENDER AGENCIES OR WHO ARE REGULARLY APPOINTED TO REPRESENT PERSONS UNABLE TO RETAIN COUNSEL FOR THEMSELVES SHOULD BE PROVIDED WITH PRE-SERVICE TRAINING ON THE LAW AND PROCEDURES GOVERNING MATTERS SUBJECT TO THE JURISDICTION OF THE FAMILY COURT; THE POLICIES ESTABLISHED FOR THOSE MATTERS BY THE FAMILY COURT; LOCAL LAW ENFORCEMENT AGENCIES AND THE AGENCIES RESPONSIBLE FOR INTAKE AND PROTECTIVE SERVICES; THE LOCAL AND STATE GROUPS AND AGENCIES PROVIDING SERVICES TO JUVENILES AND THEIR FAMILIES; THE CAUSES OF DELINQUENCY AND FAMILY CONFLICT AND THE MOST COMMON LEGAL PROBLEMS INVOLVING YOUTH IN THE LOCAL COMMUNITY.

IN-SERVICE EDUCATION PROGRAMS SHOULD BE PROVIDED TO ATTORNEYS ON THE STAFF OF PUBLIC DEFENDER AGENCIES AND AVAILABLE TO ATTORNEYS IN PRIVATE PRACTICE TO ASSURE THAT THEY ARE AWARE OF CHANGES IN LAW, POLICY AND PROGRAMS. ATTORNEYS ASSIGNED TO THE FAMILY COURT SECTION OF A PUBLIC DEFENDER AGENCY OR WHO ARE REGULARLY APPOINTED TO REPRESENT JUVENILES SHOULD RECEIVE INSTRUCTION ON METHODS FOR CONTROLLING AND PREVENTING DELINQUENCY AND FAMILY CONFLICTS IN ADDITION TO THE TRAINING DESCRIBED ABOVE, AND SHOULD PERIODICALLY VISIT PROGRAMS AND FACILITIES PROVIDING SERVICES TO JUVENILES.

Sources See generally, Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention, Standard 16.8 (July, 1976); Richard Kobetz and Betty Bosarge, Juvenile Justice Administration, 273, 274, 282 (International Association of Chiefs of Police, 1973).

0.425 Personnel Providing Direct Services to Juveniles

ALL PERSONNEL PROVIDING DIRECT SERVICES TO JUVENILES SUBJECT TO THE JURISDICTION OF THE FAMILY COURT SHOULD BE PROVIDED WITH PRE-SERVICE TRAINING ON THE LAW AND PROCEDURES GOVERNING MATTERS SUBJECT TO THE JURISDICTION OF THE FAMILY COURT; DEPARTMENTAL POLICIES; RIGHTS OF ADJUDICATED JUVENILES; SUPERVISION AND SECURITY REQUIREMENTS; ETHNIC, CULTURAL AND MINORITY RELATIONS; CRISIS INTERVENTION TECHNIQUES; BACKGROUND AND NEEDS OF THE CLIENT POPULATION; AND CAUSES AND TREATMENT OF DELINQUENCY AND FAMILY CONFLICT.

IN-SERVICE EDUCATION SHOULD BE PROVIDED TO ALL SUPERVISORY PERSONNEL TO ASSURE THAT THEY ARE AWARE OF CHANGES IN LAW, POLICY AND PROGRAMS; NEW INFORMATION RELATING TO THE CAUSES AND TREATMENT OF DELINQUENCY AND FAMILY CONFLICT; THE LOCAL AND STATE GROUPS AND AGENCIES PROVIDING SERVICES TO JUVENILES AND THEIR FAMILIES; ON-GOING PROBLEMS FACED BY SUPERVISORY PERSONNEL AND METHODS OF RESOLUTION; PREPARATION FOR NEW TASKS AND PROGRAM SETTINGS; AND PERIODIC VISITS TO PROGRAMS AND FACILITIES PROVIDING SERVICES TO JUVENILES.

Sources See generally, Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention, Standard 19.10 (July, 1976); Fred Cohen and Andrew Rutherford, Proposed Standards Relating to Correctional Administration, Standard 3.3 (IJA/ABA, Draft, May, 1976).

0.426 Educational Personnel

ALL TEACHING AND SCHOOL-BASED SOCIAL SERVICE SUPPORT PERSONNEL SHOULD BE PROVIDED WITH PRE-SERVICE TRAINING ON THE LAW AND PROCEDURES GOVERNING MATTERS SUBJECT TO THE JURISDICTION OF THE FAMILY COURT; LOCAL AND STATE GROUPS AND AGENCIES PROVIDING SERVICES TO JUVENILES AND THEIR FAMILIES; CAUSES OF DELINQUENCY AND FAMILY CONFLICT; THE MOST COMMON EDUCATIONAL PROBLEMS INVOLVING YOUTH IN THE LOCAL COMMUNITY; PERSONAL AND FAMILY CRISIS INTERVENTION TECHNIQUES; ETHNIC AND CULTURAL AND MINORITY RELATIONS WITHIN THE COMMUNITY; AND THE TYPES, CAUSES AND METHODS OF HANDLING DISRUPTIVE BEHAVIOR AND POOR PERFORMANCE IN THE CLASSROOM.

IN-SERVICE EDUCATION PROGRAMS SHOULD BE PROVIDED TO ALL EDUCATIONAL PERSONNEL TO ASSURE THAT THEY ARE AWARE OF CHANGES IN LAW AND EDUCATIONAL POLICIES AND PROGRAMS AS WELL AS THE CURRENT FINDINGS REGARDING SPECIALIZED EDUCATIONAL PROCESSES TO ASSIST TROUBLED YOUTH. EDUCATIONAL PERSONNEL SHOULD PERIODICALLY VISIT PROGRAMS AND FACILITIES PROVIDING SERVICES TO TROUBLED YOUTHS.

Sources See generally, Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention, Standard 3.18 (July, 1976).

0.427 Planning Personnel

ALL PLANNING PERSONNEL WORKING WITHIN THE JUVENILE SERVICE SYSTEM SHOULD BE PROVIDED WITH TRAINING ON THE LAW AND PROCEDURES GOVERNING MATTERS SUBJECT TO THE JURISDICTION OF THE FAMILY COURT AND THE POLICIES ESTABLISHED FOR THOSE MATTERS BY THE LOCAL LAW ENFORCEMENT AGENCIES AND AGENCIES RESPONSIBLE FOR INTAKE AND PROTECTIVE SERVICES; THE LOCAL AND STATE GROUPS AND AGENCIES PROVIDING SERVICES TO JUVENILES AND THEIR FAMILIES; CAUSES OF DELINQUENCY AND FAMILY CONFLICT; THE MOST COMMON LEGAL PROBLEMS INVOLVING YOUTH IN THE LOCAL COMMUNITY; AND PARTICULAR PLANNING METHODS, PROCEDURES AND ACTIVITIES UNIQUE TO THE ORGANIZATION AND COMMUNITY.

IN-SERVICE EDUCATION PROGRAMS SHOULD BE PROVIDED TO ALL PLANNING PERSONNEL TO ASSURE THAT THEY ARE AWARE OF CHANGES IN THE LAW, POLICY AND PROGRAMS OF THE STATE AND LOCAL COMMUNITY; PREPARATION FOR NEW TASKS AND PROGRAM SETTINGS; PERIODIC VISITS TO PROGRAMS AND FACILITIES PROVIDING SERVICES TO YOUTH; COMMUNITY ORGANIZATION; PROPOSAL AND GRANT DEVELOPMENT; NEW METHODS AND FINDINGS IN JUVENILE SERVICE PLANNING, RESEARCH, EVALUATION, COORDINATION AND DISSEMINATION OF INFORMATION TO THE PUBLIC.

Sources See generally, Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention, Standard 2.2 (July, 1976).

0.428 Personnel Providing Support Services in Residential Programs

ALL PERSONNEL RESPONSIBLE FOR PROVIDING SUPPORT SERVICES IN RESIDENTIAL PROGRAMS SUCH AS GROUND AND BUILDING MAINTENANCE, LAUNDRY, AND MEAL PREPARATION, SHOULD BE PROVIDED WITH PRE-SERVICE AND IN-SERVICE TRAINING ON THE LAW AND PROCEDURES GOVERNING MATTERS SUBJECT TO THE JURISDICTION OF THE FAMILY COURT; CAUSES OF DELINQUENCY AND FAMILY CONFLICT; CRISIS INTERVENTION TECHNIQUES; THE BACKGROUND AND NEEDS OF THE CLIENT POPULATION; ETHNIC, CULTURAL AND MINORITY RELATIONS, AND SUPERVISION AND SECURITY REQUIREMENTS.

Sources See generally, Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention, Standard 19.10 (July, 1976); Fred Cohen and Andrew Rutherford, Proposed Standards Relating to Correctional Administration, Standard 3.3 (IJA/ABA, Draft, May, 1976).

0.429 Administrative Personnel

ALL ADMINISTRATIVE PERSONNEL RESPONSIBLE FOR THE MANAGEMENT OF JUVENILE SERVICES SHOULD BE PROVIDED WITH PRE-SERVICE AND IN-SERVICE TRAINING, APPROPRIATE WITH THEIR RESPONSIBILITIES, ON BUDGET PREPARATION, FISCAL RECORDS, PERSONNEL MANAGEMENT, SUPERVISION, TRAINING, PROCUREMENT, SPACE AND FACILITIES MANAGEMENT, PLANNING, RESEARCH, EVALUATION, COORDINATION, COMMUNITY ORGANIZATION AND THE DISSEMINATION OF INFORMATION TO THE PUBLIC. INSTRUCTION SHOULD ALSO INCLUDE TRAINING IN THE LAW AND PROCEDURES GOVERNING MATTERS SUBJECT TO THE JURISDICTION OF THE FAMILY COURT OVER DELINQUENCY, NON-CRIMINAL MISBEHAVIOR, AND NEGLECT AND ABUSE AND THE POLICIES ESTABLISHED FOR THOSE MATTERS BY THE LOCAL LAW ENFORCEMENT, INTAKE, PROTECTIVE SERVICE AND SUPERVISORY AGENCIES RESPONSIBLE FOR PROVIDING SERVICES TO JUVENILES AND THEIR FAMILIES: CAUSES OF DELINQUENCY AND FAMILY CONFLICT; CRISIS INTERVENTION TECHNIQUES; AND THE MOST COMMON LEGAL PROBLEMS INVOLVING YOUTH IN THE LOCAL COMMUNITY. ADMINISTRATIVE PERSONNEL SHOULD PERIODICALLY VISIT PROGRAMS AND FACILITIES PROVIDING SERVICES TO JUVENILES.

Sources See generally, Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention, Standard 19.10 (July, 1976).

0.5 Records Pertaining to Juveniles

0.51 Security and Privacy of Records

EACH STATE AND THE FEDERAL GOVERNMENT SHOULD ENACT STATUTES GOVERNING THE COLLECTION, RETENTION, DISCLOSURE, SEALING AND DESTRUCTION OF RECORDS PERTAINING TO JUVENILES TO ASSURE THE ACCURACY AND SECURITY OF SUCH RECORDS AND TO PROTECT AGAINST THE MISUSE, MISINTERPRETATION, AND IMPROPER DISSEMINATION OF THE INFORMATION CONTAINED THEREIN.

RECORD-KEEPING PRACTICES SHOULD BE REVIEWED PERIODICALLY TO DETERMINE WHETHER THE INFORMATION COLLECTED IS NECESSARY AND WHETHER IT IS BEING GATHERED, RETAINED, UTILIZED AND DISSEMINATED PROPERLY. PRIVACY COUNCILS SHOULD BE ESTABLISHED AT THE STATE AND FEDERAL LEVELS TO ASSIST IN THIS REVIEW AND IN THE ENFORCEMENT OF THE STATUTES AND REGULATIONS GOVERNING RECORDS PERTAINING TO JUVENILES.

Sources See generally, Task Force to Develop Standards and Goals for Juvenile Justice, Standards 28.1 and 28.3 (Draft, July, 1976); Michael Altman, Proposed Standards Relating to Records and Information Systems, Standards 2.1, 2.2, 11.1, 11.2, and 19.1 (IJA/ABA, Draft, October, 1975); see also Search Group Inc., Standards for Security and Privacy of Criminal Justice Information, §§1.1-1.3, and 21 (1975); National Advisory Commission on Criminal Justice Standards and Goals, Criminal Justice System, §8.1 (1973).

0.52 Collection and Retention of Records

INFORMATION IDENTIFIABLE TO A JUVENILE OR FAMILY SHOULD NOT BE COLLECTED BY LAW ENFORCEMENT AGENCIES, PROSECUTOR'S OFFICES, COURTS, PUBLIC AGENCIES LEGALLY RESPONSIBLE FOR PROVIDING SERVICES TO JUVENILES AND/OR THEIR FAMILIES, OR PRIVATE ORGANIZATIONS OR PROGRAMS UNDER CONTRACT TO SUCH AGENCIES OR LICENSED TO PROVIDE THOSE SERVICES, UNLESS ESSENTIAL:

- a. TO PROVIDE NECESSARY SERVICES;
- b. TO MAKE DECISIONS REGARDING THE JUVENILE OR FAMILY IN CONJUNCTION WITH THE INITIATION, INVESTIGATION, PROCESSING, ADJUDICATION, AND DISPOSITION OF A COMPLAINT OR PETITION SUBMITTED PURSUANT TO THE JURISDICTION OF THE FAMILY COURT;
- c. TO MAKE DECISIONS REGARDING THE JUVENILE OR FAMILY IN CONJUNCTION WITH THE APPEAL OF THE ADJUDICATION OR AN ORDER IN A FAMILY COURT PROCEEDING;
- d. TO PROVIDE SERVICES PURSUANT TO A REFERRAL FROM AN INTAKE UNIT OR THE DISPOSITIONAL ORDER OF THE FAMILY COURT;
- e. TO ADMINISTER THE COURT, AGENCY, ORGANIZATION OR PROGRAM EFFECTIVELY AND EFFICIENTLY;
- f. TO MONITOR AND EVALUATE THE COURT, AGENCY, ORGANIZATION OR PROGRAM; OR,
- g. TO CONDUCT AUTHORIZED RESEARCH, EVALUATIVE OR STATISTICAL STUDIES.

SUCH IDENTIFIABLE INFORMATION SHOULD BE RETAINED IN RETRIEVABLE FORM ONLY IF IT IS ACCURATE; PROTECTED FROM UNAUTHORIZED ACCESS, DISCLOSURE AND DISSEMINATION; PHYSICALLY SECURE; AND ESSENTIAL TO ACCOMPLISH ONE OF THE PURPOSES SPECIFIED IN SUB-PARAGRAPHS (a) THROUGH (g). THE SUBJECTS OF SUCH INFORMATION SHOULD BE NOTIFIED THAT THE INFORMATION HAS BEEN RETAINED, AND THAT THEY HAVE THE RIGHT TO INSPECT THE RECORDS AND TO CHALLENGE THEIR ACCURACY AND RETENTION.

Sources See generally, Michael Altman, Proposed Standards Relating to Records and Information Systems, Standards 3.2 and 4.1-4.4 (IJA/ABA, Draft, October, 1975); see also Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention, Standard 28.1 (July, 1976).

0.53 Confidentiality of Records

IDENTIFIABLE INFORMATION RETAINED UNDER STANDARD 0.52 SHOULD NOT CONSTITUTE A PUBLIC RECORD. ACCESS TO SUCH INFORMATION SHOULD BE STRICTLY CONTROLLED.

Sources Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention, Standard 28.2 (July, 1976); see also Michael Altman, Proposed Standards Relating to Records and Information Systems, Standards 15.1 and 20.1 (IJA/ABA, Draft, October, 1975).

0.531 Access to Police Records

ACCESS TO RECORDS AND FILES MAINTAINED BY LAW ENFORCEMENT AGENCIES PURSUANT TO STANDARD 0.52 SHOULD BE RESTRICTED TO:

- a. THE JUVENILE WHO IS THE SUBJECT OF A RECORD AND HIS OR HER COUNSEL;
- b. THE PARENTS, GUARDIAN OR PRIMARY CARETAKER OF A JUVENILE NAMED IN THE RECORD AND THEIR COUNSEL;
- c. LAW ENFORCEMENT OFFICERS WHEN ESSENTIAL TO ACHIEVE A LAW ENFORCEMENT PURPOSE;
- d. PROSECUTORS, INTAKE OFFICERS, JUDGES AND INDIVIDUALS RESPONSIBLE FOR CONDUCTING A PREDISPOSITION INVESTIGATION OR FOR SUPERVISING OR PROVIDING CARE AND CUSTODY FOR JUVENILES PURSUANT TO THE DISPOSITIONAL ORDER OF THE FAMILY COURT, WHEN ESSENTIAL TO PERFORMING THEIR RESPONSIBILITIES;
- e. INDIVIDUALS AND AGENCIES FOR THE EXPRESS PURPOSE OF CONDUCTING RESEARCH, EVALUATIVE, OR STATISTICAL STUDIES; AND,
- f. A MEMBER OF THE ADMINISTRATIVE STAFF OF THE MAINTAINING AGENCY FOR AUTHORIZED INTERNAL ADMINISTRATIVE PURPOSES.

ACCESS UNDER SUB-PARAGRAPH (c) SHOULD ONLY BE GRANTED TO LAW ENFORCEMENT OFFICERS IN ANOTHER JURISDICTION WHEN THE JUVENILE HAS BEEN ADJUDICATED OR WHEN THERE IS AN OUTSTANDING ORDER TO TAKE THE JUVENILE INTO CUSTODY.

ACCESS UNDER SUB-PARAGRAPH (e) SHOULD BE SUBJECT TO THE CONDITIONS SET FORTH IN STANDARD 0.535.

IDENTIFIABLE INFORMATION COMPILED IN AN EFFORT TO ANTICIPATE, PREVENT OR MONITOR POSSIBLE ACTS OF DELINQUENCY, OR IN THE COURSE OF THE INVESTIGATION OF SPECIFIC ACTS OF DELINQUENCY, SHOULD BE MAINTAINED SEPARATELY. ACCESS SHOULD BE LIMITED TO LAW ENFORCEMENT OFFICERS WITHIN THE AGENCY WHEN ESSENTIAL TO ACHIEVE A LAW ENFORCEMENT PURPOSE AND TO OFFICERS IN OTHER AGENCIES TO CONFIRM INFORMATION IN THE FILES OF THE OTHER AGENCY OR TO ASSIST IN AN ON-GOING INVESTIGATION.

Sources See generally, Michael Altman, Proposed Standards Relating to Records and Information Systems, Standard 20.3 (IJA/ABA, Draft October, 1976); Search Group, Inc., Standards for Security and Privacy of Criminal Justice Information, §§2.1(f) and (g), 15.1(c) (2) and (3) and 15.2 (1975); see also 20 C.F.R. §20.21 (1976).

0.532 Access to Court Records

ACCESS TO RECORDS AND FILES MAINTAINED BY COURTS UNDER STANDARD 0.52 SHOULD BE RESTRICTED TO:

- a. THE JUVENILE WHO IS THE SUBJECT OF THE RECORD AND HIS OR HER COUNSEL;
- b. THE PARENTS, GUARDIAN, OR PRIMARY CARETAKER OF THE JUVENILE NAMED IN THE RECORD AND THEIR COUNSEL;
- c. OTHER PARTIES TO THE PROCEEDINGS AND THEIR COUNSEL;
- d. INTAKE OFFICERS, JUDGES, PROSECUTORS, AND INDIVIDUALS CONDUCTING PREDISPOSITIONAL OR PRESENTENCE INVESTIGATIONS, WHEN ESSENTIAL TO PERFORMING THEIR RESPONSIBILITIES;
- e. INDIVIDUALS AND AGENCIES FOR THE EXPRESS PURPOSE OF CONDUCTING RESEARCH, EVALUATIVE OR STATISTICAL STUDIES; AND,
- f. A MEMBER OF THE CLERICAL OR ADMINISTRATIVE STAFF OF THE FAMILY COURT IF ESSENTIAL FOR AUTHORIZED INTERNAL ADMINISTRATIVE PURPOSES.

IN ADDITION, OBJECTIVE INFORMATION SUCH AS THE NATURE OF THE COMPLAINT OR PETITION AND ITS DISPOSITION SHOULD BE AVAILABLE TO AN INDIVIDUAL OR PUBLIC AGENCY DIRECTED BY A DISPOSITIONAL ORDER TO TAKE CUSTODY OF A JUVENILE OR TO PROVIDE SERVICES TO OR SUPERVISE A JUVENILE AND/OR HIS FAMILY; TO A LAW ENFORCEMENT AGENCY WHEN SUCH INFORMATION IS ESSENTIAL TO EXECUTING AN ARREST WARRANT OR OTHER COMPULSORY PROCESS OR TO CONDUCTING AN ON-GOING INVESTIGATION; TO THE STATE MOTOR VEHICLE DEPARTMENT FOR LICENSING PURPOSES WHEN THE COMPLAINT OR PETITION ALLEGES THAT A TRAFFIC OFFENSE WAS COMMITTED; OR TO AN AGENCY OR INDIVIDUAL WHEN ESSENTIAL TO SECURE SERVICES OR A BENEFIT FOR THE JUVENILE. NOTICE OF SUCH DISCLOSURES SHOULD BE SENT TO THE JUVENILE AND HIS OR HER PARENTS, GUARDIAN, OR PRIMARY CARETAKER.

ACCESS GRANTED UNDER SUB-PARAGRAPH (e) SHOULD BE SUBJECT TO THE CONDITIONS SET FORTH IN STANDARD 0.535.

Source See generally, Michael Altman, Proposed Standards Relating to Records and Information Systems, Standards 15.2 and 15.3 (IJA/ABA, Draft, October, 1975).

0.533 Access to Intake, Detention, Emergency Custody and Dispositional Records

ACCESS TO RECORDS MAINTAINED PURSUANT TO STANDARD 0.52 BY PUBLIC AGENCIES RESPONSIBLE FOR INTAKE, DETENTION, AND EMERGENCY CUSTODY DECISIONS; PUBLIC AGENCIES RESPONSIBLE FOR SUPERVISION OF JUVENILES AND/OR FAMILIES PRIOR TO DISPOSITION OR PURSUANT TO A DISPOSITIONAL ORDER OF THE FAMILY COURT; PUBLIC AGENCIES RESPONSIBLE FOR PREPARATION OF PRESENTENCE REPORTS; PUBLIC AGENCIES RESPONSIBLE FOR THE CARE AND CUSTODY OF JUVENILES PRIOR TO DISPOSITION OR PURSUANT TO A DISPOSITIONAL ORDER OF THE FAMILY COURT; OR PRIVATE PROGRAMS UNDER CONTRACT TO OR LICENSED BY SUCH AGENCIES TO PROVIDE FOR THE CARE AND CUSTODY OF JUVENILES SUBJECT TO THE JURISDICTION OF THE FAMILY COURT, SHOULD BE LIMITED TO:

- a. THE JUVENILE WHO IS THE SUBJECT OF THE RECORD AND HIS OR HER COUNSEL;
- b. THE PARENTS, GUARDIAN, OR PRIMARY CARETAKER OF THE JUVENILE NAMED IN THE RECORD AND THEIR COUNSEL;
- c. INTAKE OFFICERS, JUDGES, PROSECUTORS, AND INDIVIDUALS RESPONSIBLE FOR CONDUCTING PREDISPOSITIONAL OR PRESENTENCE INVESTIGATIONS OR FOR SUPERVISING JUVENILES OR FAMILIES PRIOR TO DISPOSITION OR SUBJECT TO THE DISPOSITIONAL ORDER OF THE FAMILY COURT, WHEN ESSENTIAL TO PERFORMING THEIR RESPONSIBILITIES;
- d. A PUBLIC AGENCY DIRECTED TO TAKE CUSTODY OF OR PROVIDE SERVICES TO THE JUVENILE WHO IS THE SUBJECT OF THE RECORD;
- e. INDIVIDUALS AND AGENCIES FOR THE EXPRESS PURPOSE OF CONDUCTING RESEARCH, EVALUATIVE OR STATISTICAL STUDIES; AND,
- f. A MEMBER OF THE CLERICAL OR ADMINISTRATIVE STAFF OF THE MAINTAINING AGENCY WHEN ESSENTIAL FOR AUTHORIZED INTERNAL ADMINISTRATIVE PURPOSES.

THE MAINTAINING AGENCY SHOULD ALSO BE AUTHORIZED TO DISCLOSE PORTIONS OF SUCH RECORDS TO AN AGENCY OR INDIVIDUAL ON A NEED-TO-KNOW BASIS WHEN DISCLOSURE IS ESSENTIAL TO SECURE SERVICES OR BENEFITS FOR THE JUVENILE AND/OR FAMILY. WRITTEN NOTICE OF SUCH A DISCLOSURE SHOULD BE SENT TO THE JUVENILE AND HIS OR HER PARENTS, GUARDIAN OR PRIMARY CARETAKER.

WHEN THE SUBJECT OF A RECORD OR HIS/HER PARENT, GUARDIAN, OR PRIMARY CARETAKER REQUEST ACCESS TO RECORDS WHICH CONTAIN INFORMATION THAT IS LIKELY TO CAUSE SEVERE PSYCHOLOGICAL OR PHYSICAL HARM TO THE JUVENILE

OR TO HIS/HER PARENTS, GUARDIAN, OR PRIMARY CARETAKER, THAT INFORMATION SHOULD ORDINARILY BE DISCLOSED TO THE REQUESTING PERSON'S ATTORNEY OR OTHER INDEPENDENT REPRESENTATIVE, OR THROUGH A COUNSELING OR MENTAL HEALTH PROFESSIONAL. IN CASES IN WHICH THERE IS AN EXCEPTIONAL RISK OF SEVERE HARM AND DISCLOSURE THROUGH AN INTERMEDIARY IS NOT FEASIBLE, THE MAINTAINING AGENCY SHOULD APPLY TO THE FAMILY COURT FOR AUTHORIZATION TO WITHHOLD THE HARMFUL INFORMATION OR TO DELETE IT FROM THE RECORDS. SUCH APPLICATIONS SHOULD BE HEARD EX PARTE, BUT THE REQUESTING PARTY SHOULD BE NOTIFIED OF A DECISION TO GRANT AN APPLICATION TO WITHHOLD INFORMATION AND OF THE REASONS THEREFOR.

ACCESS TO MEDICAL AND MENTAL HEALTH RECORDS SHOULD BE GOVERNED BY THE LAWS DEFINING THE SCOPE OF THE DOCTOR/PATIENT PRIVILEGE, THE THERAPIST/PATIENT PRIVILEGE AND OTHER APPLICABLE PRIVILEGES, EXCEPT THAT RECORDS CONTAINING INFORMATION OBTAINED IN CONNECTION WITH THE PROVISION OF COUNSELING, MENTAL HEALTH OR MEDICAL SERVICES TO A JUVENILE WHICH THE JUVENILE HAS A LEGAL RIGHT TO RECEIVE WITHOUT THE CONSENT OF HIS OR HER PARENTS OR GUARDIAN, SHOULD NOT BE DISCLOSED UNDER SUB-PARAGRAPH (b) SHOULD NOT BE GRANTED WITHOUT THE JUVENILE'S INFORMED WRITTEN CONSENT.

ACCESS UNDER SUB-PARAGRAPH (e) SHOULD BE SUBJECT TO THE CONDITIONS SET FORTH IN STANDARD 0.535.

Sources See generally, Michael Altman, Proposed Standards Relating to Records and Information Systems, Standards 5.2, 5.5, and 15.4 (IJA/ABA, Draft, October, 1975); ABA, Standards Relating to Sentencing Alternatives and Procedures, §4.4 (Approved Draft, 1968).

0.534 Access to Child Abuse Records

ACCESS TO RECORDS WHICH ARE MAINTAINED UNDER STANDARD 0.52 AND WHICH PERTAIN TO THE REPORTING OR INVESTIGATION OR ALLEGED INCIDENTS OF CHILD ABUSE AS DEFINED IN STANDARD 3.113(b), OR TO THE INITIATION OF A NEGLECT OR ABUSE COMPLAINT SHOULD BE LIMITED TO:

- a. THE JUVENILE NAMED IN THE REPORT OR COMPLAINT AND HIS/HER ATTORNEY;
- b. THE PARENTS, GUARDIAN OR PRIMARY CARETAKER OF THAT JUVENILE AND THEIR ATTORNEY;
- c. INDIVIDUALS OR PUBLIC AGENCIES CONDUCTING AN INVESTIGATION OR A REPORT OF CHILD ABUSE, OR PROVIDING SERVICES TO A JUVENILE OR FAMILY ON A VOLUNTARY BASIS FOLLOWING SUCH A REPORT, WHEN ACCESS IS ESSENTIAL TO PERFORMING THEIR RESPONSIBILITIES;
- d. INTAKE OFFICERS, JUDGES, PROSECUTORS AND INDIVIDUALS RESPONSIBLE FOR CONDUCTING PREDISPOSITIONAL INVESTIGATIONS OR SUPERVISING FAMILIES SUBJECT TO THE DISPOSITIONAL ORDER OF THE FAMILY COURT, WHEN ACCESS IS ESSENTIAL TO PERFORMING THEIR RESPONSIBILITIES;
- e. A PUBLIC AGENCY DIRECTED TO TAKE CUSTODY OF THE JUVENILE WHO IS THE SUBJECT OF THE RECORD, OR TO PROVIDE SERVICES TO THE JUVENILE OR HIS OR HER PARENTS, GUARDIAN, OR PRIMARY CARETAKER;
- f. INDIVIDUALS FOR THE EXPRESS PURPOSE OF CONDUCTING RESEARCH, EVALUATIVE OR STATISTICAL STUDIES; AND
- g. A MEMBER OF THE CLERICAL OR ADMINISTRATIVE STAFF OF THE MAINTAINING AGENCY WHEN ESSENTIAL FOR AUTHORIZED INTERNAL ADMINISTRATIVE PURPOSES.

THE MAINTAINING AGENCY SHOULD ALSO BE AUTHORIZED TO DISCLOSE PORTIONS OF SUCH RECORDS TO AN AGENCY OR INDIVIDUAL ON A NEED-TO-KNOW BASIS WHEN DISCLOSURE IS ESSENTIAL TO DIAGNOSIS OR TREATMENT OF THE JUVENILE'S CONDITION OR TO SECURE SERVICES OR BENEFITS FOR THE JUVENILE AND/OR FAMILY. THE AGENCY SHOULD ALSO BE AUTHORIZED TO DISCLOSE TO A PERSON REQUIRED BY LAW TO REPORT INSTANCES OF POSSIBLE CHILD ABUSE COMING TO HIS/HER ATTENTION, A SUMMARY OF THE ACTIONS TAKEN FOLLOWING SUCH A REPORT. WRITTEN NOTICE OF ALL DISCLOSURES SHOULD BE SENT

TO THE JUVENILE AND TO HIS OR HER PARENTS, GUARDIAN OR PRIMARY CARETAKER.

ACCESS BY THE SUBJECT OF A RECORD OR HIS/HER PARENT, GUARDIAN, OR PRIMARY CARETAKER, OR TO A PERSON WHO MADE A REPORT OF ABUSE OR COOPERATED IN A SUBSEQUENT INVESTIGATIONS THEREOF, AND ACCESS TO MEDICAL AND MENTAL HEALTH RECORDS SHOULD BE GOVERNED BY THE PRINCIPLES AND PROCEDURES SET FORTH IN STANDARD 0.533. ACCESS UNDER SUB-PARAGRAPH (f) SHOULD BE SUBJECT OF THE CONDITIONS SET FORTH IN STANDARDS 0.535.

Sources See generally, Michael Altman, Proposed Standards Relating to Records and Information Systems, Standards 5.2, 5.5, and 15.4 (IJA/ABA, Draft, October, 1975); Proposed Model Child Protection Act, §24 (U.S. Department of Health Education and Welfare Draft, July, 1976).

0.535 Access for the Purpose of Conducting Research, Evaluative or Statistical Studies

ACCESS TO RECORDS MAINTAINED UNDER STANDARD 0.52 SHOULD NOT BE GRANTED TO INDIVIDUALS OR AGENCIES FOR THE PURPOSE OF CONDUCTING A RESEARCH, EVALUATIVE OR STATISTICAL STUDY UNLESS AN APPLICATION IS FILED WITH THE COURT OR AGENCY MAINTAINING THE RECORD, WHICH DESCRIBES:

- a. THE PURPOSE OF THE STUDY;
- b. THE QUALIFICATIONS OF THE INDIVIDUALS CONDUCTING THE STUDY;
- c. THE IDENTIFIABLE INFORMATION SOUGHT AND THE REASONS WHY THE PURPOSE OF THE STUDY CANNOT BE ACHIEVED WITHOUT USING INFORMATION IN IDENTIFIABLE FORM;
- d. THE METHODS TO BE USED TO ASSURE THAT THE ANONYMITY OF THE SUBJECT OF THE RECORDS IS PRESERVED; AND,
- e. THE METHODS TO BE USED TO ASSURE THAT THE INFORMATION WILL BE PHYSICALLY SECURE.

DECISIONS APPROVING OR DISAPPROVING APPLICATIONS FOR ACCESS SHOULD BE IN WRITING AND SHOULD BE SUBJECT TO REVIEW.

IDENTIFIABLE INFORMATION COLLECTED FOR RESEARCH, EVALUATIVE OR STATISTICAL STUDIES SHOULD BE IMMUNE FROM LEGAL PROCESS AND SHOULD NOT BE USED FOR ANY PURPOSE IN ANY JUDICIAL, LEGISLATIVE OR ADMINISTRATIVE PROCEEDING WITHOUT THE INFORMED WRITTEN CONSENT OF THE PERSON TO WHOM THE INFORMATION PERTAINS.

Sources See generally, Michael Altman, Proposed Standards Relating to Records and Information Systems, Standard 5.6 (IJA/ABA, Draft, October, 1975); Proposed Regulations on Confidentiality of Identifiable Research and Statistical Information, 28 C.F.R. Part 22 (July, 1976).

0.54 Completeness of Records

PROCEDURES SHOULD BE DEVELOPED TO ASSURE THE COMPLETENESS OF RECORDS MAINTAINED PURSUANT TO STANDARD 0.52.

INCLUDED IN THOSE PROCEDURES SHOULD BE PROVISIONS REQUIRING:

- a. THAT WRITTEN NOTICE OF THE DISPOSITION OR DISMISSAL OF A DELINQUENCY, NON-CRIMINAL MISBEHAVIOR,* OR NEGLECT AND ABUSE COMPLAINT OR PETITION BE SENT WITHIN 30 DAYS, TO LAW ENFORCEMENT, CHILD PROTECTION AND OTHER PUBLIC AGENCIES OR PROGRAMS INVOLVED IN THE INVESTIGATION OF THE COMPLAINT OR PETITION, IN THE ARREST, DETENTION OR CUSTODY OF THE JUVENILE, OR IN THE SUPERVISION OF THE JUVENILE AND/OR FAMILY; AND,
- b. THAT THE INFORMATION CONTAINED IN THE NOTICE BE ENTERED WITHIN 15 DAYS OF ITS RECEIPT ON ANY IDENTIFIABLE RECORDS PERTAINING TO THE JUVENILE WHICH ARE MAINTAINED BY SUCH AGENCIES.

Sources See generally, 28 C.F.R. §20.21(a)(1976); Search Group, Inc., Standards for Security and Privacy of Criminal Justice Information, §§17.1(b) and (c)(1975); Michael Altman, Proposed Standards Relating to Records and Information Systems, Standard 15.3(B)(IJA/ABA, Draft, October, 1975).

*The National Advisory Committee on Juvenile Justice and Delinquency Prevention does not concur with the recommendation of the Advisory Committee on Standards regarding retention of jurisdiction over non-criminal misbehavior.

0.55 Accuracy of Records

PROCEDURES SHOULD BE DEVELOPED TO ASSURE THE ACCURACY OF RECORDS MAINTAINED UNDER STANDARD 0.52.

INCLUDED IN THOSE PROCEDURES SHOULD BE PROVISIONS WHICH PERMIT THE SUBJECT OF AN IDENTIFIABLE RECORD TO CHALLENGE ITS ACCURACY OR COMPLETENESS, AND WHICH PROVIDE FOR ADMINISTRATIVE AND JUDICIAL REVIEW OF A REFUSAL BY THE MAINTAINING AGENCY TO CORRECT OR DESTROY CHALLENGED INFORMATION.

Sources See generally, 28 C.F.R. §§20.21(a) and (g) (1975); Search Group, Inc., Standards for Security and Privacy of Criminal Justice Information, §§14.1(1975); Michael Altman, Proposed Standards Relating to Records and Information Systems, Standards 2.6(A) and (B), 16.1 and 21.1 (IJA/ABA, Draft, October, 1975).

0.56 Destruction of Records

THE DESTRUCTION OF A RECORD SHOULD BE MANDATORY AND SHOULD NOT BE CONTINGENT UPON RECEIPT OF A REQUEST BY THE SUBJECT OF THAT RECORD.

RECORDS RETAINED UNDER STANDARD 0.52 WHICH RESULT FROM THE INVESTIGATION, INITIATION, PROCESSING, AND DISPOSITION OF A DELINQUENCY COMPLAINT OR PETITION, SHOULD BE DESTROYED NO MORE THAN FIVE YEARS AFTER THE DATE ON WHICH THEY WERE CREATED UNLESS:

- a. THE ALLEGATIONS IN THE PETITION ARE PROVEN BEYOND A REASONABLE DOUBT, IN WHICH CASE THE RECORDS SHOULD BE DESTROYED NO MORE THAN FIVE YEARS AFTER TERMINATION OF THE DISPOSITION IMPOSED; OR,
- b. AN ADJUDICATION IS HELD AT WHICH THE STATE FAILS TO PROVE THE ALLEGATIONS IN THE PETITION BEYOND A REASONABLE DOUBT, IN WHICH CASE THE RECORDS SHOULD BE DESTROYED IMMEDIATELY.

RECORDS RETAINED UNDER STANDARD 0.52 WHICH RESULT FROM THE INVESTIGATION, INITIATION, PROCESSING OR DISPOSITION OF A NON-CRIMINAL MISBEHAVIOR* COMPLAINT OR PETITION, SHOULD BE DESTROYED NO MORE THAN FIVE YEARS AFTER THE DATE ON WHICH THEY WERE CREATED OR AT THE TIME THE JUVENILE NAMED IN THOSE RECORDS ATTAINS THE STATUTORY AGE OF MAJORITY, WHICHEVER OCCURS FIRST, UNLESS AN ADJUDICATION HEARING IS HELD AT WHICH THE STATE FAILS TO PROVE THE ALLEGATIONS IN THE PETITION BEYOND A REASONABLE DOUBT, IN WHICH CASE THE RECORDS SHOULD BE DESTROYED IMMEDIATELY.

PRIOR TO DESTROYING A RECORD, THE MAINTAINING AGENCY SHOULD ADVISE THE SUBJECT OF THE RECORD THAT THE RECORD IS BEING DESTROYED AND THAT THE SUBJECT AND HIS OR HER FAMILY MAY INFORM ANY PERSON OR ORGANIZATION THAT WITH REGARD TO THE PROCEEDINGS FROM WHICH THE RECORD RESULTED, THEY WERE NOT ARRESTED, HELD IN CUSTODY, NAMED IN A COMPLAINT OR PETITION, ADJUDICATED, OR SUBJECT TO A DISPOSITIONAL ORDER OF THE FAMILY COURT.

NOTICE OF DESTRUCTION OF A RECORD SHOULD ALSO BE SENT TO ALL PERSONS, COURTS, AGENCIES, AND PROGRAMS WHICH MAY HAVE COPIES OF OR NOTATIONS REGARDING SUCH RECORDS. PERSONS, COURTS, AGENCIES, AND PROGRAMS RECEIVING SUCH A NOTICE SHOULD PROMPTLY DESTROY ALL COPIES OF THE

*The National Advisory Committee on Juvenile Justice and Delinquency Prevention does not concur with the recommendation of the Advisory Committee on Standards regarding retention of jurisdiction over non-criminal misbehavior.

RECORD OR PORTION OR NOTATIONS THEREOF CONTAINED IN THEIR FILES, UNLESS THE INFORMATION WAS OBTAINED FOR RESEARCH, EVALUATIVE OR STATISTICAL PURPOSES PURSUANT TO STANDARD 0.535.

Source See generally, Michael Altman, Proposed Standards Relating to Records and Information Systems, Standards 17.1, 17.5 and 17.6 (IJA/ABA, Draft, October, 1976).

THE PREVENTION FUNCTION

Introduction

The Standards in the preceding chapter concern the development of an inter-governmental organizational mechanism through which local communities can more effectively address the problems of juvenile delinquency and its prevention. This mechanism includes a planning and coordinating process designed to assist local decision-makers in defining their delinquency problems and in utilizing existing and supplemental resources to resolve those problems, as well as to promote the development of a national delinquency prevention policy. Thus, the process is intended to result in both a comprehensive plan to upgrade and redirect the existing service system according to the needs and resources of the local community, and a capability to implement the plan with assistance of the State and Federal governments. See Standards 0.111-0.134.

This chapter concentrates on particular prevention strategies which the State and local units of government can consider in the development of their comprehensive plans. Because of the need for local problem identification and planning, and the uncertainty surrounding the impact of particular prevention efforts, the programmatic concepts contained in this chapter are presented as suggestions and points of reference for local, State, and Federal decision-makers rather than as prescriptive national standards. To facilitate the development of an ordered prevention plan, the suggested strategies have been arranged so as to illuminate the theoretical perspective on which they are based, the type of actions required to implement them, and the institution or activity which they emphasize.

Before examining the strategies and the manner in which they are presented, delinquency prevention itself must be defined. It was the conclusion of the Advisory Committee on Standards that delinquency prevention should be viewed as:

A process and the activities resulting from that process directed at encouraging law-abiding conduct and reducing the incidence of criminal activity of all youth under 18 years of age except those who are receiving services on other than a voluntary basis as a result of contact with the juvenile justice system.

The Committee concluded further that the process and activities should be focused on assisting youth who lack appropriate access to family, school and community conditions which promote law-abiding behavior, and understood a delinquent act to be a violation of a Federal, State or local statute or ordinance by a juvenile which would be designated as criminal if committed by an adult. See Standard 3.111.

A number of commentators have limited the definition of prevention to measures taken before a criminal act has actually occurred. See e.g., Albert Cardarelli, Jerry P. Walker, Dennis L. Billingsly, The Theory and Practice of Delinquency Prevention in the United States: A Review, Synthesis and Assessment, 14 (1976). However, the Committee observed that although self-report surveys indicate the overwhelming majority of youth violate the criminal law once before their eighteenth birthday, relatively few commit repeated delinquent acts. Hence, limiting prevention to measures taken before commission of a delinquent act would, at least initially, severely limit the scope of prevention programs. The Committee noted further, that even after intervention on the basis of alleged delinquent conduct, most juveniles are not referred to the intake unit or the family court because of the insignificant nature of the act, the juvenile's age and prior conduct and the availability of service alternatives. See Introduction to the Chapter on the Intervention Function, and Standards 2.11, 2.21, 2.221, and 3.342-3.343. Thus, law enforcement agencies or service programs, working with them, divert youth from the juvenile justice process, not only preventing further entry into the system, but also playing an important role, in many instances, in preventing the reoccurrence of delinquency. The Advisory Committee on Standards concluded that where this diversion occurs without continuing supervision or the threat of prosecution if an offer of services is declined either initially or over a period of time, it properly remains within the realm of prevention. However, this does not imply that agencies and organizations providing prevention services could not also provide the same services for rehabilitative purposes.

As noted above, the framework used to present the suggested program strategies is designed to clarify the links between these strategies and the theories on the causes of delinquency. While it is recognized that the array of programs operating in most communities owe their existence to political considerations more than to the acceptance of any one theoretical model for reducing delinquency, the attempt to set forth these linkages is premised on the belief that identifying the underlying assumptions of proposed program strategies will help to coordinate the service delivery system and avoid the waste and frustration of having programs aimed at achieving the same objective, work against each other.

The framework is divided into four levels:

- Theoretical Focal Point
- Type of Prevention
- Areas of Emphasis
- Possible Strategy

The first level groups the various theories which attempt to explain why delinquency exists into three Focal Points: The Individual, Social Institutions, and Social Interaction. The Focal Point on the Individual includes a wide range of psychological and psychoanalytic theories which address the emotional or attitudinal complexes that underlie delinquent behavior. These theories encourage programs which rely on "increas[ing] self-understanding so that the individual can function in a prosocial manner in the home, school, work and/or the community." Cardarelli, supra, at 22.

The Social Institutions Focal Point includes those theories which address the manner in which cultural and/or social patterns and institutions influence individuals to conform or deviate from societal norms. This perspective supports efforts for societal and institutional reform which will allow families to raise children who will act in a prosocial manner. Cardarelli, supra, at 23.

Theories which examine the extent and quality of the relationships that occur within families, peer groups, racial and other societal groups in order to explain why delinquency exist are subsumed under the rubric of Social Interaction. This approach directs attention to the orientation process through which youth are labeled and societal reaction to the deviant behavior. These theories urge programs which promote societal flexibility and tolerance as a means of decreasing the negative stigmatization associated with the official labeling process. Cardarelli, supra, at 23.

The second level of the classification system, the types of prevention, refers to the manner in which specific strategies are employed. Four types of prevention are identified:

Corrective
Instructional
Mechanical
Redefinition

Corrective prevention strategies address the conditions which are believed to cause or lead to delinquent or criminal activity -- e.g., poverty or a lack of adequate educational opportunities. This category constitutes the most common type of prevention. It is based on the principle that deviant behavior can be corrected through the elimination or neutralization of the causes of that behavior, and that juveniles exhibiting the deviant behavior tendencies can be prevented from becoming adjudicated delinquents through the correction of the conditions responsible for generating the delinquency behavior. See Cardarelli, supra, at 15.

Instructional prevention relies on the threat of punishment to deter potential violators. This deterrence process attempts to discourage the potential offender by increasing the chances of detection, the penalty for delinquent behavior, and the awareness of those chances and penalties. Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention, Preventing Delinquency -- A Comparative Analysis of Current Delinquency Prevention Theories (1977).

Mechanical prevention includes strategies designed to make commission of delinquent acts more difficult through police or citizen surveillance, improved security, anti-theft procedures and environmental design. It also includes alteration of individual behavior patterns to limit vulnerability to crime. See Cardarelli, supra, at 15; Task Force, supra.

The final type of prevention, redefinition, incorporates efforts to limit stigmatization by modifying or eliminating prohibitions and penalties for specific types of delinquent activity. See generally, Task Force, supra.

The specific strategies under each Focal Point and Type, are divided into Areas of Emphasis roughly equivalent to the division of responsibilities among governmental agencies and private organizations. These Areas of Emphasis include the family, education, employment, health, recreation, religion, justice system, housing and

the media. Thus, a person with an interest in family services, for example, would examine the strategies listed under the Family (F) area of emphasis under each of the relevant theoretical and operational approaches.

It should be clearly understood that this list of strategies is not exhaustive nor intended to constitute a definitive "national youth policy." Rather, the strategies reflect issues which the Advisory Committee on Standards believes are of particular importance. As indicated earlier, they are set forth as points of reference to assist States and local communities in developing broad, well-integrated plans, programs and policies, tailored to their specific needs and priorities. The national policies will evolve as these plans and programs are implemented and additional information about what measures are effective in preventing delinquency becomes available.

Possible Delinquency Prevention Program Strategies

Focal Point: The Individual*

Type of Prevention: Corrective

Area of Emphasis: Family

Strategies:

Cor. F-1 Individual and Family Counseling

Provision of adequate individual and family counseling services to promote social adjustment, stability and family cohesion.

Cor. F-2 Parent Training

Provision of parent education and preparation programs to foster family cohesion and child development and adjustment.

Cor. F-3 Protective Services

Provision of adequate protective services to children and families to facilitate domestic adequacy and stability.

*Because of the important relationship between the planning and coordinating process and the activities resulting from the process, as noted in the definition of delinquency prevention set forth in the Introduction to this chapter, Standards 0.111-0.134 should be reviewed prior to the consideration of the following strategies.

Area of Emphasis: Health/Mental Health

Strategies:

Cor. H-1 Diagnostic Services

Provision of comprehensive physical and mental health diagnostic services which are readily available and obtainable by children and families at all stages of child development from the prenatal through the adolescent stages of maturation.

Cor. H-2 Preventive and Maintenance Service

Provision of comprehensive physical and mental health preventive and maintenance services available to children and families at all stages of child development.

Cor. H-3 Treatment Services

Provision of comprehensive physical and mental health treatment services available to children and families at all stages of child development.

Area of Emphasis: Education

Strategies:

Cor. Ed-1 Learning Disabilities

Provision of diagnostic, treatment and educational services and assistance for obtaining such services to children with neurological impairments causing learning disability, as well as support of research to ascertain the relationship of learning disabilities to delinquency.

Cor. Ed-2 Problems in Learning

Provision of assistance to children with problems in learning for the acquisition of appropriate diagnostic treatment and educational services.

Cor. Ed-3 Supportive Services

Provision by the educational system of a continuum of supportive services to all children and their families with particular emphasis on troubled or troubling children.

Individuals

Area of Emphasis: Employment

Strategy:

Cor. Em-1 Preparative and Supportive Counseling

Provision of assistance to youth in over-coming personal problems in relation to obtaining and maintaining employment.

Area of Emphasis: Recreation

Strategy:

Cor. Rc-1 Expansion of Recreational Opportunities

Provision for the expansion and development of specialized recreational services which emphasize individual youth skills and provide effective mechanisms for the identification and appropriate referral for services of troubled youth.

Area of Emphasis: Religion

Strategy:

Cor. R-1 Counseling

Provision by religious organizations of expanded specialized counseling services to children and families to foster family stability and social adjustment.

Focal Point: Social Institutions*

Type of Prevention: Corrective

Area of Emphasis: Family

Strategies:

Cor. F-1 Provision for Basic Needs

Availability of assistance to children and families to assure the provision of the basic shelter, food, clothing and social needs.

Cor. F-2 Day Care

Provision of adequate community day care and drop-in child care services for children of all ages.

Cor. F-3 Crisis Intervention

Provision of 24 hour crisis intervention services to assist children and their families.

*Because of the important relationship between the planning and coordinating process and the activities resulting from the process, as noted in the definition of delinquency prevention set forth in the Introduction to this chapter, Standards 0.111-0.134 should be reviewed prior to the consideration of the following strategies.

Area of Emphasis: Education

Strategies:

Cor. Ed-1 Comprehensive Programs of Learning

Provision by the educational system of assistance to students and their families in establishing and achieving agreed-upon objectives of academic proficiency at each level of educational development.

Cor. Ed-2 Alternative Education

Provision by the educational system of alternative educational experiences which encourage experimentation and diversity in curriculum, instructional methods and administrative organization of the learning process.

Cor. Ed-3 The Home as a Learning Environment

Development by the educational system in cooperation with other community agencies of methods and techniques for enriching the potential of the home as a learning environment.

Cor. Ed-4 Utilization of School Facilities

Utilization of school facilities and resources by the local community during non-school hours.

Cor. Ed-5 Career Education

Provision by the educational system in conjunction with other appropriate community resources of career experiences in specific areas of employment.

Area of Emphasis: Employment

Strategies:

Cor. Em-1 Expansion of Employment Opportunities

Implementation of a comprehensive employment program strategy through a cooperative effort by government and private enterprise to expand the number of available jobs.

Cor. Em-2 Community Job Placement Information

Provision of readily accessible job placement and information services to assist all youth in obtaining employment.

Cor. Em-3 Age and Wage Restrictions

Review of legislation that affects youth employment to ascertain methods of expanding youth employment opportunities without exposing youth to substantial health and/or developmental risks.

Area of Emphasis: Justice System

Strategy:

Cor. J-1 Police - Youth Relations

Provision of programs by the law enforcement agencies in coordination with other community agencies which furnish opportunities for more contact between youth and police on an unofficial basis.

Area of Emphasis: Recreation

Strategy:

Cor. Rc-1 Expansion of Recreational Opportunities

Provision of recreational opportunities for all youth incorporating necessary service mechanisms and out-reach programs to involve youth who might not otherwise participate.

Area of Emphasis: Housing

Strategy:

Cor. Ho-1 Provision of Adequate Shelter

Provision by all levels of government of adequate housing for low income families through the expansion of new housing units and the renovation of existing housing.

Type of Prevention: Instructional

Area of Emphasis: Juvenile Justice

Strategies:

In. J-1 Preventive Patrols

Provision of programs by law enforcement agencies to increase the visibility of police in areas identified as having high rates of juvenile delinquency.

In. J-2 School-Based Deterrence

The provision of school-based programs to youth concerning the purposes, operation and regulations of the juvenile justice system.

Area of Emphasis: Media

Strategy:

In. M-1 Media as a method of education

Provision by private and public media groups of resources designed to present positive images for youth and to enhance law-abiding conduct.

Type of Prevention: Mechanical

Area of Emphasis: Justice System

Strategy:

Mec. J-1 Citizen Efforts to Prevent Delinquency

Provision of community mechanisms to encourage and involve citizens in efforts to prevent and control delinquency.

Mec. J-2 Hand Gun Control

Enactment of Federal and State legislation to prohibit the manufacture and sale of handguns for other than official purposes.

Area of Emphasis: Housing

Strategy:

Mec. H-1 Neighborhood Security

Utilization of improved environmental design and security codes in urban areas to discourage delinquent and criminal activity.

Area of Emphasis: Family

Strategy:

Mec. F-1 Behavior Patterns

Community-based dissemination of crime prevention information based on practical and proven steps to safeguard individuals who are most frequently victimized by delinquent acts.

Theoretical Focal Point: Social Interaction*

Type of Prevention: Corrective

Area of Emphasis: Justice System

Strategies:

Cor. J-1 Diversion

The availability of appropriate State and local mechanisms to divert youth from the juvenile justice system either to alternative services or to their homes.

Cor. J-2 Alternative Approaches to Juvenile Misconduct

The development of alternative methods with which to deal with youth involved in status offense activities.

Area of Emphasis: Education

Strategy:

Cor. E-1 De-emphasis on Labeling

The development of methods to limit and restrict the labeling of youth in the educational setting due to the social, physical, emotional, intellectual and economic limitations.

Type of Prevention: Redefinition

Area of Emphasis: Justice System

Strategy:

Re. J-1 Statutory Changes and Reform

A Federal, State and local effort to assess and modify existing legislation relating to juvenile delinquency.

*Because of the important relationship between the planning and coordinating process and the activities resulting from the process, as noted in the definition of delinquency prevention set forth in the Introduction to this chapter, Standards 0.111-0.134 should be reviewed prior to the consideration of the following strategies.

THE INTERVENTION FUNCTION

Introduction

This chapter concerns interventions into the lives of juveniles and their families by public officials such as police officers, child protective services, welfare, school and other public health, mental health, and social services personnel, in response to apparent neglect or abuse, non-criminal misbehavior, delinquent conduct, medical emergencies and/or family crises. The term "intervention" is meant to indicate the moment the public official makes contact with the youth or family. It is not synonymous with referral to the family court or removal of juveniles from their home. Though one result of intervention may be placing a child in custody and referring the matter to family court for adjudication, intervention ordinarily will be more closely linked to the prevention activities described in the previous chapter. Hence, intervention is simply the point of contact precipitated by specifically defined conduct by or involving a juvenile and the actions which immediately follow that contact.

This definition of intervention reflects current practices. Although limited to contacts based on delinquent conduct, a number of studies have shown that most interventions do not result in referral of the matter to the intake unit and family court. For example, of the juveniles actually arrested because of an alleged delinquent act, an average of 45% to 55% are either counselled and released or referred to community services. See e.g., Malcolm Klein and Kathie Teilmann, Pivotal Ingredients of Police Juvenile Diversion Programs, 9 (LEAA, 1976); Clarence Kelley, Crime in the United States: 1974, 177 (FBI, 1975); President's Commission on Law Enforcement and the Administration of Justice, Task Force Report: Juvenile Delinquency and Youth Crime, 18 (1967). In some police departments in the Los Angeles area, the counsel/community referral rate exceeds 70 per cent. Klein and Teilmann, supra, at 10.

While intervention practices affect hundreds of thousands of juveniles and their families each year, there have been comparatively few guideposts to assist law enforcement officers and child welfare, protective services, school and other public social services personnel in determining whether to refer a juvenile or family to the intake unit and whether to take a juvenile into custody. The standards recommended in this chapter identify the basic principles on which to base intervention decisions, and propose procedures to improve the consistency of those decisions, increase the accountability of the decision-makers, and assure the fairness of the intervention process.

The chapter is divided into three major sections. The first delineates the circumstances in which intervention is appropriate. Standards 2.11-2.13. While they are keyed to the recommendations regarding the jurisdiction of the family court, the criteria for intervention are necessarily broader, since, as is noted above, referral to the intake unit for possible submission to the family court is only one of the alternatives available upon intervention. Cf. Standards 3.111-3.113. For example, a police officer or protective services worker may intervene when a child is alone and in need of immediate medical care, even though the harm or threatened harm does not fall within the definition of neglect and abuse set forth in Standard 3.113. However, the standards make clear that except in medical emergencies, services should not be provided on other than a voluntary basis except upon an order of the family court issued following completion of the procedures described in the chapter on adjudication.

The second series of standards focuses on intervention by law enforcement officers. Standards 2.21-2.253. Since police officers are often the first societal agents who must deal with accidents, emergencies, family crises, and criminal conduct, the standards set forth explicit guidelines for determining whether to refer matters to the intake unit following intervention, Standards 2.221-2.223, and whether to take a juvenile into custody. Standards 2.231-2.234. While the conduct leading to intervention varies, the types of options available are similar in delinquency, non-criminal misbehavior, and neglect and abuse cases. Hence, the decision-making format is identical although the specific criteria differ depending on the nature of the conduct involved. Cf. Standards 3.142-3.144 and 3.151-3.154. In addition, the standards in this series define the scope of authority to intervene, Standard 2.21, the rights and procedures which apply following intervention by a law enforcement officer and the role of specialized juvenile units in law enforcement agencies and juvenile specialists in patrol teams or units.

The Standards in the 2.3 series cover the authority of other governmental agencies, e.g. child protective service agencies and health or welfare departments, to intervene into the lives of juveniles and their families, and the criteria, rights, and procedures which should apply following such interventions. These provisions are parallel to those for law enforcement agencies, but are limited to intervention because of non-criminal misbehavior, neglect or abuse, or the need for immediate medical care.

Together these standards provide a framework on which system-wide intervention policies and guidelines can be developed and the intervention practices of individual agencies assessed.

2.1 The Circumstances in Which Society Should Intervene

2.11 Intervention for Commission of a Delinquent Act

IT IS APPROPRIATE FOR SOCIETY TO INTERVENE IN THE LIFE OF A JUVENILE WHO HAS COMMITTED A TRAFFIC OFFENSE OR AN ACT WHICH IF COMMITTED BY AN ADULT WOULD BE DESIGNATED A CRIMINAL OFFENSE UNDER FEDERAL, STATE OR LOCAL LAW.

Sources Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention, Standard 9.1 (July, 1976); 18 U.S.C. §5031 (Supp. 1976).

2.12 Intervention for Non-Criminal Misbehavior

IT IS APPROPRIATE FOR SOCIETY TO INTERVENE IN THE LIFE OF A JUVENILE AND/OR FAMILY WHEN THEY ARE IN NEED OF SERVICES BECAUSE OF:

- a. DISREGARD FOR OR MISUSE OF LAWFUL PARENTAL AUTHORITY;
- b. VIOLATIONS OF THE STATE COMPULSORY EDUCATION LAWS;
- c. A JUVENILE'S UNAUTHORIZED ABSENCE FROM HIS OR HER APPROVED PLACE OF RESIDENCE; OR
- d. ASOCIAL OR DYSFUNCTIONAL BEHAVIOR BY A JUVENILE RESULTING FROM HIS OR HER EXCESSIVE USE OF ALCOHOLIC BEVERAGES.

INTERVENTION IN SUCH CIRCUMSTANCES SHOULD BE LIMITED TO THE PROVISION OF SERVICES ON A VOLUNTARY BASIS UNLESS SUCH SERVICES HAVE BEEN OFFERED AND UNREASONABLY REFUSED OR HAVE PROVEN INEFFECTIVE AFTER A REASONABLE PERIOD OF UTILIZATION, AND REFERRAL TO THE INTAKE UNIT IS OTHERWISE APPROPRIATE UNDER THE CRITERIA SET FORTH IN STANDARD 2.222.* JUVENILES ALLEGED TO HAVE ENGAGED IN NON-CRIMINAL MISBEHAVIOR SHOULD NOT BE TAKEN INTO CUSTODY EXCEPT IN THE CIRCUMSTANCES DESCRIBED IN STANDARDS 2.232 AND 2.245.

Source See generally, Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention, Standards 10.3-10.7 (July, 1976).

*The National Advisory Committee on Juvenile Justice and Delinquency Prevention does not concur with the recommendation of the Advisory Committee on Standards regarding retention of jurisdiction over non-criminal misbehavior.

2.13 Intervention to Protection Against Harm

IT IS APPROPRIATE FOR SOCIETY TO INTERVENE IN THE LIFE OF A JUVENILE AND/OR FAMILY WHEN THE JUVENILE HAS NO PARENT, GUARDIAN, RELATIVE OR OTHER ADULT WITH WHOM HE/SHE HAS SUBSTANTIAL TIES, WHO IS WILLING TO PROVIDE SUPERVISION AND CARE, AND:

- a. THE JUVENILE'S PHYSICAL HEALTH IS SERIOUSLY IMPAIRED OR IS LIKELY TO BE SO IMPAIRED;
- b. THE JUVENILE'S EMOTIONAL HEALTH IS SERIOUSLY IMPAIRED;
- c. THE JUVENILE HAS BEEN SEXUALLY ABUSED; OR
- d. THE JUVENILE'S PARENT, GUARDIAN, OR PRIMARY CARETAKER IS PREVENTING HIM/HER FROM OBTAINING THE EDUCATION REQUIRED BY LAW.

EXCEPT WHEN IMMEDIATE MEDICAL CARE IS REQUIRED, INTERVENTION IN SUCH CIRCUMSTANCES SHOULD NOT INCLUDE REMOVAL OF JUVENILES FROM THEIR HOMES, OR THE PROVISION OF SERVICES ON OTHER THAN A VOLUNTARY BASIS UNLESS THE HARM OR RISK OF HARM TO THE JUVENILE IS COGNIZABLE UNDER THE JURISDICTION OF THE FAMILY COURT DESCRIBED IN STANDARD 3.113 AND THERE IS NO OTHER MEASURE WHICH WILL PROVIDE ADEQUATE PROTECTION.

Source None of the standards or reports reviewed address this issue directly. See generally, Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention, Standards 5.3 and 12.9 (July, 1976).

2.2 Intervention by Law Enforcement Agencies

2.21 Authority to Intervene

LAW ENFORCEMENT OFFICERS SHOULD BE STATUTORILY AUTHORIZED TO INTERVENE IN THE LIFE OF A JUVENILE IN THE SAME CIRCUMSTANCES AS THEY ARE AUTHORIZED TO INTERVENE IN THE LIVES OF ADULTS IN THE COURSE OF ENFORCING FEDERAL, STATE AND LOCAL LAWS DEFINING CRIMINAL AND TRAFFIC OFFENSES.

IN ADDITION, LAW ENFORCEMENT OFFICERS SHOULD BE STATUTORILY AUTHORIZED TO INTERVENE IN THE LIVES OF JUVENILES WHEN THEY HAVE A REASONABLE BELIEF THAT ANY OF THE CIRCUMSTANCES SET FORTH IN STANDARDS 2.12 and 2.13 EXIST.

Sources See generally, Uniform Juvenile Court Act, §13 (National Conference of Commissioners on Uniform State Laws, 1968); Aiden Gough, Proposed Standards Relating to Non-Criminal Misbehavior, Standard 2.1 (IJA/ABA, Draft, September, 1975); Proposed Model Child Protection Act, §5 (U.S. Department of Health, Education and Welfare, Draft, July, 1976); Terry vs. Ohio, 392 U.S. 1 (1968).

- 2.22 Decision to Refer to Intake
- 2.221 Criteria for Referral to Intake -- Delinquency

LAW ENFORCEMENT AGENCIES SHOULD PROMULGATE WRITTEN REGULATIONS FOR GUIDING DECISIONS TO REFER TO THE INTAKE UNIT A JUVENILE ALLEGED TO HAVE COMMITTED AN ACT WHICH WOULD BE A CRIME OR MAJOR TRAFFIC OFFENSE IF COMMITTED BY AN ADULT. IN DETERMINING WHETHER REFERRAL WOULD BEST SERVE THE INTERESTS OF THE COMMUNITY AND THE JUVENILE, LAW ENFORCEMENT OFFICERS SHOULD CONSIDER WHETHER THERE IS PROBABLE CAUSE TO BELIEVE THE JUVENILE IS SUBJECT TO THE JURISDICTION OF THE FAMILY COURT OVER DELINQUENCY, AND:

- a. WHETHER A COMPLAINT HAS ALREADY BEEN FILED;
- b. THE SERIOUSNESS OF THE ALLEGED OFFENSE;
- c. THE ROLE OF THE JUVENILE IN THAT OFFENSE;
- d. THE NATURE AND NUMBER OF CONTACTS WITH THE LAW ENFORCEMENT AGENCY AND THE FAMILY COURT WHICH THE JUVENILE HAS HAD, AND THE RESULTS OF THOSE CONTACTS;
- e. THE JUVENILE'S AGE AND MATURITY; AND
- f. THE AVAILABILITY OF APPROPRIATE PERSONS OR SERVICES OUTSIDE THE JUVENILE JUSTICE SYSTEM WILLING AND ABLE TO PROVIDE CARE, SUPERVISION, AND ASSISTANCE TO THE JUVENILE.

A JUVENILE SHOULD NOT BE REFERRED TO THE INTAKE UNIT SOLELY BECAUSE HE OR SHE DENIES THE ALLEGATIONS OR BECAUSE THE COMPLAINANT OR VICTIM INSISTS.

Sources See generally, Josephine Gittler, Proposed Standards Relating to the Juvenile Probation Function: Intake and Predisposition Investigative Services, Standards 1.6 and 1.8 (IJA/ABA, Draft, January, 1976); Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention, Standard 5.7 (July, 1976).

2.222 Criteria for Referral to Intake -- Non-Criminal Misbehavior*

LAW ENFORCEMENT AGENCIES SHOULD PROMULGATE WRITTEN REGULATIONS FOR GUIDING DECISIONS TO REFER TO THE INTAKE UNIT, INDIVIDUALS ALLEGED TO HAVE ENGAGED IN NON-CRIMINAL MISBEHAVIOR.

IN DETERMINING WHETHER REFERRAL BEST SERVES THE INTERESTS OF THE JUVENILE, THE FAMILY, AND THE COMMUNITY, LAW ENFORCEMENT OFFICERS SHOULD CONSIDER WHETHER THERE IS PROBABLE CAUSE TO BELIEVE THAT THE INDIVIDUAL IS SUBJECT TO THE JURISDICTION OF THE FAMILY COURT OVER NON-CRIMINAL MISBEHAVIOR, AND:

- a. WHETHER A COMPLAINT HAS ALREADY BEEN FILED
- b. THE SERIOUSNESS OF THE ALLEGED CONDUCT AND THE CIRCUMSTANCES IN WHICH IT OCCURRED;
- c. THE NATURE AND NUMBER OF CONTACTS WITH THE LAW ENFORCEMENT AGENCY AND THE FAMILY COURT WHICH THE INDIVIDUAL AND HIS OR HER FAMILY HAS HAD;
- d. THE OUTCOME OF THOSE CONTACTS; AND
- e. THE AVAILABILITY OF APPROPRIATE PERSONS OR SERVICES OUTSIDE THE JUVENILE JUSTICE SYSTEM.

A JUVENILE SHOULD NOT BE REFERRED TO THE INTAKE UNIT SOLELY BECAUSE HE OR SHE DENIES THE ALLEGATIONS OR BECAUSE THE COMPLAINANT OR VICTIM INSISTS.

Sources None of the standards or model legislation address this issue directly. See generally, Josephine Gittler, Proposed Standards Relating to the Juvenile Probation Function: Intake and Predisposition Investigative Services, Standards 1.6 and 1.8 (IJA/ABA, Draft, January, 1976).

* The National Advisory Committee on Juvenile Justice and Delinquency Prevention does not concur with the recommendation of the Advisory Committee on Standards regarding retention of jurisdiction over non-criminal misbehavior.

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2.223 Criteria for Referral to Intake -- Neglect and Abuse

LAW ENFORCEMENT AGENCIES SHOULD PROMULGATE WRITTEN REGULATIONS FOR GUIDING DECISIONS TO REFER TO THE INTAKE UNIT, JUVENILES ALLEGED TO HAVE BEEN NEGLECTED OR ABUSED AND THE PARENTS, GUARDIAN OR PRIMARY CARETAKER OF SUCH JUVENILES.

IN DETERMINING WHETHER REFERRAL BEST SERVES THE INTERESTS OF THE JUVENILE, THE FAMILY AND THE COMMUNITY, LAW ENFORCEMENT OFFICERS SHOULD CONSIDER WHETHER THERE IS PROBABLE CAUSE TO BELIEVE THAT THE FAMILY IS SUBJECT TO THE JURISDICTION OF THE FAMILY COURT OVER NEGLECT AND ABUSE, AND:

- a. WHETHER A COMPLAINT HAS ALREADY BEEN FILED; AND
- b. THE SERIOUSNESS OF THE ALLEGED NEGLECT OR ABUSE AND THE CIRCUMSTANCES IN WHICH IT OCCURRED.

Sources None of the Standards or model legislation reviewed address this issue directly. See generally, Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention, Standard 12.9 (July, 1976).

2.23 Decisions to Take a Juvenile into Custody

2.231 Criteria for Taking Juveniles into Custody -- Delinquency

WHENEVER PRACTICABLE, AN ORDER ISSUED BY A FAMILY COURT JUDGE SHOULD BE OBTAINED PRIOR TO TAKING INTO CUSTODY A JUVENILE ALLEGED TO HAVE COMMITTED A DELINQUENT ACT.

AN ORDER SHOULD NOT BE ISSUED NOR A JUVENILE TAKEN INTO CUSTODY WITHOUT AN ORDER UNLESS THERE IS PROBABLE CAUSE TO BELIEVE THAT THE JUVENILE FALLS WITHIN THE JURISDICTION OF THE FAMILY COURT OVER DELINQUENCY DESCRIBED IN STANDARD 3.111, AND IT IS DETERMINED THAT ISSUANCE OF A SUMMONS OR CITATION WOULD NOT ADEQUATELY PROTECT THE JURISDICTION OR PROCESS OF THE FAMILY COURT; WOULD NOT ADEQUATELY PROTECT THE JUVENILE FROM AN IMMINENT THREAT OF SERIOUS BODILY HARM; OR WOULD NOT ADEQUATELY REDUCE THE RISK OF THE JUVENILE INFLECTING SERIOUS BODILY HARM ON OTHERS OR COMMITTING SERIOUS PROPERTY OFFENSES PRIOR TO ADJUDICATION.

IN MAKING THIS DETERMINATION, THE FAMILY COURT JUDGE OR LAW ENFORCEMENT OFFICER SHOULD CONSIDER:

- a. THE NATURE AND SERIOUSNESS OF THE ALLEGED OFFENSE;
- b. THE JUVENILE'S RECORD OF DELINQUENCY OFFENSES, INCLUDING WHETHER THE JUVENILE IS CURRENTLY SUBJECT TO DISPOSITIONAL AUTHORITY OF THE FAMILY COURT OR RELEASED PENDING ADJUDICATION, DISPOSITION OR APPEAL;
- c. THE JUVENILE'S RECORD OF WILLFUL FAILURES TO APPEAR FOLLOWING THE ISSUANCE OF A SUMMONS OR CITATION;
- d. THE AVAILABILITY OF NON-CUSTODIAL ALTERNATIVES, INCLUDING THE PRESENCE OF A PARENT, GUARDIAN OR OTHER SUITABLE PERSON ABLE AND WILLING TO PROVIDE SUPERVISION AND CARE FOR THE JUVENILE AND TO ASSURE HIS OR HER COMPLIANCE WITH A SUMMONS OR CITATION.

WRITTEN RULES AND REGULATIONS SHOULD BE DEVELOPED TO GUIDE CUSTODY DECISIONS IN DELINQUENCY MATTERS.

Sources See generally, Daniel Freed, Timothy Terrell, and J. Lawrence Schultz, Proposed Standards Relating to Interim Status, Standards 3.2 and 5.6-5.7 (IJA/ABA, Draft, September, 1975); Egon Bittner and Sheldon Krantz, Proposed Standards Relating to Police Handling of Juvenile Problems, Standard 2.6(b) (IJA/ABA, Draft, May, 1976); Richard Kobetz and Betty Bosarge, Juvenile Justice Administration, 179 (International Association of Chiefs of Police, 1973); Gerstein vs. Pugh, 420 U.S. 103, 112-113 (1975).

2.232 Criteria for Taking a Juvenile Into Custody --
Non-Criminal Misbehavior*

WHENEVER PRACTICABLE, AN ORDER ISSUED BY THE FAMILY COURT JUDGE SHOULD BE OBTAINED PRIOR TO TAKING INTO CUSTODY A JUVENILE ALLEGED TO HAVE ENGAGED IN NON-CRIMINAL MISBEHAVIOR.

AN ORDER SHOULD NOT BE ISSUED NOR A JUVENILE TAKEN INTO CUSTODY WITHOUT AN ORDER UNLESS THERE IS PROBABLE CAUSE TO BELIEVE THAT THE CIRCUMSTANCES SET FORTH IN STANDARD 2.12 EXIST, AND IT IS DETERMINED THAT THERE IS NO PERSON WILLING AND ABLE TO PROVIDE SUPERVISION AND CARE FOR THE JUVENILE AND THE JUVENILE IS UNABLE TO CARE FOR HIMSELF/HERSELF, OR THAT ISSUANCE OF A CITATION OR SUMMONS WOULD NOT ADEQUATELY PROTECT THE JUVENILE FROM AN IMMINENT DANGER OF SERIOUS BODILY HARM.

IN MAKING THIS DETERMINATION, A FAMILY COURT JUDGE OR LAW ENFORCEMENT OFFICER SHOULD CONSIDER:

- a. THE NATURE AND SERIOUSNESS OF THE ALLEGED CONDUCT;
- b. THE JUVENILE'S AGE AND MATURITY;
- c. THE NATURE AND NUMBER OF CONTACTS WITH THE LAW ENFORCEMENT AGENCY OR THE FAMILY COURT WHICH THE FAMILY HAS HAD;
- d. THE OUTCOME OF THOSE CONTACTS;
- e. THE EXISTENCE OF CIRCUMSTANCES WHICH PRESENT AN IMMINENT THREAT OF SERIOUS PHYSICAL INJURY TO THE JUVENILE; AND,

* The National Advisory Committee on Juvenile Justice and Delinquency Prevention does not concur with the recommendation of the Advisory Committee on Standards regarding retention of jurisdiction over non-criminal misbehavior.

- f. THE AVAILABILITY OF NON-CUSTODIAL ALTERNATIVES INCLUDING THE PRESENCE OF A PARENT, GUARDIAN OR OTHER SUITABLE PERSON ABLE AND WILLING TO PROVIDE SUPERVISION AND CARE FOR THE JUVENILE.

WRITTEN RULES AND REGULATIONS SHOULD BE DEVELOPED TO GUIDE CUSTODY DECISIONS IN NON-CRIMINAL MISBEHAVIOR MATTERS.

Sources See generally, Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention, Standard 12.8 (July, 1976), and the materials listed under Standard 2.231.

2.233 Criteria for Taking Juveniles into Emergency Protective Custody

WHENEVER PRACTICABLE, AN ORDER SHOULD BE OBTAINED FROM A FAMILY COURT JUDGE PRIOR TO TAKING INTO EMERGENCY CUSTODY A JUVENILE ALLEGED TO HAVE BEEN HARMED OR TO BE IN DANGER OF HARM.

AN ORDER SHOULD NOT BE ISSUED NOR A JUVENILE TAKEN INTO EMERGENCY PROTECTIVE CUSTODY WITHOUT AN ORDER UNLESS THERE IS A REASONABLE BELIEF THAT ANY OF THE CIRCUMSTANCES SET FORTH IN STANDARD 2.13(a)-(c) EXIST, AND IT IS DETERMINED THAT NO OTHER MEASURE CAN PROVIDE ADEQUATE PROTECTION OR THAT ISSUANCE OF A SUMMONS OR CITATION IS INADEQUATE TO PROTECT THE JURISDICTION OR PROCESS OF THE FAMILY COURT.

IN MAKING THIS DETERMINATION, A FAMILY COURT JUDGE OR LAW ENFORCEMENT OFFICER SHOULD CONSIDER:

- a. THE NATURE AND SERIOUSNESS OF THE HARM OR THREATENED HARM;
- b. THE JUVENILE'S AGE AND MATURITY;
- c. THE NATURE AND NUMBER OF CONTACTS WITH THE LAW ENFORCEMENT AGENCY, CHILD PROTECTIVE SERVICE AGENCY OR FAMILY COURT WHICH THE JUVENILE OR FAMILY HAS HAD;
- d. THE PRESENCE OF A PARENT, GUARDIAN, RELATIVE OR OTHER PERSON WITH WHOM THE JUVENILE HAS SUBSTANTIAL TIES, WILLING AND ABLE TO PROVIDE SUPERVISION AND CARE; AND
- e. IF A DECISION HAS BEEN MADE TO REFER THE MATTER TO THE INTAKE UNIT, THE FAMILY'S RECORD OF WILLFUL FAILURES TO APPEAR FOLLOWING ISSUANCE OF A SUMMONS OR CITATION.

WRITTEN RULES AND REGULATIONS SHOULD BE DEVELOPED TO GUIDE DECISIONS REGARDING TAKING JUVENILES INTO EMERGENCY PROTECTIVE CUSTODY.

Sources See generally, Model Act for Family Courts, §18 (1975).

2.234 Form of Citation, Summons and Order to Take Into Custody

A CITATION SHOULD DIRECT THE INDIVIDUAL NAMED THEREIN TO REPORT TO THE INTAKE UNIT WITHIN THREE CALENDAR DAYS. THE CITATION SHOULD SPECIFY THE INDIVIDUAL'S NAME AND ADDRESS; THE NAME AND ADDRESS OF THE PERSON, IF ANY, TO WHOSE CARE AND SUPERVISION THE INDIVIDUAL IS BEING RELEASED; THE TIME, MANNER AND PLACE OF THE CONDUCT WHICH THE INDIVIDUAL IS ALLEGED TO HAVE COMMITTED; THE DATE OF ISSUANCE; AND THE ADDRESS AND TELEPHONE NUMBER OF THE INTAKE UNIT. IN ADDITION, THE CITATION SHOULD EXPLAIN THE RIGHTS TO WHICH THE INDIVIDUAL IS ENTITLED. CITATIONS SHOULD BE SIGNED BY THE ISSUING OFFICER AS WELL AS BY THE INDIVIDUAL TO WHOM IT IS ISSUED OR THE PERSON, IF ANY, TO WHOSE CARE AND SUPERVISION THE INDIVIDUAL IS RELEASED.

A SUMMONS SHOULD SPECIFY THE ISSUING COURT AND THE LEGAL PROVISIONS ALLEGED TO HAVE BEEN VIOLATED, IN ADDITION TO THE DIRECTIONS, INFORMATION, AND EXPLANATIONS CONTAINED IN A CITATION.

AN ORDER TO TAKE A JUVENILE INTO CUSTODY, SHOULD AUTHORIZE LAW ENFORCEMENT OFFICERS THROUGHOUT THE JURISDICTION TO CARRY OUT ITS EDICT. THE ORDER SHOULD INCLUDE THE SAME INFORMATION AND EXPLANATIONS CONTAINED IN A SUMMONS EXCEPT THAT IF THE NAME OR ADDRESS OF THE JUVENILE IS UNKNOWN, THE ORDER SHOULD CONTAIN A DESCRIPTION BY WHICH THE JUVENILE CAN BE IDENTIFIED WITH REASONABLE CERTAINTY.

A COPY OF AN ISSUED CITATION, A SERVED SUMMONS, OR AN EXECUTED ORDER SHOULD BE PROVIDED TO THE INTAKE UNIT AS PROMPTLY AS POSSIBLE.

Sources See generally, Uniform Rules of Criminal Procedure, §222 (1974); Daniel Freed, Timothy Terrell, and J. Lawrence Schultz, Proposed Standards on Interim Status, Standard 2.13 and 2.14 (IJA/ABA, Draft, September, 1975).

2.24 Rights and Procedures

2.241 Procedures Following a Decision Not to Refer to Intake

AN INDIVIDUAL WHO IS NOT REFERRED TO INTAKE BY A LAW ENFORCEMENT OFFICER SHOULD BE RELEASED WITHOUT CONDITION OR ON-GOING SUPERVISION ALTHOUGH THE INDIVIDUAL AND HIS OR HER FAMILY MAY BE REFERRED OR TAKEN TO COMMUNITY RESOURCES OFFERING SERVICES ON A VOLUNTARY BASIS.

Sources Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention, Standard 5.7 (July, 1976); Richard Kobetz and Betty Bosarge, Juvenile Justice Administration, 166-167 (International Association of Chiefs of Police, 1973).

2.242 Procedures Following Referral to Intake -- Delinquency

IMMEDIATELY UPON REFERRING TO THE INTAKE UNIT OR TAKING INTO CUSTODY JUVENILES ALLEGED TO BE SUBJECT TO THE JURISDICTION OF THE FAMILY COURT OVER DELINQUENCY, LAW ENFORCEMENT OFFICERS SHOULD EXPLAIN IN LANGUAGE UNDERSTANDABLE BY SUCH JUVENILES, THEIR RIGHT TO REMAIN SILENT, THEIR RIGHTS TO AN ATTORNEY, AND THE FACT THAT ANY STATEMENTS THEY MAKE MAY BE USED AGAINST THEM.

A LAW ENFORCEMENT OFFICER TAKING INTO CUSTODY A JUVENILE ALLEGED TO BE DELINQUENT SHOULD BRING THAT JUVENILE TO THE AGENCY'S JUVENILE UNIT OR DIRECTLY TO THE INTAKE UNIT WITHOUT DELAY, UNLESS THE INDIVIDUAL IS IN NEED OF EMERGENCY MEDICAL TREATMENT. THE OFFICER SHOULD ALSO ASSURE THAT THE JUVENILE'S PARENTS, GUARDIAN OR PRIMARY CARETAKER ARE NOTIFIED OF THE FACT THAT THE JUVENILE HAS BEEN TAKEN INTO CUSTODY, OF THE REASONS THEREFOR, OF THE JUVENILE'S WHEREABOUTS, AND OF THE RIGHTS TO WHICH THE JUVENILE IS ENTITLED.

A JUVENILE TAKEN TO A LAW ENFORCEMENT AGENCY'S JUVENILE UNIT SHOULD BE BROUGHT TO THE INTAKE UNIT WITHOUT DELAY AND IN ANY CASE WITHIN FOUR HOURS OF BEING TAKEN INTO CUSTODY UNLESS RELEASED EARLIER.

A REPORT SHOULD BE PREPARED EXPLAINING THE REASONS FOR INTERVENTION, REFERRAL AND IF RELEVANT, CUSTODY, AND A COMPLAINT FILED UNLESS THE VICTIM OR COMPLAINING WITNESS HAS DONE SO ALREADY. A COPY OF THE REPORT AND THE COMPLAINT SHOULD BE PROMPTLY GIVEN TO THE INTAKE UNIT.

Sources See generally, Daniel Freed, Timothy Terrell, J. Lawrence Schultz, Proposed Standards Relating to Interim Status, Standard 5.3 (IJA/ABA, Draft, September, 1975); Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention, Standard 5.9 (July, 1976).

2.243 Procedures Following Referral to Intake - Non Criminal
Misbehavior *

IMMEDIATELY UPON REFERRING TO THE INTAKE UNIT OR TAKING INTO CUSTODY INDIVIDUALS ALLEGED TO BE SUBJECT TO THE JURISDICTION OF THE FAMILY COURT OVER NON-CRIMINAL MISBEHAVIOR, LAW ENFORCEMENT OFFICERS SHOULD EXPLAIN IN LANGUAGE UNDERSTANDABLE BY SUCH INDIVIDUALS THEIR RIGHT TO REMAIN SILENT, THEIR RIGHTS TO AN ATTORNEY AND THE FACT THAT ANY STATEMENTS THEY MAKE MAY BE USED AGAINST THEM.

A LAW ENFORCEMENT OFFICER TAKING INTO CUSTODY AN INDIVIDUAL ALLEGED TO HAVE ENGAGED IN NON-CRIMINAL MISBEHAVIOR SHOULD BRING HIM/HER TO THE AGENCY'S JUVENILE UNIT OR DIRECTLY TO THE INTAKE UNIT WITHOUT DELAY, UNLESS THE INDIVIDUAL IS IN NEED OF EMERGENCY MEDICAL TREATMENT. IF THE INDIVIDUAL IN CUSTODY IS A JUVENILE THE OFFICER SHOULD ALSO ASSURE THAT THE JUVENILE'S PARENTS, GUARDIAN OR PRIMARY CARE-TAKER ARE NOTIFIED OF THE FACT THAT THE JUVENILE HAS BEEN TAKEN INTO CUSTODY, OF THE REASONS THEREFOR, OF THE JUVENILE'S WHEREABOUTS, AND OF THE RIGHTS TO WHICH THE JUVENILE IS ENTITLED.

AN INDIVIDUAL TAKEN TO A LAW ENFORCEMENT AGENCY'S JUVENILE UNIT SHOULD BE BROUGHT TO THE INTAKE UNIT WITHOUT DELAY AND IN ANY CASE WITHIN FOUR HOURS OF BEING TAKEN INTO CUSTODY UNLESS RELEASED EARLIER.

JUVENILES ALLEGED TO HAVE ENGAGED IN NON-CRIMINAL MISBEHAVIOR SHOULD NEVER BE PLACED IN A SECURE DETENTION FACILITY OR A FACILITY IN WHICH THEY WILL HAVE REGULAR CONTACT WITH ACCUSED OR CONVICTED ADULT OFFENDERS.

* The National Advisory Committee on Juvenile Justice and Delinquency Prevention does not concur with the recommendations of the Advisory Committee on Standards regarding retention of jurisdiction over non-criminal misbehavior.

A REPORT SHOULD BE PREPARED EXPLAINING THE REASONS FOR INTERVENTION, REFERRAL, AND, IF RELEVANT, CUSTODY, AND A COMPLAINT FILED IF THE COMPLAINING WITNESS HAS NOT DONE SO ALREADY. A COPY OF THE REPORT SHOULD BE PROMPTLY PROVIDED TO THE INTAKE UNIT.

Source None of the sets of Standards or model legislation reviewed has specifically addressed the issues discussed in this draft standard. See generally, Daniel Freed, Timothy Terrell, J. Lawrence Schultz, Proposed Standards Relating to Interim Status, Standard 5.3 (IJA/ABA, Draft, September, 1975); Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention, Standard 5.9 (July, 1976).

2.244 Procedures Following Referral to Intake -- Neglect and Abuse

IMMEDIATELY UPON REFERRING TO THE INTAKE UNIT INDIVIDUALS ALLEGED TO BE SUBJECT TO THE JURISDICTION OF THE FAMILY COURT OVER NEGLECT AND ABUSE OR TAKING INTO EMERGENCY CUSTODY A JUVENILE ALLEGED TO HAVE BEEN NEGLECTED OR ABUSED, LAW ENFORCEMENT OFFICERS SHOULD EXPLAIN IN LANGUAGE UNDERSTANDABLE TO THE ACCUSED INDIVIDUALS THEIR RIGHT TO REMAIN SILENT, THEIR RIGHTS TO AN ATTORNEY, AND THE FACT THAT ANY STATEMENTS THEY MAKE MAY BE USED AGAINST THEM.

A LAW ENFORCEMENT OFFICER TAKING INTO EMERGENCY CUSTODY A JUVENILE ALLEGED TO HAVE BEEN NEGLECTED OR ABUSED SHOULD BRING THE JUVENILE DIRECTLY TO THE INTAKE UNIT OR TO A FACILITY AUTHORIZED TO PROVIDE CARE FOR SUCH JUVENILES WITHOUT DELAY, UNLESS THE JUVENILE IS IN NEED OF EMERGENCY MEDICAL TREATMENT. IF A JUVENILE'S PARENT, GUARDIAN, OR PRIMARY CARETAKER MAY BE UNAWARE THAT THE JUVENILE HAS BEEN PLACED IN PROTECTIVE CUSTODY, THE INTERCEDING OFFICER SHOULD ASSURE THAT SUCH PERSONS ARE NOTIFIED OF THE FACT THAT THE JUVENILE HAS BEEN TAKEN INTO PROTECTIVE CUSTODY, AND OF THE REASONS THEREFOR, ADVISE THEM OF THEIR RIGHTS, AND RECOMMEND THAT THEY CONTACT THE INTAKE UNIT IMMEDIATELY.

A REPORT SHOULD BE PREPARED EXPLAINING THE REASONS FOR INTERVENTION, REFERRAL, AND IF RELEVANT, PROTECTIVE CUSTODY, AND A COMPLAINT FILED IF THE COMPLAINING WITNESS HAS NOT DONE SO ALREADY. A COPY OF THE REPORT AND THE COMPLAINT SHOULD BE PROMPTLY PROVIDED TO THE INTAKE UNIT AND THE PROTECTIVE SERVICES AGENCY.

Sources See generally, Proposed Model Child Protection Act §9(c) and (e) (U.S. Department of Health Education and Welfare, Draft, July, 1976).

2.245 Procedures When a Juvenile Is In Need of Immediate Medical Care

IF A LAW ENFORCEMENT OFFICER HAS PROBABLE CAUSE TO BELIEVE THAT A JUVENILE WHOM THE OFFICER HAS TAKEN INTO CUSTODY IS IN IMMEDIATE NEED OF MEDICAL CARE, THE OFFICER SHOULD TAKE THE JUVENILE OR ARRANGE TO HAVE THE JUVENILE TAKEN TO A MEDICAL FACILITY WHICH HAS BEEN AUTHORIZED TO PROVIDE EMERGENCY EXAMINATIONS AND TREATMENT.

THE OFFICER SHOULD ASSURE THAT PROMPT NOTICE OF THE JUVENILE'S CONDITION AND LOCATION IS GIVEN TO THE JUVENILE'S PARENTS GUARDIAN, OR PRIMARY CARETAKER IN ADDITION TO ANY INFORMATION REQUIRED UNDER STANDARDS 2.242-2.244.

IF THE EMERGENCY MEDICAL CARE CAN BE PROVIDED ON AN OUT-PATIENT BASIS AND CUSTODY IS NOT REQUIRED, THE JUVENILE SHOULD BE RELEASED TO HIS OR HER PARENT, GUARDIAN, OR PRIMARY CARETAKER, OR IF SUCH PERSONS ARE NOT AVAILABLE, TO ANOTHER ADULT WHO IS WILLING AND ABLE TO PROVIDE SUPERVISION AND CARE, AND WITH WHOM THE JUVENILE HAS SUBSTANTIAL TIES. IF OUT-PATIENT CARE IS PROVIDED AND CUSTODY IS REQUIRED, THE JUVENILE SHOULD BE TAKEN DIRECTLY TO THE INTAKE UNIT, OR PURSUANT TO STANDARD 2.244, TO A FACILITY DESIGNATED TO PROVIDE CARE TO JUVENILES WHO HAVE BEEN NEGLECTED OR ABUSED.

A REPORT SHOULD BE PREPARED DESCRIBING THE FACTS AND CIRCUMSTANCES REQUIRING EMERGENCY MEDICAL CARE AND THE REASONS FOR THE ACTIONS TAKEN. A COPY OF THE REPORT SHOULD BE PROVIDED TO THE JUVENILE'S PARENT, GUARDIAN, OR PRIMARY CARETAKER, AND, IF THE JUVENILE IS TO BE REFERRED, A COPY SHOULD ALSO BE PROMPTLY PROVIDED TO THE INTAKE UNIT.

Source See generally, Model Act for Family Courts, §19(g)(1974).

2.246 Procedures for Fingerprinting and Photographing Juveniles

LAW ENFORCEMENT AGENCIES SHOULD PROMULGATE REGULATIONS GOVERNING THE COLLECTION, USE, DISSEMINATION, AND RETENTION OF FINGERPRINTS AND PHOTOGRAPHS OF JUVENILES.

A JUVENILE'S FINGERPRINTS OR PHOTOGRAPH SHOULD ONLY BE TAKEN WHEN ESSENTIAL TO ESTABLISHING IDENTITY DURING THE INVESTIGATION OF AN ACT WHICH WOULD BE A CRIME IF COMMITTED BY AN ADULT. IF THE JUVENILE'S FINGERPRINTS DO NOT MATCH THOSE FOUND DURING THE INVESTIGATION OF THE OFFENSE, THE CARD CONTAINING THE JUVENILE'S FINGERPRINTS AND OTHER COPIES OF THE FINGERPRINTS SHOULD BE DESTROYED IMMEDIATELY. IF THE COMPARISON IS POSITIVE AND A PETITION IS FILED, THE FINGERPRINTS SHOULD BE DELIVERED TO THE FAMILY COURT SECTION OF THE PROSECUTOR'S OFFICE. IF A PETITION IS NOT FILED OR IF THE JUVENILE IS NOT ADJUDICATED DELINQUENT, THE FINGERPRINT CARD AND ALL OTHER COPIES OF THE JUVENILE'S FINGERPRINTS SHOULD BE DESTROYED.

A PHOTOGRAPH TAKEN OF A JUVENILE UNDER THE ABOVE-DESCRIBED CIRCUMSTANCES SHOULD ALSO BE DESTROYED IF A PETITION IS NOT FILED OR IF THE JUVENILE IS NOT ADJUDICATED DELINQUENT.

FINGERPRINTS AND PHOTOGRAPHS WHICH ARE NOT DESTROYED AS SET FORTH ABOVE, SHOULD BE MAINTAINED IN ACCORDANCE WITH THE PRINCIPLES AND LIMITS CONTAINED IN STANDARDS 0.51-0.53, AND 0.54-0.56. ACCESS TO SUCH MATERIALS SHOULD BE LIMITED TO LAW ENFORCEMENT OFFICERS WHEN ESSENTIAL TO CONDUCTING AN ON-GOING INVESTIGATION, TO A MEMBER OF THE CLERICAL OR ADMINISTRATIVE STAFF OF THE MAINTAINING COURT OR AGENCY FOR AUTHORIZED INTERNAL ADMINISTRATIVE PURPOSES, THE JUVENILE, HIS OR HER COUNSEL, AND THE JUVENILE'S PARENTS, GUARDIAN OR PRIMARY CARETAKER.

Sources See generally, Michael Altman, Proposed Standards Relating to Records and Information Systems, Standard 19.6 (IJA/ABA, Draft, January, 1976); Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention, Standard 5.13 (July, 1976).

2.247 Procedures Applicable to the Interrogation of Juveniles

JUVENILES ACCUSED OF COMMITTING A DELINQUENT OFFENSE OR ENGAGING IN NON-CRIMINAL MISBEHAVIOR* SHOULD NOT BE QUESTIONED REGARDING SUCH OFFENSES OR SUCH CONDUCT, AND FORMAL ORAL OR WRITTEN STATEMENTS BY THOSE JUVENILES SHOULD NOT BE ACCEPTED, UNLESS IT HAS BEEN EXPLAINED IN LANGUAGE UNDERSTANDABLE BY THE JUVENILE THAT ANY STATEMENT WHICH THE JUVENILE MAKES MAY BE USED AGAINST HIM/HER IN A SUBSEQUENT COURT PROCEEDING, AND THAT THE JUVENILE IS ENTITLED:

- a. TO REMAIN SILENT;
- b. TO HAVE AN ATTORNEY PRESENT;
- c. TO HAVE AN ATTORNEY APPOINTED WHEN ANY OF THE CIRCUMSTANCES LISTED IN STANDARD 3.132 APPLY;
- d. TO HAVE PRESENT HIS/HER PARENT, GUARDIAN, OR PRIMARY CARETAKER, OR ANOTHER ADULT WHO IS WITHIN A REASONABLE DISTANCE AND WITH WHOM THE JUVENILE HAS SUBSTANTIAL TIES; AND
- e. TO STOP ANSWERING QUESTIONS AT ANY TIME.

BEFORE ACCEPTING A FORMAL WRITTEN OR ORAL STATEMENT FROM A JUVENILE, LAW ENFORCEMENT OFFICERS OR OTHER PUBLIC OFFICIALS WORKING IN THEIR BEHALF SHOULD ASSURE THAT THE JUVENILE FULLY UNDERSTANDS THE MATTERS EXPLAINED AND THAT THE STATEMENT IS VOLUNTARY, NOT ONLY IN THE SENSE THAT IT IS NOT COERCED OR SUGGESTED, BUT ALSO THAT IT IS NOT THE PRODUCT OF ADOLESCENT FANTASY, FRIGHT OR DESPAIR.

Sources See generally, In re Gault, 387 U.S. 1, 55 (1967); Miranda vs. Arizona, 384 U.S. 436 (1966).

* The National Advisory Committee on Juvenile Justice and Delinquency Prevention does not concur with the recommendation of the Advisory Committee on Standards regarding retention of jurisdiction over non-criminal misbehavior.

2.248 Form of Complaint

A COMPLAINT IS A WRITTEN STATEMENT OF THE ESSENTIAL FACTS CONSTITUTING A DELINQUENT OFFENSE, NON-CRIMINAL MISBEHAVIOR,* NEGLECT, OR ABUSE, SIGNED UNDER OATH BY A PERSON WHO OF HIS OR HER OWN KNOWLEDGE, OR ON THE BASIS OF INFORMATION SUPPLIED BY OTHERS, HAS PROBABLE CAUSE TO BELIEVE THAT THE FACTS STATED IN THE COMPLAINT ARE TRUE.

Source See generally, Federal Rule of Criminal Procedure, 3.

* The National Advisory Committee on Juvenile Justice and Delinquency Prevention does not concur with the recommendations of the Advisory Committee on Standards regarding retention of jurisdiction over non-criminal misbehavior.

2.25 Specialization of Law Enforcement Officers

2.251 Police-Juvenile Units

LAW ENFORCEMENT AGENCIES WITH MORE THAN 50 SWORN OFFICERS SHOULD ESTABLISH A SPECIALIZED UNIT TO ASSIST IN HANDLING MATTERS INVOLVING JUVENILES. THE PERSON IN CHARGE OF THE JUVENILE UNIT SHOULD BE RESPONSIBLE FOR:

- a. ASSISTING IN THE DEVELOPMENT AND IMPLEMENTATION OF POLICIES AND REGULATIONS GOVERNING LAW ENFORCEMENT PRACTICES AND DECISIONS RELATING TO JUVENILES;
- b. SERVING AS THE LIAISON TO OTHER COMPONENTS OF THE JUVENILE JUSTICE SYSTEM AS WELL AS AGENCIES, GROUPS AND ORGANIZATIONS INVOLVED IN DELINQUENCY PREVENTION; AND,
- c. TAKING CHARGE OF CASES WHICH GO BEYOND INITIAL AND INFORMAL HANDLING.

THE PERSON IN CHARGE OF THE JUVENILE UNIT SHOULD BE OF SUFFICIENT RANK TO ASSURE THAT THE UNIT HAS A STATUS EQUAL TO THAT OF OTHER SPECIALIZED UNITS OF THE LAW ENFORCEMENT AGENCY.

IN LAW ENFORCEMENT AGENCIES WITH LESS THAN 50 SWORN OFFICERS, AT LEAST ONE OFFICER SHOULD BE ASSIGNED THE RESPONSIBILITY FOR PERFORMING THE DUTIES OUTLINED ABOVE.

Sources See generally, Egon Bittner and Sheldon Krantz, Proposed Standards Relating to Police Handling of Juvenile Problems, Standard 4.2 (IJA/ABA, Draft, March, 1976); Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention, Standard 7.1 (July, 1976); Richard Kobetz and Betty Bosarge, Juvenile Justice Administration, 155-156 (International Association of Chiefs of Police, 1973).

2.252 Specialization Within Patrol Units

EVERY PATROL UNIT SHOULD CONTAIN AT LEAST ONE OFFICER TO WHOM PROBLEMS INVOLVING JUVENILES ARE ASSIGNED. SUCH OFFICERS SHOULD REMAIN UNDER THE ADMINISTRATIVE CONTROL OF THE PATROL UNIT, BUT SHOULD, WHENEVER POSSIBLE, SERVE AS A FORMAL LINK BETWEEN THE PATROL UNIT AND THE JUVENILE UNIT AND RECEIVE THE SPECIALIZED TRAINING DESCRIBED IN STANDARDS 2.253 AND 0.411.

Source Egon Bittner and Sheldon Krantz, Standards Relating to Police Handling of Juvenile Problems, Standard 4.3(b)(IJA/ABA, Draft, March, 1976).

2.253 Personnel Policies

OFFICERS SERVING IN SPECIALIZED JUVENILE UNITS OR AS JUVENILE SPECIALISTS WITHIN PATROL UNITS SHOULD, AT A MINIMUM, BE EXPERIENCED LINE OFFICERS. THEY SHOULD BE SELECTED ON THE BASIS OF DEMONSTRATED APTITUDE AND EXPRESSED INTEREST, AND SHOULD RECEIVE BOTH INITIAL AND IN-SERVICE TRAINING TO OBTAIN NECESSARY KNOWLEDGE AND SKILLS.

OFFICERS SHOULD BE ABLE TO PURSUE CAREERS AS JUVENILE SPECIALIST WITH THE SAME OPPORTUNITIES FOR PROMOTION AND ADVANCEMENT AS OTHER OFFICERS, AND SHOULD RECEIVE COMPENSATION COMMENSURATE WITH THE DUTIES AND RESPONSIBILITIES OF THE JOB PERFORMED.

Source See generally Egon Bittner and Sheldon Krantz, Proposed Standards Relating to Police Handling of Juvenile Problems, Standard 4.5(b)(IJA/ABA, Draft, March, 1976); Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention, Standard 7.6 (July, 1976); see also, Richard Kobetz and Betty Bosarge, Juvenile Justice Administration, 158-161 (International Association of Chiefs of Police, 1973).

2.3 Intervention by other Governmental Agencies

2.31 Authority to Intervene

CHILD PROTECTIVE SERVICES AGENCIES, PUBLIC SCHOOLS AND OTHER DESIGNATED GOVERNMENTAL AGENCIES PROVIDING SERVICES TO JUVENILES AND THEIR FAMILIES SHOULD BE STATUTORILY AUTHORIZED TO INTERVENE WHEN THERE IS A REASONABLE BELIEF THAT ANY OF THE CIRCUMSTANCES SET FORTH IN STANDARDS 2.12 AND 2.13 EXIST. CHILD PROTECTIVE SERVICES AGENCIES SHOULD BE SPECIFICALLY AUTHORIZED TO INVESTIGATE REPORTS OF NEGLECT OR ABUSE.

Sources See generally, Model Act for a State Administered Program for the Prevention and Treatment of Delinquency and Neglect, §§14(a)-(d) and 15 (1975); Proposed Model Child Protection Act, §16(b) (Department of Health, Education, and Welfare, Draft, July, 1976).

2.32 Decision to Refer to Intake

2.321 Criteria for Referral to Intake -- Non-Criminal Misbehavior*

AGENCIES AUTHORIZED TO INTERVENE UNDER STANDARD 2.31 SHOULD PROMULGATE WRITTEN REGULATIONS FOR GUIDING DECISIONS TO REFER TO THE INTAKE UNIT, INDIVIDUALS ALLEGED TO HAVE ENGAGED IN NON-CRIMINAL MISBEHAVIOR.

IN DETERMINING WHETHER REFERRAL BEST SERVES THE INTERESTS OF THE JUVENILE, THE FAMILY, AND THE COMMUNITY, AGENCY PERSONNEL SHOULD CONSIDER WHETHER THERE IS PROBABLE CAUSE TO BELIEVE THAT THE INDIVIDUAL IS SUBJECT TO THE JURISDICTION OF THE FAMILY COURT OVER NON-CRIMINAL MISBEHAVIOR, AND:

- a. WHETHER A COMPLAINT HAS ALREADY BEEN FILED
- b. THE SERIOUSNESS OF THE ALLEGED CONDUCT AND THE CIRCUMSTANCES IN WHICH IT OCCURRED;
- c. THE NATURE AND NUMBER OF CONTACTS WITH THE LAW ENFORCEMENT AGENCY AND THE FAMILY COURT WHICH THE INDIVIDUAL AND HIS OR HER FAMILY HAS HAD;
- d. THE OUTCOME OF THOSE CONTACTS; AND
- e. THE AVAILABILITY OF APPROPRIATE PERSONS OR SERVICES OUTSIDE THE JUVENILE JUSTICE SYSTEM.

A JUVENILE SHOULD NOT BE REFERRED TO THE INTAKE UNIT SOLELY BECAUSE HE OR SHE DENIES THE ALLEGATIONS OR BECAUSE THE COMPLAINANT OR VICTIM INSISTS.

Sources None of the standards or model legislation address this issue directly. See generally, Josephine Gittler, Proposed Standards Relating to the Juvenile Probation Function: Intake and Predisposition Investigative Service, Standards 1.6 and 1.8 (IJA/ABA, Draft, January, 1976).

*The National Advisory Committee on Juvenile Justice and Delinquency Prevention does not concur with the recommendation of the Advisory Committee on Standards regarding retention of jurisdiction over non-criminal misbehavior.

2.322 Criteria for Referral to Intake -- Neglect and Abuse

AGENCIES AUTHORIZED TO INTERVENE UNDER STANDARD 2.31 SHOULD PROMULGATE WRITTEN REGULATIONS FOR GUIDING DECISIONS TO REFER TO THE INTAKE UNIT, FAMILIES OF JUVENILES ALLEGED TO HAVE BEEN NEGLECTED OR ABUSED.

IN DETERMINING WHETHER REFERRAL BEST SERVES THE INTERESTS OF THE JUVENILE, THE FAMILY, AND THE COMMUNITY, AGENCY PERSONNEL SHOULD CONSIDER WHETHER THERE IS PROBABLE CAUSE TO BELIEVE THAT THE FAMILY IS SUBJECT TO THE JURISDICTION OF THE FAMILY COURT OVER NEGLECT AND ABUSE AND:

- a. WHETHER A COMPLAINT HAS ALREADY BEEN FILED;
- b. THE SERIOUSNESS OF THE ALLEGED NEGLECT OR ABUSE AND THE CIRCUMSTANCES IN WHICH IT OCCURRED;
- c. THE NATURE AND NUMBER OF CONTACTS WITH THE LAW ENFORCEMENT AGENCY, CHILD PROTECTIVE SERVICES AGENCY, OR FAMILY COURT WHICH THE FAMILY HAS HAD;
- d. THE OUTCOME OF THOSE CONTACTS;
- e. THE AVAILABILITY OF APPROPRIATE SERVICES OUTSIDE THE JUVENILE JUSTICE SYSTEM WHICH DO NOT INVOLVE REMOVAL OF THE JUVENILE FROM THE HOME; AND,
- f. THE WILLINGNESS OF THE FAMILY TO ACCEPT THOSE SERVICES.

THE MATTER SHOULD NOT BE REFERRED TO THE INTAKE UNIT SOLELY BECAUSE THE ALLEGED NEGLECT OR ABUSE IS DENIED.

Source See generally, Proposed Model Child Protection Act, §16(b) (U.S. Department of Health, Education and Welfare, Draft, July, 1976).

2.33 Criteria for Taking Juveniles into Emergency Protective Custody

WHEN PRACTICABLE, AN ORDER SHOULD BE OBTAINED FROM A FAMILY COURT JUDGE PRIOR TO TAKING INTO EMERGENCY CUSTODY A JUVENILE ALLEGED TO HAVE BEEN HARMED OR TO BE IN DANGER OF HARM.

AN ORDER SHOULD NOT BE ISSUED NOR A JUVENILE TAKEN INTO EMERGENCY PROTECTIVE CUSTODY WITHOUT AN ORDER UNLESS THERE IS A REASONABLE BELIEF THAT ANY OF THE CIRCUMSTANCES SET FORTH IN STANDARD 2.13(a)-(c) EXIST, AND IT IS DETERMINED THAT NO OTHER MEASURE CAN PROVIDE ADEQUATE PROTECTION OR THAT ISSUANCE OF A SUMMONS OR CITATION IS INADEQUATE TO PROTECT THE JURISDICTION OR PROCESS OF THE FAMILY COURT.

IN MAKING THIS DETERMINATION, FAMILY COURT JUDGES OR AUTHORIZED CHILD PROTECTIVE SERVICES PERSONNEL SHOULD CONSIDER THE CRITERIA SET FORTH IN STANDARD 2.233.

WRITTEN RULES AND REGULATIONS SHOULD BE DEVELOPED TO GUIDE DECISIONS REGARDING TAKING JUVENILES INTO EMERGENCY PROTECTIVE CUSTODY.

Sources See generally, Model Act for Family Courts, §18 (1975); Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention, Standard 12.9 (July, 1976).

2.34 Rights and Procedures

2.341 Procedures Following a Decision not to Refer to Intake

AN INDIVIDUAL OR FAMILY WHO IS NOT REFERRED TO INTAKE BY AN AGENCY AUTHORIZED TO INTERVENE UNDER 2.31, SHOULD BE RELEASED WITHOUT CONDITION OR ON-GOING SUPERVISION ALTHOUGH THE INDIVIDUAL AND HIS OR HER FAMILY MAY BE PROVIDED WITH SERVICES OFFERED ON A VOLUNTARY BASIS OR REFERRED TO OR TAKEN TO COMMUNITY RESOURCES OFFERING SERVICES ON THAT BASIS.

Sources See generally, Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention, Standards 5.7 and 12.9 (July, 1976).

2.342 Procedures Following Referral to Intake

INDIVIDUALS REFERRED TO THE INTAKE UNIT BY AGENCIES AUTHORIZED TO INTERVENE UNDER STANDARD 2.31 SHOULD, AT THE TIME OF REFERRAL, BE ADVISED OF THEIR RIGHT TO REMAIN SILENT, THEIR RIGHTS TO AN ATTORNEY, AND THE FACT THAT ANY STATEMENTS THEY MAKE MAY BE USED AGAINST THEM. THESE RIGHTS SHOULD BE EXPLAINED IN LANGUAGE UNDERSTANDABLE TO THE PERSON BEING REFERRED.

A REPORT SHOULD BE PREPARED EXPLAINING THE REASONS FOR INTERVENTION, REFERRAL, AND IF RELEVANT, EMERGENCY CUSTODY, AND A COMPLAINT FILED IF THE COMPLAINING WITNESS HAS NOT DONE SO ALREADY. A COPY OF THE REPORT AND THE COMPLAINT SHOULD BE PROMPTLY PROVIDED TO THE INTAKE UNIT.

Sources None of the Standards or model legislation reviewed address this issue directly. See generally, Josephine Gittler, Proposed Standards Relating to the Probation Function: Intake and Predisposition Investigation Services, Standards 1.6 and 1.8 (IJA/ABA, Draft, January, 1976).

2.343 Procedures Upon Taking a Juvenile into Emergency Protective Custody

JUVENILES ALLEGED TO HAVE BEEN NEGLECTED OR ABUSED WHO ARE TAKEN INTO CUSTODY BY AUTHORIZED CHILD PROTECTIVE SERVICES PERSONNEL, SHOULD BE TAKEN DIRECTLY TO THE INTAKE UNIT OR TO A FACILITY AUTHORIZED TO PROVIDE CARE FOR SUCH JUVENILES WITHOUT DELAY, UNLESS THE JUVENILE IS IN NEED OF EMERGENCY MEDICAL TREATMENT. IF A JUVENILE'S PARENT, GUARDIAN, OR PRIMARY CARETAKER MAY BE UNAWARE THAT THE JUVENILE HAS BEEN PLACED IN EMERGENCY CUSTODY, THE INDIVIDUAL TAKING THE JUVENILE INTO CUSTODY SHOULD ASSURE THAT SUCH PERSONS ARE ADVISED:

- a. OF THE FACT THAT THE JUVENILE HAS BEEN TAKEN INTO PROTECTIVE CUSTODY;
- b. OF THE REASONS THEREFOR;
- c. OF THEIR RIGHTS TO COUNSEL AND TO REMAIN SILENT; AND,
- d. THAT THEY SHOULD CONTACT THE INTAKE UNIT IMMEDIATELY.

Source See generally, Proposed Model Child Protection Act §9(c) and (e) (U.S. Department of Health, Education and Welfare, Draft, July, 1976).

2.344 Procedures When a Juvenile Is in Need of
Immediate Medical Care

THE PROCEDURES AND CRITERIA APPLICABLE TO LAW ENFORCE-
MENT OFFICERS UNDER STANDARD 2.245, SHOULD ALSO APPLY
WHEN PERSONNEL OF AGENCIES AUTHORIZED TO INTERVENE
UNDER STANDARD 2.31 HAVE PROBABLE CAUSE TO BELIEVE
THAT A JUVENILE IS IMMEDIATE NEED OF MEDICAL CARE.

Source See generally, Model Act for Family Courts
§19(g) 1975).

THE SUPERVISION FUNCTION

Introduction

A 1973 survey found 45,694 juveniles in custody on a single day in detention centers, shelter care facilities, training schools, forestry camps and ranches, group homes and similar residential facilities throughout the United States. Children in Custody: Advance Report on the Juvenile Detention and Correctional Facility Census of 1972-73, 8 (LEAA, 1975). Thousands of other juveniles were placed in foster homes or under some form of probation or community supervision. This chapter sets forth standards concerning the responsibility for, the nature of, and the procedures that should apply to residential and non-residential programs which supervise juveniles and families subject to the jurisdiction of the family court over delinquency, non-criminal misbehavior, and neglect and abuse. The term supervision was selected to characterize these programs, since no matter what their rationale or emphasis -- treatment, punishment, or protection -- each has the basic responsibility of supervising the persons placed in it by the family court.

The chapter is divided into eight series of standards. The two standards in the first series, Standards 4.11-4.12, recommend that the States should assume the responsibility for providing necessary supervision programs.

The second series, Standards 4.21-4.27, defines seven types of residential facilities and describes the size of and the staff and services which should be available in each. The Standards urge that residential facilities other than camps and ranches, be in or near the communities from which they draw their population and recommend a low treatment staff-to-youth ratio and access by juveniles placed in residential facilities to a full range of

educational, counseling, health, mental health and recreational programs. The increased costs which may result from the implementation of these recommendations can be substantially offset, through the utilization of community rather than in-house services, and through placing fewer juveniles in residential programs and reducing the length of their stay in such programs in accordance with the principle, emphasized throughout these Standards, of employing the least restrictive alternative. See e.g., Standards 2.231-2.233; 3.151-3.158; 3.181-3.189; 4.219; and 4.52. It was the conclusion of the Advisory Committee on Standards that any increased costs which are not so offset, should be considered the necessary price of realizing the rehabilitative ideal on which the juvenile justice system is based.

The Standards in the 4.3 series cover the organization of non-residential programs to supervise persons subject to the jurisdiction of the family court, the services which should be available to such persons, and the imposition and enforcement of regulations by community supervision officers.

The fourth series of Standards in this chapter contains a list of some of the rights to which juveniles in residential facilities and under community supervision are entitled. Standards 4.41-4.411. These include the right to receive and send mail, to receive visitors, to participate in the religious observances of their choice, to have notice of the rules and regulations to which they are subject, and to a basic level of treatment and care. The provisions seek to assure as normal an environment as possible for program participants while accomodating necessary safety and administrative concerns.

The remaining series of Standards recommend principles and procedures governing discipline in residential programs, Standards 4.51-4.54, the use of restraints, Standards 4.61-4.62, and transfers between programs with differing levels of security or to programs provided by other agencies, Standards 4.71-4.73, as well as urging that grievance procedures and ombudsmen be available to juveniles in residential programs and subject to community supervision. Standards 4.81-4.82; see also Standard 0.126. It is anticipated that the recommended system of mutual rights and responsibilities will help program participants and staff to work together in an atmosphere of greater trust and respect than has characterized many supervisory programs in the past.

As noted throughout this volume, these Standards are not expected nor intended to be cast in stone. The Standards Committee will continue to review its recommendation in light of their impact in practice, additional research on supervision programs and procedures,

and expert opinion, making modifications whenever necessary. However, it is confident that when implemented, the Standards proposed in this chapter will enhance efforts to encourage law-abiding conduct and to protect the safety and welfare of both juveniles and adults.

4.1 Administrative Responsibility

4.11 Role of the State

THE STATE SHOULD BE RESPONSIBLE FOR PROVIDING DIRECTLY OR SUBSIDIZING THE PROVISION OF RESIDENTIAL PROGRAMS FOR JUVENILES SUBJECT TO THE JURISDICTION OF THE FAMILY COURT OVER DELINQUENCY, NON-CRIMINAL MISBEHAVIOR,* AND NEGLECT AND ABUSE, AND NON-RESIDENTIAL PROGRAMS FOR JUVENILES AND/OR THEIR FAMILIES SUBJECT TO THAT JURISDICTION.

ORDINARILY, SUCH PROGRAMS SHOULD BE ADMINISTERED BY A SINGLE STATE AGENCY. THEY SHOULD BE DESIGNED AND OPERATED IN ACCORDANCE WITH THE STATE JUVENILE SERVICE PLAN AND THE STATE STANDARDS AND GUIDELINES DESCRIBED IN STANDARDS 0.122-0.123, AND SHOULD BE SUBJECT TO THE EVALUATION PROCESS RECOMMENDED IN STANDARD 0.125.

Sources See generally, Fred Cohen and Andrew Rutherford, Proposed Standards Relating to Correctional Administration, Standards 2.1 and 2.5 (IJA/ABA, Draft, May, 1976).

* The National Advisory Committee on Juvenile Justice and Delinquency Prevention does not concur with the recommendation of the Advisory Committee on Standards regarding retention of jurisdiction over non-criminal misbehavior.

4.12 Role of the Federal Government

THE OPERATION OF RESIDENTIAL AND NON-RESIDENTIAL PROGRAMS BY THE FEDERAL GOVERNMENT FOR JUVENILES ADJUDICATED DELINQUENT BY THE UNITED STATES DISTRICT COURTS SHOULD BE DISCONTINUED. WHEN SUCH SERVICES ARE REQUIRED, THEY SHOULD BE OBTAINED THROUGH CONTRACTS WITH STATE AND LOCAL AGENCIES OR PRIVATE ORGANIZATIONS AND INDIVIDUALS.

Sources See generally, Fred Cohen and Andrew Rutherford, Proposed Standards Relating to Correctional Administration, Standard 2.4(b)(IJA/ABA, Draft, May, 1976); Juvenile Justice and Delinquency Prevention Act of 1974, §510 -- 18 U.S.C. §5040 (Supp. 1976).

4.2 Residential Programs

4.21 Training Schools

A TRAINING SCHOOL IS A RESIDENTIAL FACILITY IN WHICH ACCESS AND EGRESS ARE CONTROLLED BY THE STAFF, AND WHICH IS USED EXCLUSIVELY FOR THE PLACEMENT OF JUVENILES ADJUDICATED PURSUANT TO THE JURISDICTION OF THE FAMILY COURT OVER DELINQUENCY. THE TRAINING SCHOOL IS USUALLY CHARACTERIZED BY PHYSICALLY RESTRICTIVE CONSTRUCTION OR LOCATION, BY PROCEDURES WHICH ARE INTENDED TO PREVENT THE JUVENILES PLACED THEREIN FROM DEPARTING AT WILL, AND BY THE PROVISION OF A RANGE OF ACADEMIC, VOCATIONAL AND TREATMENT SERVICES.

Sources See generally, Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention, Standards 24.2, 24.3 (July, 1976); Daniel Freed, Timothy Terrell, J. Lawrence Schultz, Proposed Standards Relating to Interim Status, Standard 2.11 (IJA/ABA, Draft, September, 1975).

4.211 Location and Size

4.2111 Location

TRAINING SCHOOLS, TO THE GREATEST EXTENT POSSIBLE, SHOULD BE LOCATED IN OR NEAR THE COMMUNITIES FROM WHICH THEY DRAW THEIR POPULATION. SUCH FACILITIES SHOULD NOT BE ON THE GROUNDS OF AN INSTITUTION USED TO HOUSE ADULTS ACCUSED OR CONVICTED OF COMMITTING A CRIMINAL OFFENSE.

Source Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention, Standards 19.6(A) and 24.2(B) (July, 1976).

4.2112 Size and Design

TRAINING SCHOOLS SHOULD HOUSE NO MORE THAN 100 YOUTHS.

EACH LIVING UNIT WITHIN THE TRAINING SCHOOL SHOULD NOT EXCEED A BED CAPACITY OF 20. THE DESIGN OF THE LIVING UNIT SHOULD PROVIDE FOR A MIXTURE OF PRIVATE AND SEMI-PRIVATE ROOMS TO BE ASSIGNED ON THE BASIS OF THE NEEDS AND PREFERENCES OF THE JUVENILE. EACH LIVING UNIT SHOULD MAKE PROVISION FOR GAME ROOMS, STUDY AREAS AND STAFF OFFICES. IN ADDITION, THE FACILITY SHOULD PROVIDE FOR INDOOR AND OUTDOOR PHYSICAL ACTIVITIES.

TRAINING SCHOOLS SHOULD MAKE PROVISION FOR AND BE CO-EDUCATIONAL IN NATURE.

Source Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention, Standard 24.1 and 24.2(A)(C) (July, 1976).

4.212 Staff

4.2121 Staff Size

TRAINING SCHOOLS SHOULD HAVE THE APPROPRIATE STAFF NECESSARY TO PROVIDE FOR THE CARE, TREATMENT AND SUPERVISION OF THE JUVENILES PLACED THEREIN.

AT A MINIMUM, TRAINING SCHOOLS SHOULD MAINTAIN THE FOLLOWING TREATMENT STAFF TO YOUTH RATIOS:

- a. ONE (1) PSYCHIATRIST FOR AT LEAST 20 HOURS A WEEK PER 100 JUVENILES;
- b. ONE (1) PSYCHOLOGIST PER 100 JUVENILES;
- c. ONE (1) ASSOCIATE PSYCHOLOGIST PER 50 JUVENILES;
- d. ONE (1) CASEWORKER PER 20 JUVENILES;
- e. ONE (1) CHILD CARE WORKER ON DUTY PER 10 JUVENILES DURING WAKING HOURS;
- f. ONE (1) CHILD CARE WORKER ON DUTY PER 20 JUVENILES DURING NORMAL SLEEPING PERIODS;
- g. ONE (1) EDUCATIONAL DIAGNOSTICIAN PER 100 JUVENILES;
- h. ONE (1) DIAGNOSTIC CLASSROOM TEACHER FOR EVERY 8 JUVENILES IN NEED OF SPECIAL EDUCATION;
- i. ONE (1) TEACHER PER 12 JUVENILES;
- j. ONE (1) VOCATIONAL COUNSELOR PER 100 JUVENILES;
- k. ONE (1) ACADEMIC COUNSELOR PER 100 JUVENILES.

IN ADDITION, A REGISTERED NURSE SHOULD BE IN ATTENDANCE ON A 24 HOUR 7 DAY PER WEEK BASIS, AND A MEDICAL DOCTOR AND DENTIST SHOULD BE AVAILABLE ON STAFF OR ON CALL AT ALL TIMES.

Sources See generally, Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention, Commentary to Standards 24.2 and 24.9 (July, 1976); Morales v. Turman 383 F. Supp. 53 (E.D. Tex. 1974) and Relief Plan Submitted by Plaintiff and counsel for amici in Morales v. Turman.

4.2122 Staff Qualifications

EACH STATE SHOULD DEVELOP RULES AND REGULATIONS SETTING FORTH THE QUALIFICATIONS FOR THE POSITIONS NECESSARY TO PROVIDE CARE, TREATMENT AND SUPERVISION OF JUVENILES PLACED IN TRAINING SCHOOLS. AT A MINIMUM, THESE RULES AND REGULATIONS SHOULD REQUIRE THAT:

a. Academic Counselor

PERSONS EMPLOYED AS ACADEMIC COUNSELORS SHOULD BE LICENSED OR CERTIFIED PURSUANT TO THE LAW OF THE JURISDICTION TO TEACH IN PUBLIC SCHOOLS AND SHOULD HAVE EXPERIENCE IN TEACHING CHILDREN;

b. Associate Psychologist

PERSONS EMPLOYED AS ASSOCIATE PSYCHOLOGISTS SHOULD BE LICENSED OR CERTIFIED AS AN ASSOCIATE PSYCHOLOGIST UNDER THE LAW OF THE JURISDICTION;

c. Caseworker

PERSONS EMPLOYED AS CASEWORKERS SHOULD, IN EARNING A BACHELOR'S DEGREE, HAVE TAKEN COURSES IN SOCIAL WORK, PSYCHOLOGY OR THE BEHAVIORAL SCIENCES, AND SHOULD, IN ADDITION, HAVE HAD AT LEAST ONE YEAR OF FULL-TIME PAID EMPLOYMENT EXPERIENCE WORKING WITH ADOLESCENTS;

d. Child-Care Worker

PERSONS EMPLOYED AS CHILD CARE WORKERS SHOULD HAVE A HIGH SCHOOL DEGREE OR ITS EQUIVALENT AND AT LEAST ONE YEAR OF FULL-TIME PAID EXPERIENCE IN WORKING WITH ADOLESCENTS IN INSTITUTIONS OR IN THE COMMUNITY;

e. Dentist

PERSONS EMPLOYED AS DENTISTS SHOULD BE LICENSED TO PRACTICE DENTISTRY IN THE JURISDICTION;

f. Educational Diagnostician

PERSONS EMPLOYED AS EDUCATIONAL DIAGNOSTICIANS SHOULD HAVE EARNED A MASTER'S DEGREE IN SPECIAL EDUCATION AND HAVE TAKEN GRADUATE LEVEL COURSES ON FORMAL AND INFORMAL ASSESSMENT TECHNIQUES;

g. Medical Doctor

PERSONS EMPLOYED AS MEDICAL DOCTORS SHOULD BE PHYSICIANS LICENSED TO PRACTICE IN THE JURISDICTION;

h. Psychiatrist

PERSONS EMPLOYED AS PSYCHIATRISTS SHOULD BE PHYSICIANS LICENSED UNDER THE LAW OF THE JURISDICTION WHO HAVE SUCCESSFULLY COMPLETED THE REQUIREMENTS OF A FULL-TIME, SUPERVISED AND ACCREDITED PSYCHIATRIC RESIDENCY IN AN ACCREDITED PSYCHIATRIC PROGRAM, PLUS SIX MONTHS FULL-TIME WORK WITH CHILDREN OR ADOLESCENTS WHETHER DURING SUCH RESIDENCY OR DURING ANY TWO YEAR PERIOD THEREAFTER;

i. Psychologist

AN INDIVIDUAL WHO IS LICENSED OR CERTIFIED TO PRACTICE PSYCHOLOGY UNDER THE LAW OF THE JURISDICTION;

j. Vocational Counselor

PERSONS EMPLOYED AS VOCATIONAL COUNSELORS SHOULD BE LICENSED OR CERTIFIED PURSUANT TO THE LAW OF THE JURISDICTION TO TEACH IN PUBLIC SCHOOLS AND SHOULD HAVE EXPERIENCE IN TEACHING CHILDREN AND IN JOB DEVELOPMENT.

Source Morales v. Turman, 383 F. Supp. 53, 85-88 (1974); Relief Submitted in Morales v. Turman by plaintiff and counsel for amici, at 12-17.

4.213 Services

AT A MINIMUM, JUVENILES PLACED IN TRAINING SCHOOLS SHOULD HAVE ACCESS TO THE SERVICES DESCRIBED IN STANDARDS 4.214 - 4.218 WHEN LOCATION AND SECURITY PERMIT, ARRANGEMENTS SHOULD BE MADE FOR APPROPRIATE RESIDENTS TO RECEIVE THESE SERVICES IN THE COMMUNITY.

Sources See generally, Morales v. Turman, 383 F. Supp. 53 (E.D. Tex. 1974); Nelson v. Heyne, 355 F. Supp. 451 (N.D. Ind. 1972); Inmates v. Affleck, 346 F. Supp. 1354 (D.R.I. 1972); Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention, Standards 24.5-24.12 and 24.15-24.16 (July, 1976).

4.214 Development of Treatment Plan

4.2141 Assessment

AN ASSESSMENT SHOULD BE PERFORMED FOR EACH JUVENILE ENTERING A TRAINING SCHOOL BY AN ASSESSMENT TEAM COMPOSED OF A CHILD CARE WORKER, TEACHER, PSYCHIATRIST, PSYCHOLOGIST AND INSTITUTIONAL OMBUDSMAN OR OTHER PERSON WITHIN THE INSTITUTION SERVING IN THE CAPACITY OF JUVENILE ADVOCATE.

THE ASSESSMENT SHOULD INCLUDE: FAMILY HISTORY, DEVELOPMENTAL HISTORY, PHYSICAL EXAMINATIONS, PSYCHOLOGICAL TESTING, PSYCHIATRIC INTERVIEWS, COMMUNITY EVALUATION, LANGUAGE AND EDUCATION ANALYSES AND INFORMATION CONCERNING THE NATURE AND CIRCUMSTANCES OF THE CONDUCT ON WHICH THE ADJUDICATION IS BASED. IT SHOULD BE THE RESPONSIBILITY OF THE FAMILY COURT TO ENSURE THAT ANY OF THE ABOVE MATERIAL IN ITS POSSESSION IS FORWARDED TO THE TRAINING SCHOOL.

Sources See generally, Morales v. Turman, 383 F. Supp. 53, 88, 92-92 (E. D. Tex 1974); Relief Plan Submitted by plaintiff and counsel for amici in Morales v. Turman, at 12 et seq.; Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention, Standard 23.3 (July, 1976).

4.2142 Treatment Plan

WITHIN 10 DAYS OF THE JUVENILE'S ADMISSION, AN INSTITUTIONAL ASSESSMENT REPORT SHOULD BE COMPLETED. THIS REPORT SHOULD PROVIDE AN EVALUATION OF THE JUVENILE'S SPECIFIC PROBLEMS, DEFICIENCIES AND RESOURCES, AND CONTAIN AN INDIVIDUAL TREATMENT PLAN. THE TREATMENT PLAN SHOULD BECOME PART OF THE JUVENILE'S FILE AND A COPY SHOULD BE FORWARDED TO THE FAMILY COURT.

THE PLAN SHOULD BE REVIEWED MONTHLY BY APPROPRIATE STAFF INCLUDING MEMBERS OF THE ASSESSMENT TEAM AND OTHER MEMBERS OF THE TREATMENT STAFF WITH KNOWLEDGE OF THE JUVENILE'S PROGRESS UNDER THE PLAN. ANY CHANGE IN THE PLAN SHOULD BE NOTED IN THE JUVENILE'S FILE AND NOTIFICATION OF THE MODIFICATION FORWARDED TO THE PLACING FAMILY COURT.

Sources See generally, Morales v. Turman, 383 F. Supp. 53, 88, 92-93 (E.D. Tex 1974); Relief Plan Submitted by plaintiff and counsel for amici in Morales v. Turman, at 12 et seq.; Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention, Standard 23.3 (July, 1976).

4.215 Group Counseling and Treatment Services

TRAINING SCHOOLS SHOULD PROVIDE A BROAD RANGE OF COUNSELING AND GROUP TREATMENT TECHNIQUES SO THAT THE ASSESSMENT TEAM HAS MULTIPLE OPTIONS IN FITTING A JUVENILE'S NEEDS TO A PROGRAM OFFERING. THESE TREATMENT APPROACHES SHOULD INCLUDE INDIVIDUAL GROUP THERAPY, SUCH AS TRANSACTIONAL ANALYSIS AND GUIDED GROUP INTERACTION, MILIEU THERAPY, INDIVIDUAL OR GROUP COUNSELING, AND BEHAVIOR MODIFICATION WITH EMPHASIS UPON POSITIVE REINFORCEMENT AND STRICT LIMITS ON NEGATIVE REINFORCEMENT.

Source See generally, Morales v. Turman, 383 F. Supp. 53, 93 (E.D. Tex. 1974); Vera Institute of Justice, Violent Delinquents: A Report and Recommendation to the Ford Foundation, 196 et seq. (1976); Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention, Standard 24.11 (July, 1976).

4.2151 Group Therapy

GROUP THERAPY SHOULD BE CONDUCTED IN GROUPS NO LARGER THAN TEN (10) AND SHOULD MEET AT LEAST ONCE PER WEEK. SUCH THERAPY SHOULD BE CONDUCTED BY PSYCHIATRISTS, PSYCHOLOGISTS, INDIVIDUALS WITH MASTERS DEGREES IN SOCIAL WORK, OR TRAINED GROUP LEADERS WORKING UNDER THEIR DIRECT SUPERVISION.

Source See generally, Relief Plans in Morales v. Turman, 383 F. Supp. 53 (E.D. Tex 1974), submitted by plaintiff and counsel for amici, at 59, et seq., and submitted by the Department of Justice, at 47, et seq.

4.2152 Semi-Autonomous Treatment Model

WHERE ADMINISTRATIVELY FEASIBLE, EACH LIVING UNIT WITHIN A TRAINING SCHOOL SHOULD EMPHASIZE A PARTICULAR TREATMENT MODALITY AND THE STAFF WITHIN EACH LIVING UNIT SHOULD RECEIVE IN-SERVICE TRAINING TO ENHANCE THEIR SKILLS WITHIN THE AREA OF EMPHASIS. THE TYPES AND QUALITY OF SERVICES WITHIN THE VARIOUS UNITS SHOULD BE PERIODICALLY REVIEWED. THESE REVIEWS SHOULD BE MADE AVAILABLE TO THE MEMBERS OF THE ASSESSMENT TEAMS.

Sources See generally, Milton Luger, Tomorrow's Training Schools, Crime and Delinquency, 548 (October, 1973); Morales v. Turman, 383 F. Supp. 53, 120 (E.D. Tex.1974).

4.216 Educational Services

TRAINING SCHOOL EDUCATION PROGRAMS SHOULD PROVIDE FOR THE DIVERSE EDUCATIONAL NEEDS OF THE JUVENILES PLACED THEREIN, AND SHOULD INCLUDE ACADEMIC, VOCATIONAL AND SPECIAL EDUCATION COMPONENTS.

Sources See generally, Morales v. Turman, 383 F. Supp. 53 (E.D. Tex. 1974); Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention, Standards 24.5 and 24.7-24.9 (July, 1976).

4.2161 Academic Education

A CURRICULUM SUBSTANTIALLY EQUIVALENT TO THAT REQUIRED UNDER THE LAW OF THE JURISDICTION FOR PUBLIC SCHOOL STUDENTS SHOULD BE AVAILABLE TO ALL JUVENILES PLACED IN A TRAINING SCHOOL. THE ACADEMIC PROGRAM SHOULD MEET ALL REQUIREMENTS NECESSARY FOR THE TRANSFER OF EARNED CREDITS TO PUBLIC SCHOOLS WITHIN THE STATE AND SHOULD BE QUALIFIED TO AWARD ACADEMIC DIPLOMAS TO JUVENILES WHO MEET THE REQUIREMENTS FOR THE AWARD OF SUCH DIPLOMAS DURING THEIR PLACEMENT.

Source Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention, Standard 24.5 (July, 1976).

4.2162 Vocational Education

ALL JUVENILES SHOULD RECEIVE CAREER COUNSELING TO PROVIDE THEM WITH KNOWLEDGE OF A WIDE-RANGE OF CAREER OPTIONS AND WITH SUFFICIENT INFORMATION TO CHOOSE BETWEEN VOCATIONAL AND ACADEMIC AREAS OF EMPHASIS.

A VOCATIONAL EDUCATION CURRICULUM SHOULD BE AVAILABLE TO JUVENILES AGE 14 AND OVER WHO CHOOSE TO PARTICIPATE. PARTICIPATING JUVENILES SHOULD RECEIVE AT LEAST THREE HOURS OF VOCATIONAL INSTRUCTION PER WEEK IN ADDITION TO ACADEMIC STUDIES, AND THOSE WHO AT AGE 15.5 DECIDE TO UNDERTAKE VOCATIONAL EDUCATION AS THEIR MAJOR AREA OF EMPHASIS SHOULD RECEIVE AT LEAST 15 HOURS OF VOCATIONAL INSTRUCTION PER WEEK. AN EMPLOYABILITY PLAN, BASED ON EXTENSIVE COUNSELING REGARDING CAREER OPTIONS, SHOULD BE DEVELOPED FOR EACH JUVENILE PARTICIPATING IN A VOCATIONAL EDUCATION PROGRAM.

ON-THE-JOB TRAINING THROUGH WORK RELEASE PROGRAMS AS WELL AS JOB PLACEMENT SERVICES SHOULD BE PROVIDED FOR ALL JUVENILES PARTICIPATING IN THEIR VOCATIONAL EDUCATION PROGRAM.

LIMITS SHOULD BE ESTABLISHED FOR "WORK EXPERIENCE" TRAINING CONSISTING OF INSTITUTION-MAINTENANCE ACTIVITIES. IN NO CASE SHOULD THOSE ACTIVITIES CONSTITUTE THE PRIMARY FOCUS OF A VOCATIONAL EDUCATION PROGRAM.

Source Morales v. Turman 383 F. Supp. 53, 91 et seq. (E.D. Tex 1974); Relief Plan in Morales v. Turman submitted by plaintiff and counsel for amici, at 43, et seq.

4.2163 Special Education

SPECIAL EDUCATION PROGRAMS SHOULD BE AVAILABLE TO MEET THE NEEDS OF JUVENILES WHO ARE EDUCATIONALLY DISADVANTAGED. JUVENILES WHO SHOULD BE PROVIDED WITH SPECIAL EDUCATION INCLUDE, BUT ARE NOT LIMITED TO, THOSE WHO:

- a. EXHIBIT SIGNIFICANTLY SUB-AVERAGE GENERAL INTELLECTUAL FUNCTIONING CONCURRENTLY WITH DEFICIENT ADAPTIVE BEHAVIOR;
- b. EXHIBIT AN INABILITY TO READ UNDERSTANDABLY DUE TO BRAIN LESIONS;
- c. EXHIBIT AN IMPAIRMENT IN THEIR ABILITY TO LEARN BECAUSE OF ORGANIC BRAIN DAMAGE;
- d. EXHIBIT GENERAL LEARNING OR LANGUAGE DISABILITIES; AND,
- e. EXHIBIT EMOTIONAL DISTURBANCES WHICH INHIBIT THEIR ABILITY TO LEARN.

IN UTILIZING INTELLIGENCE QUOTIENT AND ACHIEVEMENT TESTS TO DETERMINE WHETHER A JUVENILE REQUIRES SPECIAL EDUCATION, PRIMARY RELIANCE SHOULD BE PLACED ON THOSE TESTS WHICH ARE APPROPRIATE FOR THE JUVENILE'S ETHNIC AND CULTURAL BACKGROUND.

Sources Morales v. Turman, 383 F. Supp. 53, 89-90 (E. D. Tex. 1974); Relief Plan submitted in Morales v. Turman, by the Department of Justice amicus curiae, at 50-51; see generally, Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention, Standard 24.7 (July, 1976).

4.217 Health and Mental Health Services

TRAINING SCHOOLS SHOULD PROVIDE PROGRAMS DESIGNED TO PROTECT AND PROMOTE THE PHYSICAL AND MENTAL WELL-BEING OF JUVENILES PLACED THEREIN, TO DISCOVER THOSE IN NEED OF SHORT-TERM AND LONG-TERM MEDICAL AND DENTAL TREATMENT, AND TO CONTRIBUTE TO THEIR REHABILITATION BY APPROPRIATE DIAGNOSIS AND TREATMENT.

TRAINING SCHOOLS SHOULD UNDERTAKE TREATMENT OF HEALTH PROBLEMS WITHOUT COST TO THE JUVENILE OR HIS FAMILY INCLUDING MEDICAL CARE AND CORRECTION OF HEALTH DEFECTS OF A COSMETIC NATURE. PROCEDURES SHOULD BE ESTABLISHED FOR ASSURING THE CONTINUATION AND COMPLETION OF TREATMENT BEGUN IN A FACILITY WHENEVER A JUVENILE REMAINS SUBJECT TO THE DISPOSITION OF THE FAMILY COURT FOLLOWING RELEASE FROM THE TRAINING SCHOOL.

HEALTH SERVICES AVAILABLE TO JUVENILES PLACED IN A TRAINING SCHOOL SHOULD BE OF EQUAL QUALITY TO THAT AVAILABLE IN THE COMMUNITY.

Source American Academy of Pediatrics, Health Standards for Juvenile Court Residential Facilities, 52 Pediatrics, no. 3 (September, 1973).

4.2171 Initial Health Examination and Assessment

EACH JUVENILE, AS PART OF THE ADMITTANCE PROCEDURE SHOULD BE EXAMINED FOR APPARENT INJURIES, AND FOR FEVER OR OTHER SIGNS OF ILLNESS. THE EXAMINING OFFICER SHOULD ALSO NOTE THE JUVENILE'S LEVEL OF CONSCIOUSNESS AND LEVEL OF GROSS MOTOR FUNCTION. WRITTEN STANDING ORDERS SHOULD DEFINE THE CONDITIONS WHICH REQUIRE PROMPT MEDICAL OR NURSING ATTENTION.

ALL JUVENILES PLACED IN A TRAINING SCHOOL SHOULD UNDERGO A HEALTH ASSESSMENT AT THE FIRST POSSIBLE OPPORTUNITY AFTER ADMISSION. EXCEPTIONS SHOULD ONLY BE MADE FOR JUVENILES WITH A WRITTEN RECORD OF A THOROUGH HEALTH ASSESSMENT WHICH IS SUFFICIENTLY CURRENT SO THAT NO SUBSTANTIAL CHANGE CAN BE REASONABLY EXPECTED. HEALTH ASSESSMENTS SHOULD INCLUDE A PHYSICAL EXAMINATION WITHIN 24 HOURS OF ADMISSION, THE TAKING OF A MEDICAL HISTORY, THE TAKING OF A MENTAL HEALTH HISTORY IF NECESSARY, SCREENING FOR VISION AND HEARING DEFECTS, IMMUNIZATION STATUS, AND A DENTAL EXAMINATION. HEALTH CONDITIONS WHICH MIGHT AFFECT BEHAVIOR, SUCH AS EPILEPSY OR DIABETES, SHOULD BE REPORTED TO THE APPROPRIATE ASSESSMENT TEAM IN A MANNER COMPATIBLE WITH MEDICAL ETHICS AND THE RIGHTS OF THE PATIENT.

Source American Academy of Pediatrics, Health Standards for Juvenile Court Residential Facilities, 52 Pediatrics no. 3 (September, 1973).

4.2172 Responsibility Toward Patients

APPROPRIATE PERMISSION SHOULD BE OBTAINED FOR THE PERFORMANCE OF SIGNIFICANT MEDICAL AND DENTAL PROCEDURES. PERMISSION FOR SUCH PROCEDURES SHOULD BE OBTAINED FROM A JUVENILE'S PARENTS, OR GUARDIAN UNLESS THE JUVENILE HAS A LEGAL RIGHT TO RECEIVE THE MEDICAL OR DENTAL SERVICE WITHOUT THAT CONSENT.

ALL MEDICAL AND DENTAL CARE SHOULD BE RENDERED WITH CONSIDERATION FOR THE JUVENILE'S DIGNITY AND FEELINGS. MEDICAL PROCEDURES SHOULD BE PERFORMED IN PRIVACY WHENEVER POSSIBLE, AND IN A MANNER DESIGNED TO ENCOURAGE THE JUVENILE'S SUBSEQUENT UTILIZATION OF APPROPRIATE MEDICAL, DENTAL AND OTHER HEALTH SERVICES.

Sources See generally, American Academy of Pediatrics, Health Standards for Juvenile Court Residential Facilities, 52 Pediatrics no. 3 (September, 1973); Barry Feld and Robert Levy, Proposed Standards Relating to Rights of Minors, Standards 5.1-5.9 (IJA/ABA, Draft, January, 1967).

4.2173 Diet

TRAINING SCHOOLS SHOULD PROVIDE AN ADEQUATE, VARIED DIET AND WELL-PREPARED AND WELL-SERVED MEALS SUPERVISED BY A LICENSED DIETICIAN WHO SHOULD RECEIVE SPECIAL TRAINING PERTAINING TO ALLERGIC REACTION, HYPERACTIVITY AND OTHER MENTAL, EMOTIONAL AND PHYSICAL REACTIONS OF SUSCEPTIBLE YOUTHS TO PARTICULAR FOOD SUBSTANCES.

WEEKLY MENUS SHOULD BE PREPARED AND COPIES SHOULD BE POSTED AND MAINTAINED CENTRALLY WITHIN THE FACILITY. ALL DEVIATIONS FROM THE WEEKLY MENU SHOULD BE RECORDED.

TO THE EXTENT POSSIBLE, FOOD ORDERING AND PREPARATION SHOULD TAKE INTO CONSIDERATION ETHNIC TASTES AND FOOD PREFERENCES OF THE JUVENILES.

Sources Ford Foundation, Health and Nutrition As Possible Factors in Juvenile Antisocial Behavior (1976); C. Keith Connors et al., Food Additives and Hyperkinesis: A Controlled Double-blind Experiment, (National Institute of Education); Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention, Standard 24.16 (July, 1976); Morales v. Turman, 383 F. Supp. 53, 97 (E.D. Tex. 1974).

4.2174 Mental Health Services

PSYCHIATRIC SERVICES IN TRAINING SCHOOLS SHOULD CONCENTRATE ON DIAGNOSIS, AND TRAINING OF STAFF WHO HAVE DAILY CONTACT WITH JUVENILES. DIAGNOSIS SHOULD BE UTILIZED TO DETERMINE WHETHER THE JUVENILE IS APPROPRIATE FOR THE TRAINING SCHOOL PROGRAM AND TO ASSESS THE JUVENILE'S TREATMENT NEEDS. STAFF TRAINING AND CONSULTATION SHOULD BE UTILIZED PRIMARILY TO ASSIST CHILD CARE WORKERS AND OTHER STAFF WITH DIRECT TREATMENT RESPONSIBILITIES IN HELPING THEIR CHARGES THROUGH GROUP AND INDIVIDUAL APPROACHES. BY CHANGING EMPHASIS FROM DIRECT TREATMENT TO INDIRECT SERVICE MORE JUVENILES SHOULD BENEFIT AND SERVICE SHOULD BE OFFERED WITHOUT THE STIGMATIZATION DIRECT PSYCHIATRIC TREATMENT INVOLVES.

WHEN THERAPEUTIC MENTAL HEALTH SERVICES ARE PROVIDED, THE JUVENILE'S FAMILY SHOULD BE INVOLVED INSOFAR AS IS POSSIBLE AND CONSISTENT WITH THE NEEDS OF THE JUVENILE. INDIVIDUAL THERAPY SHOULD ONLY BE PROVIDED IF APPROVED BY THE ASSESSMENT TEAM AND INCLUDED IN THE JUVENILE'S TREATMENT PLAN. INDIVIDUAL THERAPY SHOULD ONLY BE CONDUCTED BY PSYCHIATRISTS, PSYCHOLOGISTS WHO HAVE A DOCTORAL OR MASTERS DEGREE IN PSYCHOLOGY, OR INDIVIDUALS WITH MASTERS DEGREES IN SOCIAL WORK AND COUNSELING.

ALL JUVENILES PLACED IN TRAINING SCHOOLS SHOULD BE INFORMED UPON ENTRY THAT THEY MAY REQUEST OF ANY TRAINING SCHOOL EMPLOYEE A PERSONAL CONSULTATION WITH EITHER A PSYCHIATRIST OR PSYCHOLOGIST. CONSULTATION WITH EITHER A PSYCHIATRIST OR PSYCHOLOGIST, SELECTED BY THE TRAINING SCHOOL, SHOULD BE PROVIDED AS QUICKLY AS POSSIBLE.

Source Steven Rachlin, MD, Adolescent Psychology in Foster Care Residence: Future Directions, 39 Mount Sinai Journal of Medicine, no. 6 (1972); Morales v. Turman, 383 F. Supp. 53, 102 et seq. (E.D. Tex. 1974); Relief plan in Morales v. Turman submitted by the Department of Justice, 47, 48, and 49.

4.218 Recreational Services

TRAINING SCHOOLS SHOULD PROVIDE OPPORTUNITIES FOR EXERCISE AND CONSTRUCTIVE AND ENTERTAINING LEISURE TIME ACTIVITY. THE OPPORTUNITIES SHOULD BE IN ADDITION TO THE PHYSICAL EDUCATION REQUIREMENTS THAT MAY EXISTS UNDER THE EDUCATION LAWS OF THE JURISDICTION. ACTIVITIES SHOULD BE BALANCED BETWEEN INDIVIDUAL TYPE AND TEAM TYPE ACTIVITIES OF BOTH INDOOR AND OUTDOOR VARIETIES. AT LEAST TWO HOURS OF RECREATION SHOULD BE PROVIDED ON SCHOOL DAYS AND THREE HOURS ON NON-SCHOOL DAYS, NOT INCLUDING UNSUPERVISED PERIODS SPENT PRIMARILY IN SUCH ACTIVITIES AS WATCHING TELEVISION.

Sources Task Force to Develop Standards and Goals for Juvenile Justice, Standard 24.12 (July, 1976); Martarella v. Kelly, 349 F. Supp. 575 (S.D.N.Y. 1972); Morales v. Turman, 383 Fed. Supp. 53, 97 et seq. (E. D. Tex. 1974).

4.219 High Security Juvenile Units

A HIGH SECURITY JUVENILE UNIT IS A SPECIALIZED COTTAGE, WING OR STRUCTURE USED TO HOUSE JUVENILES, ADJUDICATED PURSUANT TO THE JURISDICTION OF THE FAMILY COURT OVER DELINQUENCY, WHO CANNOT BE CONTROLLED WITHIN A REGULAR TRAINING SCHOOL LIVING UNIT. JUVENILES MAY BE TRANSFERRED TO THE SECURE UNIT AT THE TIME OF ADMISSION, OR SUBSEQUENTLY, WHEN IT IS DETERMINED, PURSUANT TO THE PROCEDURES SET FORTH IN STANDARD 4.71, THAT THE JUVENILE POSES A SUBSTANTIAL THREAT TO SAFETY. HIGH SECURITY UNITS SHOULD NOT BE USED AS ORIENTATION, RECEPTION, OR DIAGNOSTIC CENTERS.

THE DESIGN AND LOCATION OF, AND THE PROCEDURES UTILIZED IN A HIGH SECURITY UNIT SHOULD BALANCE THE NEED TO PROVIDE SECURITY FOR THE COMMUNITY, STAFF, AND JUVENILES PLACED THEREIN, AND THE NEED TO PROVIDE A REASONABLE QUALITY OF LIFE INCLUDING THE SERVICES DESCRIBED IN STANDARDS 4.114 THROUGH 4.118 AND STANDARD 4.2193.

Source None of the Standards or model legislation reviewed addressed this issue directly. See generally, Allen Greenberg, Proposed Architectural Standards for Group Homes and Secure Detention and Corrections Facilities, Standard 6.1 (IJA/ABA, Draft, April, 1976).

4.2191 Population and Size

A HIGH SECURITY UNIT SHOULD SERVE NO MORE THAN 20 JUVENILES IN A STRUCTURE. NO LIVING UNIT WITHIN THE STRUCTURE SHOULD EXCEED 10 AND THE UTILIZATION OF CO-EDUCATIONAL SECURE PROGRAMS SHOULD BE ENCOURAGED IN ORDER TO FOSTER NORMALIZATION.

Sources See generally, Allen Greenberg, Proposed Architectural Standards for Group Homes and Secure Detention and Corrections Facilities, Standards 3.1 and 6.3 (IJA/ABA, Draft, April, 1976); Fred Cohen and Andrew Rutherford, Proposed Standards Relating to Correctional Administration, Standards 4.9(b) (vi) and 7.5 (IJA/ABA, Draft, May, 1976).

4.2192 Staff

THE STAFFING PATTERN AND QUALIFICATIONS OF THE TREATMENT STAFF FOR SECURE UNITS SHOULD BE SIMILAR TO THAT SET FOR TRAINING SCHOOLS IN STANDARDS 4.2121 AND 4.2122 EXCEPT THAT SUPERVISION AND TREATMENT STAFF OF A HIGH SECURITY UNIT SHOULD BE PROPORTIONALLY LARGER. AT A MINIMUM, EACH LIVING UNIT OF 10 JUVENILES SHOULD INCLUDE:

- a. THREE CHILD CARE WORKERS ON DUTY DURING WAKING HOURS AND TWO CHILD CARE WORKERS ON DUTY DURING NORMAL SLEEPING PERIODS;
- b. ONE CHILD CARE SUPERVISOR;
- c. ONE CASEWORKER; AND
- d. ONE RECREATION WORKER.

STAFF FOR A 20 BED SECURE STRUCTURE SHOULD ALSO INCLUDE: AT LEAST ONE FULL-TIME PSYCHOLOGIST; 40 HOURS OF PSYCHIATRIC SERVICES PER WEEK, AND ONE TEACHER FOR EVERY 10 RESIDENTS. STRUCTURES WITH LESS THAN TWO LIVING UNITS SHOULD A JUST STAFF PROPORTIONALLY SO AS TO MAINTAIN, TO THE EXTENT POSSIBLE, THE SERVICES AND RATIOS SET FORTH ABOVE.

Source See generally, Aggressive/Violent and Disturbed Adolescent Demonstration Project submitted by New York State Division for Youth to N.Y.S. Division of Criminal Justice Services on Dec. 3, 1974 (Proposal #1867, Grant C84747).

4.2193 Services

THE RANGE OF SERVICES PROVIDED IN HIGH SECURITY UNIT, SHOULD BE COMPARABLE WITH THAT OF REGULAR TRAINING SCHOOL LIVING UNITS, WITH ADDITIONAL RESOURCES TO PERMIT SMALLER CLASS SIZE, INCREASED RECREATIONAL OPPORTUNITIES, AND PSYCHIATRIC SCREENINGS TO DETERMINE WHETHER A JUVENILE SHOULD BE CONSIDERED FOR TRANSFER TO A MENTAL HEALTH PROGRAM IN ACCORDANCE WITH THE LAW.

Source See generally, Aggressive/Violent and Disturbed Adolescent Demonstration Project submitted by New York State Division for Youth to N.Y.S. Division of Criminal Justice Services on Dec. 3, 1974 (Proposal #1867, Grant C84747).

4.2194 Security

THE PRIMARY SECURITY STRATEGY SHOULD BE A HIGH YOUTH/STAFF RATIO WITH EMPHASIS UPON POSITIVE YOUTH/STAFF RELATIONSHIPS. SECURITY SHOULD BE FLEXIBLE IN ORDER TO ALLOW INCREASED AND DECREASED SECURITY ACCORDING TO THE RISKS AT A GIVEN TIME. INTERIOR SECURITY HARDWARE SHOULD BE AS UNOBTRUSIVE AS POSSIBLE TO MAXIMIZE NORMALIZATION IN LIVING AREAS. HIGH SECURE UNITS MAY BE SELF-CONTAINED AND PERIMETER SECURITY MAY BE USED IN ORDER TO ENCOURAGE GREATER FREEDOM OF MOVEMENT WITHIN THE UNIT. ISOLATION ROOMS, IF REQUIRED, SHOULD BE LOCATED AWAY FROM THE BEDROOM SECTION OF THE FACILITY, SHOULD BE IN AREAS OF MAXIMUM STAFF ACTIVITY, AND SHOULD CONTAIN A MINIMUM PRESCRIBED LEVEL OF ENVIRONMENT AMENITIES.

Source See generally, Allen Greenberg, Proposed Standards Relating to Architecture for Group Homes and Secure Detention and Corrections Facilities, Standards 3.4, 6.1, and 6.10 and Commentary thereto (IJA/ABA, Draft, April, 1976).

4.22 Camps and Ranches

CAMPS AND RANCHES ARE RURALLY LOCATED, NON-SECURE FACILITIES USED TO HOUSE JUVENILES ADJUDICATED PURSUANT TO THE JURISDICTION OF THE FAMILY COURT OVER DELINQUENCY, WHICH HAVE A PROGRAMMATIC EMPHASIS ON OUTSIDE ACTIVITY SUCH AS CONSERVATION, AGRICULTURE OR COMMUNITY SERVICE PROJECTS.

Source See generally, California Youth Authority Standards for Juvenile Homes, Ranches and Camps, (1972); New York State Division for Youth, New Paths for Youth, (1974).

4.221 Size

A CAMP OR RANCH SHOULD HOUSE NO MORE THAN 20 JUVENILES.

Source See generally, Discussion of facility size in the commentary to Standard 4.2112.

4.222 Staff

CAMPS AND RANCHES SHOULD HAVE THE STAFF NECESSARY TO PROVIDE FOR THE CARE, TREATMENT AND SUPERVISION OF THE JUVENILES PLACED THEREIN. APPROPRIATE WORK SUPERVISION SHOULD BE PROVIDED BY THE COOPERATING CONSERVATION, AGRICULTURE OR COMMUNITY SERVICE AGENCY.

AT A MINIMUM, CAMPS AND RANCHES SHOULD HAVE ONE CASEWORKER PER 20 JUVENILES, AND ONE TEACHER PER 10 JUVENILES WHO ATTEND SCHOOL AT THE CAMP RATHER THAN THE LOCAL PUBLIC SCHOOLS. IN ADDITION, THERE SHOULD BE AT LEAST TWO CHILD CARE WORKERS ON DUTY AT ALL TIMES. OTHER PROFESSIONALS SHOULD BE EMPLOYED ON A FULL-TIME, PART-TIME OR CONSULTATIVE BASIS AS MAY BE NECESSARY TO MEET THE NEEDS OF INDIVIDUAL RESIDENTS.

THE MINIMUM QUALIFICATIONS FOR THESE POSITIONS SHOULD BE THE SAME AS THOSE SET FORTH IN STANDARD 4.2122, EXCEPT THAT ALL CHILD CARE WORKERS SHOULD HAVE CURRENT ADVANCED FIRST AID TRAINING IN ADDITION TO THE EDUCATIONAL AND EMPLOYMENT EXPERIENCE DESCRIBED IN STANDARD 4.2122(d).

Sources See generally, California Youth Authority, Standards for Juvenile Homes, Ranches, and Camps, (1972); Morales v. Turman, 383 F. Supp. 53, 85-88 (E.D. Tex. 1974); Relief plan submitted in Morales v. Turman by plaintiff and counsel for amici, at 12-17.

4.223 Services

CAMPS AND RANCHES SHOULD OFFER A BROAD RANGE OF SERVICES INCLUDING BUT NOT LIMITED TO THE SPECIFIC SERVICE AREAS DESCRIBED BELOW.

A TREATMENT PLAN SHOULD BE PREPARED JOINTLY BY EACH JUVENILE AND HIS/HER ASSESSMENT TEAM. EACH ASSESSMENT TEAM SHOULD BE COMPOSED OF A CHILD CARE WORKER, A CASE WORKER AND A TEACHER. THE PLAN SHOULD PROVIDE FOR A STRUCTURED SCHEDULE OF ACTIVITIES, COUNSELING AND EDUCATION, BUT SHOULD NOT INVOLVE INTENSIVE PSYCHO-THERAPY, SINCE JUVENILES WITH DEEP-SEATED EMOTIONAL OR PSYCHOLOGICAL PROBLEMS SHOULD BE TREATED AT FACILITIES CLOSER TO COMMUNITY HEALTH RESOURCES.

THE PRIMARY EMPHASIS OF THE TREATMENT STRATEGY OF A CAMP OR RANCH SHOULD BE ON A WORK-ORIENTED PROGRAM. HOWEVER, REMEDIATION RESOURCES SHOULD BE AVAILABLE TO JUVENILES REQUIRING SPECIAL ACADEMIC ATTENTION AS AN ADJUNCT TO THEIR VOCATIONAL TRAINING EXPERIENCE.

CAMPS AND RANCHES SHOULD HAVE CONTRACTUAL RELATIONSHIPS WITH LOCAL PHYSICIANS AND HOSPITALS FOR THE DELIVERY OF MEDICAL AND DENTAL NEEDS WHICH CANNOT BE FULFILLED BY THE STAFF. THESE ARRANGEMENTS SHOULD INCLUDE SCREENING AND ASSESSMENT OF INCOMING JUVENILES, 24-HOUR EMERGENCY CARE PROCEDURES AND ROUTINE MEDICAL CARE PROCEDURES. EACH CAMP OR RANCH SHOULD HAVE A WRITTEN MEDICAL CARE PLAN DETAILING BY NAME AND TELEPHONE NUMBER THE PERSON OR INSTITUTION TO BE CONTACTED FOR EACH CATEGORY OF MEDICAL CARE.

Source California Youth Authority, Standards for Juvenile Homes, Ranches, and Camps, (1972).

4.23 Group Homes

A GROUP HOME IS AN OPEN COMMUNITY-BASED RESIDENTIAL FACILITY WHICH PROVIDES CARE FOR JUVENILES WHO CAN REASONABLY BE EXPECTED TO SUCCEED IN A NON-RESTRICTIVE ENVIRONMENT, IN WHICH A SUBSTANTIAL PART OF THEIR TIME WILL ORDINARILY BE SPENT IN THE SURROUNDING COMMUNITY ATTENDING SCHOOL OR WORKING, PURSUING LEISURE TIME ACTIVITIES AND PARTICIPATING IN COMMUNITY SERVICE PROGRAMS RECOMMENDED BY THE FAMILY COURT OR THE TREATMENT STAFF.

GROUP HOMES SHOULD ORDINARILY BE RENOVATED COMMUNITY RESIDENTIAL STRUCTURES. WHEN NEW CONSTRUCTION IS UNDERTAKEN, THE ARCHITECTURE SHOULD BE COMPATIBLE WITH THE SURROUNDING RESIDENTIAL STRUCTURES.

Sources John McCartt and Thomas Mangogna, Guidelines and Standards for Halfway Houses and Community Treatment Programs, § VI(B)(1) and (5) (1973); Allan Greenberg, Proposed Standards Relating to Architecture for Group Homes and Secure Detention and Correction Facilities, Standards 5.1, 5.8 and 5.9 (IJA/ABA, Draft, May, 1976).

4.231 Size

NO MORE THAN 12 JUVENILES SHOULD BE PLACED IN A GROUP HOME.

Source See generally, Allan Greenberg, Proposed Standards Relating to Architecture for Group Homes and Secure Detention and Corrections Facilities, Standards 5.2(IJA/ABA, Draft, May, 1976).

4.232 Staff

STAFFING SHOULD DEPEND UPON THE SIZE OF THE HOME AND, AS THIS MAY VARY, CONSIDERABLE FLEXIBILITY IS REQUIRED. AT A MINIMUM, THERE SHOULD BE ONE ADULT ON DUTY AT ALL TIMES. IN ADDITION, THERE SHOULD BE ONE CASE WORKER FOR EVERY 12 CHILDREN WITH THE QUALIFICATIONS DESCRIBED IN STANDARD 4.2122. WHERE THERE ARE CLUSTERS OF GROUP HOMES WITH POPULATIONS UNDER 12, ARRANGEMENTS SHOULD BE MADE FOR THE CASE WORKER TO SHARE HIS OR HER TIME AMONG THE HOMES ACCORDING TO THE ABOVE RATIO.

WHERE HOUSE PARENTS ARE UTILIZED, APPROPRIATE RELIEF SHOULD BE PROVIDED TO INCLUDE: WEEKEND RELIEF, VACATION TIME, SICK TIME AND SOME FREE TIME.

Source See generally, John McCartt and Thomas Mangogna, Guidelines and Standards for Halfway Houses and Community Treatment Centers, 47, 151-156 (1973).

4.233 Services

EACH GROUP HOME SHOULD, WHENEVER POSSIBLE, FOLLOW A SINGLE METHOD OF TREATMENT.

IN-HOUSE SERVICES AT ALL GROUP HOMES SHOULD INCLUDE: SHELTER, FOOD, RECREATION, TEMPORARY FINANCIAL ASSISTANCE, AND INDIVIDUAL AND/OR GROUP COUNSELING. JUVENILES PLACED IN GROUP HOMES SHOULD HAVE ACCESS, AS THEIR PARTICULAR NEEDS REQUIRE, TO SERVICES IN THE COMMUNITY WHICH ARE NOT PROVIDED IN-HOUSE. AMONG THE COMMUNITY SERVICES WHICH SHOULD BE AVAILABLE TO SUCH JUVENILES ARE: MEDICAL, PSYCHIATRIC, AND DENTAL CARE; PSYCHOLOGICAL EVALUATION, COUNSELING, AND THERAPY; VOCATIONAL TRAINING; VOCATIONAL AND/OR EMPLOYMENT COUNSELING AND EVALUATION; EMPLOYMENT PLACEMENT; AND ACADEMIC UPGRADING.

BEFORE OR UPON ADMISSION TO A GROUP HOME, A JUVENILE AND, WHENEVER POSSIBLE, HIS OR HER FAMILY SHOULD ASSIST IN THE PREPARATION OF AN ASSESSMENT OF NEEDS AND THE DEVELOPMENT OF A PLAN ESTABLISHING THE GOALS TO BE ACHIEVED DURING THE JUVENILE'S STAY. IN HELPING THE JUVENILE TO ACCOMPLISH THESE GOALS, THE GROUP HOME'S ROLE SHOULD BE SIMILAR TO THAT OF A PROPERLY FUNCTIONING NATURAL HOME, INCLUDING THE PROVISION OF NECESSITIES; ASSISTING JUVENILES TO OVERCOME DIFFICULTIES IN A BROAD RANGE OF AREAS; AND SERVING AS A PLACE TO WHICH JUVENILES CAN TURN IN TIME OF NEED.

A SINGLE CASE RECORD FOR EACH JUVENILE ADMITTED TO A GROUP HOME SHOULD BE MAINTAINED.

Source See generally, John McCartt and Thomas Mangogna, Guidelines and Standards for Halfway Houses and Community Treatment Centers, 83, 85 and 87 (1973).

4.234 Central Services

THE PUBLIC OR PRIVATE AGENCY OPERATING A GROUP HOME SHOULD OVERSEE THE HOME'S OPERATIONS, PERIODICALLY ASSESS THE IMPACT AND EFFECTIVENESS OF ITS PROGRAM, AND PROVIDE NECESSARY SUPPORT. ACTUAL SERVICE DELIVERY SHOULD BE THE RESPONSIBILITY OF THE GROUP HOME STAFF.

Sources None of the standards reviewed address all the issues discussed. On the periodic evaluation of group home services, see generally, John McCartt and Thomas Mangogna, Guidelines and Standards for Halfway Houses and Community Treatment Centers, 89 (1973).

4.24 Community Correctional Facility

A COMMUNITY CORRECTIONAL FACILITY SHOULD BE USED AS A GENERIC TERM DESCRIBING ANY CATEGORY OF FACILITIES SERVING JUVENILES ACCUSED OR ADJUDICATED OF COMMITTING DELINQUENT ACTS, THAT ARE LOCATED IN THE COMMUNITY FROM WHICH THEY DRAW THEIR RESIDENTS. THE DEVELOPMENT OF COMMUNITY CORRECTIONAL FACILITIES SHOULD BE PREFERRED TO THE CONSTRUCTION OF NON-COMMUNITY BASED CORRECTIONAL FACILITIES.

Sources See generally, Fred Cohen and Andrew Rutherford, Proposed Standards Relating to Correctional Administration, Standard 7.3 (IJA/ABA Draft, May, 1976); Milton Luger and Malcolm Goddard, State Services for Children and Youth, in Counsel of State Governments, Book of the States: 1972-1973, 393, 394 (1972).

4.25 Foster Homes

FOSTER HOMES ARE SUBSTITUTE FAMILY SETTINGS IN WHICH FOSTER PARENTS CARE FOR JUVENILES WHO CAN ADAPT TO AN OPEN, NON-SECURE, HOME ENVIRONMENT. NO MORE THAN SIX (6) JUVENILES, SHOULD BE PLACED IN A FOSTER HOME. FOSTER HOMES SHOULD BE USED FOR PLACEMENT BY THE FAMILY COURT FOLLOWING THE FILING OF A COMPLAINT, FOLLOWING ADJUDICATION, OR UPON RELEASE FROM A CAMP, GROUP HOME, OR DETENTION FACILITY WHERE THERE IS NO ADEQUATE HOME PLAN. IF FOSTER CARE SERVICES ARE REQUIRED, A JUVENILE SHOULD ORDINARILY BE PLACED IN HIS OR HER HOME COMMUNITY UNLESS FAMILY OR COMMUNITY RELATIONS ARE SUCH THAT AN OUT-OF-COMMUNITY FOSTER HOME PLACEMENT IS NEEDED.

FOSTER HOMES SHOULD NOT BE DRAWN FROM ANY PARTICULAR STRATA OF SOCIETY. HOWEVER, PHYSICAL STANDARDS FOR THE FOSTER HOME SHOULD BE SET ACCORDING TO THE STANDARDS OF THE COMMUNITY IN WHICH THE HOME IS LOCATED, PROVIDED THAT IN ALL CASES, THE REQUIREMENTS OF MUNICIPAL AND STATE FIRE AND SAFETY CODES ARE MET.

Sources See generally Andrew Rutherford and Fred Cohen, Proposed Standards Relating to Correctional Administration, Standard 7.10 (IJA/ABA, Draft, April, 1976). American Public Welfare Association, Standards for Foster Family Service Systems, Guideline XVI(B)(3)(1975).

4.251 Staff

PERSONS PROVIDING FOSTER CARE SHOULD BE SELECTED FOR THEIR PARENTING ABILITIES AND PROVIDED WITH SPECIALIZED TRAINING TO ASSIST THEM IN MEETING THE NEEDS OF THE JUVENILES PLACED IN THE HOME BY THE FAMILY COURT. FOSTER HOMES SHOULD BE STAFFED BY MARRIED COUPLES EXCEPT IN CIRCUMSTANCES IN WHICH IT HAS BEEN SPECIFICALLY DETERMINED THAT THE PROVISION OF FOSTER CARE SERVICES BY A SINGLE PERSON WOULD BE APPROPRIATE.

SUFFICIENT SUPERVISORY STAFF SHOULD BE AVAILABLE WITHIN THE PARENT AGENCY TO PROVIDE BI-MONTHLY INSPECTION AND A YEARLY EVALUATION OF EACH FOSTER HOME, AND SUFFICIENT PROFESSIONAL SUPPORT STAFF SHOULD BE AVAILABLE TO PROVIDE ONGOING IN-SERVICE TRAINING AND INTERVENTION IN CRISES SITUATIONS.

FOSTER PARENTS MAY BE COMPENSATED. HOWEVER, NON-COMPENSATED FOSTER PARENTS SHOULD BE REIMBURSED FOR ACTUAL EXPENSES. WHERE COMPENSATION IS PAID, A CAREER LADDER WITH SALARY INCREMENTS SHOULD BE DEVELOPED BASED ON LENGTH OF SERVICE, TRAINING, AND THE SEVERITY OF THE PROBLEMS EXHIBITED BY THE JUVENILES REFERRED TO AND ACCEPTED BY THE FOSTER PARENT UNLESS SPECIFIC APPROVAL IS OBTAINED FROM THE OVERSIGHT AGENCY NO MORE THAN ONE FOSTER PARENT SHOULD BE EMPLOYED OUTSIDE THE HOME.

Source See generally, American Public Welfare Association, Standards for Foster Family Service Systems, 45-46 (1975).

4.252 Services

THE FOSTER HOME SHOULD BE A FAMILY SETTING, NOT A TREATMENT SETTING. THEREFORE, CONCENTRATION SHOULD BE UPON COMFORT AND PRIVACY IN THE LIVING ARRANGEMENTS, THE PARENTING SKILLS OF THE HOUSE PARENTS AND ACCESSABILITY OF THE HOME TO SCHOOLS, RECREATION AND SPECIAL RESOURCES SUCH AS MEDICAL CLINICS REQUIRED BY THE JUVENILES PLACED THEREIN.

Source See generally, American Public Welfare Association, Standards for Foster Family Service Systems, 68-70 (1975).

4.26 Detention Facilities

A DETENTION FACILITY IS A SECURE INSTITUTION WHICH IS USED FOR THE TEMPORARY CUSTODY OF JUVENILES ACCUSED OR ADJUDICATED OF CONDUCT SUBJECT TO THE JURISDICTION OF THE FAMILY COURT OVER DELINQUENCY AND WHO CANNOT BE PLACED IN AN OPEN SETTING. DETENTION FACILITIES SHOULD BE USED TO CARE FOR SUCH JUVENILES FOLLOWING ARREST, PRIOR TO ADJUDICATION, PRIOR TO DISPOSITION, AND FOLLOWING DISPOSITION WHILE AWAITING TRANSFER TO THE FACILITY OF PLACEMENT, AND MAY ALSO BE USED FOR THE TEMPORARY CUSTODY OF SUCH JUVENILES:

- a. PENDING A HEARING TO MODIFY OR ENFORCE A DISPOSITIONAL ORDER PURSUANT TO STANDARDS 3.189 AND 3.1810;
- b. PENDING EXTRADITION PURSUANT TO THE INTRASTATE COMPACT ON JUVENILES; OR
- c. PENDING RETURN TO A RESIDENTIAL FACILITY FROM WHICH THEY HAVE ABSCONDED FOLLOWING PLACEMENT.

DETENTION FACILITIES SHOULD BE LOCATED WITHIN THE COMMUNITY FROM WHICH THEY DRAW THEIR POPULATION. SUCH FACILITIES SHOULD NOT BE ON THE GROUNDS OF AN INSTITUTION USED TO HOUSE ADULTS ACCUSED OR CONVICTED OF COMMITTING A CRIMINAL OFFENSE.

Sources See generally, National Council on Crime and Delinquency Standards and Guides for the Detention of Children and Youth, (1961); LEAA, Planning and Design for Juvenile Justice, Part IV (1972); Sherwood Norman Detention Practice, (1960); Martarella v. Kelley, 349 F. Supp. 575 (S.D.N.Y. 1973); Allan Greenberg, Proposed Standards Relating to Architecture for Group Homes and Secure Detention and Correctional Facilities, Standard 7.4 (IJA/ABA, Draft, April, 1976). Daniel Freed, Timothy Terrell and J. Lawrence Schultz, Proposed Standards Relating to Interim Status, Standard 10.2 (IJA/ABA, Draft, September, 1975); Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention, Standard 22.3 (July, 1976).

4.261 Size and Population

THE POPULATION OF A DETENTION FACILITY SHOULD NOT EXCEED 20.
DETENTION FACILITIES SHOULD MAKE PROVISION FOR AND BE CO-EDUCATIONAL
IN NATURE.

Source Allan Greenberg, Proposed Standards Relating to Architecture for Group Homes and Secure Detention and Corrections Facilities, Standard 7.3 (IJA/ABA, Draft, April, 1976). See generally, Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention, Standard 24.1 (July, 1976).

4.262 Staff

AT A MINIMUM EACH DETENTION FACILITY SHOULD HAVE ONE (1) FULL-TIME RECREATION WORKER, ONE (1) FULL-TIME TEACHER FOR EACH TEN (10) JUVENILES, AND TWO (2) CHILD CARE WORKERS ON DUTY AT ALL TIMES.

THE QUALIFICATIONS FOR THESE STAFF POSITIONS SHOULD BE THE SAME AS THOSE SET FORTH IN STANDARD 4.2122.

Sources See generally, Martarella vs. Kelly, 349 F. Supp. 575, 586-590 (S.D.N.Y. 1972).

4.263 Services

ALTHOUGH DETENTION CENTERS SHOULD NOT BE CONSIDERED AS TREATMENT FACILITIES, DETAINED JUVENILES SHOULD BE PROVIDED WITH EDUCATIONAL, MEDICAL, RECREATIONAL AND OTHER SERVICES APPROPRIATE TO THEIR NEEDS, AND AN ADEQUATE AND COMPETENT STAFF.

UPON ADMISSION, OR AS SOON AS POSSIBLE THEREAFTER, THERE SHOULD BE AN ASSESSMENT OF A JUVENILE'S NEEDS INCLUDING AN EXAMINATION BY A PHYSICIAN WITHIN 24 HOURS OF ADMISSION, AND A DETERMINATION OF THE JUVENILE'S EDUCATIONAL LEVEL.

CONTRACTUAL ARRANGEMENTS SHOULD BE MADE WITH A NEARBY HOSPITAL FOR ALL MEDICAL SERVICES WHICH CANNOT BE APPROPRIATELY PROVIDED WITHIN THE FACILITY OR WHERE CONTRACTUAL ARRANGEMENTS CAN RESULT IN BETTER OR A BROADER RANGE OF SERVICES. A MEDICAL RECORD SHOULD BE MAINTAINED AND ALL NEEDS SHOULD BE PROVIDED FOR PURSUANT TO THE PHYSICIAN'S INSTRUCTIONS. EACH JUVENILE SHOULD ALSO BE AFFORDED REASONABLE ACCESS TO PSYCHIATRIC COUNSELING AND CRISIS INTERVENTION SERVICES IN ACCORDANCE WITH HIS/HER NEEDS.

THE EDUCATIONAL PROGRAM PROVIDED IN DETENTION FACILITIES SHOULD SEEK TO ASSIST DETAINED JUVENILES TO KEEP UP WITH THEIR STUDIES TO THE GREATEST EXTENT POSSIBLE. REMEDIAL EDUCATION SERVICES SHOULD BE PROVIDED FOR THOSE JUVENILES WHO REQUIRE IT.

THE RECREATIONAL PROGRAM SHOULD PROVIDE OPPORTUNITIES FOR EXERCISE AND CONSTRUCTIVE-LEISURE TIME ACTIVITY. AT LEAST TWO HOURS OF RECREATION SHOULD BE PROVIDED ON SCHOOL DAYS, AND THREE HOURS OF RECREATION ON NON-SCHOOL DAYS, NOT INCLUDING UNSUPERVISED PERIODS SPENT PRIMARILY IN SUCH ACTIVITIES AS WATCHING TELEVISION.

Sources See generally, Martarella vs. Kelley, 349 F. Supp. 575 586-590 (S.D.N.Y., 1972).

4.27 Shelter Care Facility

A SHELTER CARE FACILITY IS A NON-SECURE RESIDENTIAL PROGRAM USED FOR THE TEMPORARY CUSTODY OF JUVENILES.

NEGLECTED OR ABUSED CHILDREN MAY BE PLACED IN SHELTER CARE FACILITIES. HOWEVER, THEY SHOULD NOT BE COMMINGLED WITH JUVENILES ACCUSED OR ADJUDICATED OF CONDUCT CONSTITUTING A DELINQUENT OFFENSE OR NON-CRIMINAL MISBEHAVIOR.*

A BROAD RANGE OF FACILITY TYPES MAY BE USED TO PROVIDE SHELTER CARE. THESE PROGRAMS SHOULD BE IN THE COMMUNITIES FROM WHICH THEY DRAW THEIR POPULATION, AND SHOULD SERVE NO MORE THAN TWENTY JUVENILES.

THE STAFF RATIOS AND SERVICES OFFERED SHOULD DEPEND UPON THE SIZE AND TYPE OF PROGRAM, BUT SHOULD PROVIDE, AT A MINIMUM, A LEVEL OF SERVICES EQUIVALENT TO THAT SET FORTH IN THESE STANDARDS FOR FOSTER HOMES AND GROUP HOMES.

SHELTER CARE FACILITIES SHOULD NOT BE CHARACTERIZED BY PHYSICALLY RESTRICTIVE CONSTRUCTION OR LOCATION, OR BY PROCEDURES DESIGNED TO PREVENT THE JUVENILES FROM DEPARTING AT WILL. THE EMPHASIS IN SHELTER CARE FACILITIES SHOULD BE ON AN OPEN SETTING, A HEALTHY LIVING ENVIRONMENT, AND UTILIZATION OF COMMUNITY RESOURCES. HOWEVER, THERE SHOULD BE PROCEDURES AND RESOURCES AVAILABLE TO PROTECT THE RESIDENTS FROM THEMSELVES AND OTHERS.

Source See generally, 42 U.S.C. §5712 (Supp. 1976); N.Y. Official Compilation of Codes, Rules and Regulations, Chapter I, pt. 9, Sec. 9.1 - 9.31 (1977).

*The National Advisory Committee on Juvenile Justice and Delinquency Prevention does not concur with the recommendation of the Advisory Committee on Standards regarding retention of jurisdiction over non-criminal misbehavior.

4.3 Non-Residential Programs

4.31 Community Supervision

A SYSTEM OF COMMUNITY SUPERVISION SERVICES SHOULD BE PROVIDED BY THE STATE AGENCY DESCRIBED IN STANDARD 4.11, TO SUPERVISE PERSONS ADJUDICATED PURSUANT TO THE JURISDICTION OF THE FAMILY COURT OVER DELINQUENCY, NON-CRIMINAL MISBEHAVIOR* AND NEGLECT AND ABUSE. COMMUNITY SUPERVISION PERSONNEL SHOULD BE STATE EMPLOYEES. THE SERVICES SHOULD BE DECENTRALIZED WITH SUFFICIENT PERSONNEL ASSIGNED TO EACH FAMILY COURT TO ASSURE THAT THE NUMBER OF ACTIVE CASES FOR WHICH EACH COMMUNITY SUPERVISION OFFICER IS RESPONSIBLE AVERAGES NO MORE THAN 25. HOWEVER, THERE SHOULD BE SUFFICIENT FLEXIBILITY IN CASE ASSIGNMENTS TO PERMIT CASELOADS AS LOW AS 12 WHEN THE CASES REQUIRE INTENSIVE SUPERVISION, AND AS HIGH AS 40, WHEN ONLY MINIMAL SUPERVISION IS REQUIRED.

IN SPARSELY POPULATED AREAS, REGIONAL COMMUNITY SERVICES OFFICES SHOULD BE ESTABLISHED TO SERVE SEVERAL FAMILY COURTS.

Sources See generally, Task Force to Develop Standards and Goals for Juvenile Justice, Standards 23.1, and 23.5, and the Commentary thereto (July, 1976).

* The National Advisory Committee on Juvenile Justice and Delinquency Prevention does not concur with the recommendation of the Advisory Committee on Standards regarding retention of jurisdiction over non-criminal misbehavior.

4.32 Services

A BROAD RANGE OF SERVICES SHOULD BE AVAILABLE TO PERSONS SUBJECT TO COMMUNITY SUPERVISION. ORDINARILY SUCH SERVICES SHOULD BE PROVIDED BY THE COMMUNITY RATHER THAN DIRECTLY BY THE SUPERVISION AGENCY.

UPON PLACEMENT UNDER COMMUNITY SUPERVISION, THE PERSON SUPERVISED AND, WHENEVER POSSIBLE, HIS OR HER FAMILY, SHOULD ASSIST IN THE PREPARATION OF AN ASSESSMENT OF NEEDS AND THE DEVELOPMENT OF A PLAN ESTABLISHING THE GOALS TO BE ACHIEVED DURING THE SUPERVISION PERIOD.

THE FAMILY COURT SHOULD HAVE THE AUTHORITY TO ORDER SUPPLEMENTAL SERVICES TO FAMILIES WHEN SUCH SERVICES ARE NECESSARY TO ENABLE THE JUVENILE OR FAMILY TO PARTICIPATE IN A NON-RESIDENTIAL PROGRAM. AMONG THE SUPPLEMENTAL SERVICES WHICH SHOULD BE AVAILABLE ARE HOMEMAKER SERVICES FOR A JUVENILE'S FAMILY AND CASH PAYMENTS DIRECTLY TO THE JUVENILE WHEN SUPERVISED INDEPENDENT LIVING IS APPROPRIATE.

WHENEVER SPECIFIC SUPPLEMENTAL OR OTHER SERVICES ORDERED BY THE FAMILY COURT ARE NOT AVAILABLE, AN APPLICATION TO REVIEW AND MODIFY THE DISPOSITIONAL DECISION SHOULD BE SUBMITTED PURSUANT TO STANDARD 3.189.

Sources Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention, Standards 23.3 23.4 (July, 1976).

4.33 Imposition and Enforcement of Regulations

COMMUNITY SUPERVISION OFFICERS SHOULD BE AUTHORIZED TO IMPOSE REASONABLE REGULATIONS FOR PERSONS UNDER THEIR SUPERVISION. SUCH REGULATIONS SHOULD BE DESIGNED TO IMPLEMENT THE TERMS OF THE DISPOSITION IMPOSED BY THE FAMILY COURT. REGULATIONS AFFECTING A JUVENILE SHOULD INTERFERE AS LITTLE AS POSSIBLE WITH THE JUVENILE'S SCHOOLING, REGULAR EMPLOYMENT, OR OTHER ACTIVITIES NECESSARY FOR NORMAL GROWTH AND DEVELOPMENT.

A COPY AND EXPLANATION OF ALL TERMS AND REGULATIONS SHOULD BE PROVIDED TO PERSONS SUBJECT TO COMMUNITY SUPERVISION AND THEIR FAMILIES, AT THE BEGINNING OF THE SUPERVISION PERIOD. COPIES OF ANY MODIFICATIONS SHOULD BE SIMILARLY PROVIDED AND EXPLAINED. PERSONS UNDER COMMUNITY SUPERVISION SHOULD ALSO BE ADVISED THAT FAILURE TO ADHERE TO THE TERMS OF THE DISPOSITIONAL ORDER MAY RESULT IN INITIATION OF THE ENFORCEMENT PROCEDURES DESCRIBED IN STANDARDS 3.1810, 3.1811 and 3.1813.

Sources See generally, Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention, Standards 23.2, 23.6, and 23.7 (July, 1976); Fred Cohen and Andrew Rutherford, Proposed Standards Relating to Correctional Administration, Standard 6.2(e)(ii)(IJA/ABA, Draft, May, 1976); Arizona Rules of Criminal Procedure, Rule 27.1(1967).

4.4 Rights and Procedures

4.41 Mail and Censorship

A JUVENILE SHOULD HAVE THE RIGHT TO SEND MAIL WITHOUT PRIOR CENSORSHIP OR PRIOR READING. A JUVENILE SHOULD ALSO HAVE THE RIGHT TO RECEIVE MAIL WITHOUT PRIOR READING OR PRIOR CENSORSHIP. HOWEVER, IF THE INSTITUTION SUSPECTS THE DELIVERY OF CONTRABAND OR CASH, IT MAY REQUIRE THE JUVENILE TO OPEN THE MAIL IN THE PRESENCE OF A STAFF MEMBER.

A JUVENILE SHOULD HAVE THE RIGHT TO MAIL A MINIMUM OF TWO LETTERS PER WEEK AT AGENCY EXPENSE AND ANY NUMBER OF ADDITIONAL LETTERS AT HIS OR HER OWN EXPENSE.

ALL CASH SENT TO JUVENILES SHOULD BE RETAINED BY THE JUVENILES OR HELD FOR THEIR BENEFIT IN ACCORDANCE WITH THE PROCEDURES OF THE INSTITUTION. HOWEVER, SUCH PROCEDURES SHOULD BE IN WRITING AND APPROVED BY THE AGENCY.

PACKAGES SHOULD BE EXEMPT FROM THESE PROVISIONS AND BE SUBJECT TO INSPECTION AT THE DISCRETION OF THE INSTITUTION.

Sources New York Official Compilation of Codes Rules and Regulations, §171.5 (1973); Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention, Standard 24.13 (July, 1976); Fred Cohen and Andrew Rutherford, Proposed Standards Relating to Correctional Administration, Standard 7.6 (IJA/ABA, Draft, May, 1976).

4.42 Dress Codes

JUVENILES SHOULD HAVE THE RIGHT TO WEAR THEIR PERSONAL CLOTHING IF THEY SO CHOOSE, OR WEAR COMBINATIONS OF THEIR OWN CLOTHING AND CLOTHING ISSUED BY THE INSTITUTION IN CASES WHERE THEIR OWN CLOTHING DOES NOT MEET ALL OF THEIR CLOTHING NEEDS. CLOTHING ISSUED BY THE INSTITUTION SHOULD BE AVAILABLE TO THOSE CHILDREN LACKING PERSONAL CLOTHING OR WHO CHOOSE TO WEAR ISSUED CLOTHING.

JUVENILES SHOULD ALSO HAVE THE RIGHT TO WEAR ITEMS OF JEWELRY. HOWEVER, REASONABLE RESTRICTIONS MAY BE IMPOSED WHICH PROHIBIT JUVENILES FROM POSSESSING ITEMS OF CLOTHING OR JEWELRY THAT COULD BE USED TO INFLICT BODILY HARM ON THEMSELVES OR OTHERS.

Sources N.Y. Official Compilation of Codes, Rules and Regulations, §171.2 (1973). Fred Cohen and Andrew Rutherford, Proposed Standards Relating to Correctional Administration, Standard 7.6(I), (IJA/ABA, Draft, May 1975).

4.43 Personal Appearance

RESTRICTIONS ON THE RIGHT OF JUVENILES TO DETERMINE THE LENGTH AND STYLE OF THEIR HAIR SHOULD BE PROHIBITED, EXCEPT IN INDIVIDUAL CASES WHERE SUCH RESTRICTIONS ARE NECESSARY FOR REASONS OF HEALTH OR SAFETY.

RESTRICTIONS ON THE RIGHT OF STUDENTS TO GROW FACIAL HAIR SHOULD BE PROHIBITED, EXCEPT IN INDIVIDUAL CASES WHERE SUCH RESTRICTIONS ARE NECESSARY FOR REASONS OF HEALTH OR SAFETY.

STUDENTS SHOULD BE REQUIRED TO OBSERVE REASONABLE PRECAUTIONS WHERE THE LENGTH AND STYLE OF THEIR HAIR COULD POSSIBLY POSE A HEALTH OR SAFETY PROBLEM UNLESS PRESCRIBED PRECAUTIONS ARE TAKEN.

Source New York Official Compilation of Codes, Rules and Regulations, §171.3 (1973).

4.44 Visitation

A JUVENILE SHOULD HAVE THE RIGHT TO RECEIVE ANY AND ALL VISITORS AT THE TIMES FIXED FOR VISITS. HOWEVER, A FACILITY MAY DENY ACCESS BY A VISITOR IF THE VISIT WOULD PRESENT A SUBSTANTIAL DANGER TO THE HEALTH OF THE JUVENILE OR THE SAFETY OF THE INSTITUTION. WHENEVER A VISITOR IS DENIED ACCESS, A WRITTEN REPORT SHOULD BE PREPARED DESCRIBING THE DANGERS WHICH THE VISIT WOULD POSE AND THE BASIS FOR BELIEVING THAT THE DANGER EXISTS. THE REPORT SHOULD BE KEPT ON FILE AND A COPY SHOULD BE GIVEN TO THE JUVENILE.

Sources See generally, New York Official Compilation of Codes, Rules and Regulations, §171.9 (1974); Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention, Standard 24.13 (July, 1975).

4.45 Religious Freedom

ALL INSTITUTIONS SHOULD AFFORD THE JUVENILES PLACED THEREIN THE RIGHT TO PARTICIPATE IN THE RELIGIOUS OBSERVANCES OF THEIR CHOICE.

COUNSELING TO MEMBERS OF THEIR FAITH BY AUTHORIZED REPRESENTATIVES OF RELIGIOUS DENOMINATIONS SHOULD BE PERMISSIBLE AT ALL FACILITIES. HOWEVER, THE USE OF PHYSICAL FORCE, PUNISHMENT OR COERCION TO COMPEL ATTENDANCE OR PARTICIPATION IN RELIGIOUS OBSERVANCES SHOULD BE PROHIBITED.

Source New York Official Compilation of Codes, Rules and Regulations, §171.4 (1973).

4.46 Responsibility for Control and Apprehension of Juveniles

THE CONTROL OF JUVENILES PLACED IN A RESIDENTIAL FACILITY SHOULD BE SOLELY A STAFF RESPONSIBILITY. UNDER NO CIRCUMSTANCES SHOULD RESIDENTS OF THE FACILITY BE USED TO CONTROL OTHER JUVENILES.

THE RETURN TO A FACILITY OF JUVENILES WHO LEAVE WITHOUT AUTHORIZATION SHOULD BE THE RESPONSIBILITY OF STAFF AND LAW ENFORCEMENT AGENCIES. HOWEVER, THE STAFF SHOULD BE AUTHORIZED TO ALLOW RESIDENTS OF THE FACILITY TO ASSIST IN CARRYING OUT THIS RESPONSIBILITY IF:

- a. THE PRESENCE OF THE RESIDENT WOULD AID IN INDUCING THE JUVENILE TO RETURN VOLUNTARILY;
- b. THE RESIDENT IS ACCOMPANIED BY A STAFF MEMBER AT ALL TIMES; AND
- c. THE USE OF PHYSICAL FORCE BY THE RESIDENT TO SECURE THE ABSENT JUVENILE'S RETURN IS PROHIBITED.

Source New York Official Compilation of Codes, Rules and Regulations, §171.10 (1974).

4.47 Notice of Rules

THE RULES AND REGULATION TO BE ENFORCED AGAINST OR ON BEHALF OF A JUVENILE PLACED IN A RESIDENTIAL FACILITY SHOULD BE POSTED IN EACH LIVING AREA OF THAT FACILITY.

Sources See generally, Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention, Standard 24.3 (July 1975). Fred Cohen and Andrew Rutherford, Proposed Standards Relating to Correctional Administration, Standard 7.6(m), (IJA/ABA Draft, May 1976).

4.48 Searches

WHENEVER POSSIBLE, A JUVENILE'S PHYSICAL PRESENCE SHOULD BE ASSURED PRIOR TO A SEARCH OF HIS/HER ROOM, LOCKER, AND/OR POSSESSIONS. WHEN IT IS IMPOSSIBLE TO OBTAIN THE JUVENILE'S PHYSICAL PRESENCE, THE JUVENILE SHOULD BE GIVEN PROMPT WRITTEN NOTICE OF THE SEARCH AND OF ANY ARTICLE TAKEN.

Source N.Y. Official Compilation of Codes, Rules and Regulations, §171.8 (1974); Fred Cohen and Andrew Rutherford, Proposed Standards Relating to Correctional Administration, Standard 7.6(k) (IJA/A3A, Draft, May, 1976).

4.49 Work Assignments

JUVENILES MAY BE REQUIRED TO PERFORM WORK FUNCTIONS AS PART OF THEIR REHABILITATIVE PROGRAM. HOWEVER, JUVENILES SHOULD NOT BE REQUIRED TO DO WORK:

- a. WHICH IS UNREASONABLY ARDUOUS OR DEMEANING;
- b. WHICH IS NOT AN INTEGRAL PART OF THE REHABILITATION PROGRAM;
- c. WHICH CANNOT BE SHOWN TO BE A BENEFIT TO THE JUVENILES; OR,
- d. WHICH HAS AS ITS PRIMARY PURPOSE, MONETARY BENEFIT TO THE FACILITY OR AGENCY.

JUVENILES SUBJECT TO COMPULSORY EDUCATION LAWS SHOULD BE REQUIRED TO WORK NO MORE THAN FOUR HOURS PER DAY. JUVENILES NOT SUBJECT TO OR EXEMPTED FROM SUCH LAWS SHOULD NOT BE REQUIRED TO WORK MORE THAN EIGHT HOURS PER DAY.

JUVENILES SHOULD RECEIVE COMPENSATION FOR WORK WHICH CONFERS A SUBSTANTIAL BENEFIT UPON THE FACILITY OR OVERSIGHT AGENCY. HOWEVER, SUCH COMPENSATION MAY BE LESS THAN THAT PROVIDED IN THE MINIMUM WAGE PROVISIONS OF THE FAIR LABOR STANDARDS ACT.

Source See generally, Fred Cohen and Andrew Rutherford, Proposed Standards Relating to Correctional Administration, Standard 4.14 (IJA/ABA, Draft, May, 1976).

4.410 Right to Care and Treatment

JUVENILES IN RESIDENTIAL FACILITIES SHOULD HAVE THE RIGHT TO A BASIC LEVEL OF SERVICES, INCLUDING BUT NOT LIMITED TO: AN ADEQUATE AND VARIED DIET; VARIED RECREATION AND LEISURE TIME ACTIVITIES; PREVENTIVE AND IMMEDIATE MEDICAL/DENTAL CARE; REMEDIAL, SPECIAL, VOCATIONAL AND ACADEMIC EDUCATIONAL SERVICES; PROTECTION AGAINST PHYSICAL AND MENTAL ABUSE; FREEDOM TO DEVELOP INDIVIDUALITY; OPPORTUNITY TO PARTICIPATE, OR NOT PARTICIPATE IN RELIGIOUS OBSERVANCES; CLEAN, SAFE, ADEQUATELY HEATED AND LIGHTED ACCOMODATIONS; AND MAXIMUM FEASIBLE CONTACT WITH FAMILY, FRIENDS AND COMMUNITY.

JUVENILES IN RESIDENTIAL FACILITIES SHOULD HAVE A RIGHT TO A MAXIMUM LEVEL OF TREATMENT SERVICES, IN ACCORDANCE WITH THEIR NEEDS, INCLUDING AND GROUP COUNSELING, PSYCHIATRIC AND PSYCHOLOGICAL SERVICES, AND CASE WORK SERVICES. IN ADDITION, JUVENILES SHOULD HAVE A RIGHT NOT TO BE SUBJECTED TO TREATMENT METHODS SUCH AS PSYCHOSURGERY, ELECTRIC STIMULATION OF THE BRAIN, BEHAVIOR MODIFICATION INVOLVING EXCESSIVE DEPRIVATION, OR ANY OTHER TREATMENT WHICH IS CRUEL, DEMEANING OR DANGEROUS.

WHILE SERVICES ARE ORDINARILY MOST EFFECTIVE WHEN PARTICIPATION IS VOLUNTARY, JUVENILES SHOULD HAVE AN OBLIGATION TO BE PHYSICALLY AVAILABLE FOR SERVICES ORDERED BY THE FAMILY COURT DURING THE DISPOSITIONAL PERIOD.

PHYSICAL FORCE AND OTHER FORMS OF PUNISHMENT DESCRIBED IN STANDARD 4.51 SHOULD NEVER BE USED TO COMPEL PARTICIPATION. HOWEVER, FAILURE TO BE PHYSICALLY AVAILABLE FOR SERVICES MAY BE CONSIDERED IN DETERMINING WHETHER TO RECOMMEND REDUCTION IN THE DISPOSITIONAL PERIOD OR TO TRANSFER A JUVENILE TO A LESS SECURE PROGRAM, ALTHOUGH IT SHOULD NOT BE USED AS A BASIS FOR EXTENDING THE DISPOSITIONAL PERIOD, EXCEPT AS SPECIFIED IN STANDARDS 3.1810 AND 3.1811.

Sources Fred Cohen and Andrew Rutherford, Proposed Standards Relating to Correctional Administration, Standards 4.9 and 4.10(f)-(h), (IJA/ABA, Draft, May, 1976); Task Force to Develop Standards and Goals for Juvenile Justice, Standards 14.20, 14.7, 24.5, 24.10-24.12 and 24.15-24.16 (July, 1976); see generally, Morales v. Turman 383 F. Supp. 53 (E.D. Tex., 1974); Martarella vs. Kelley 349 F. Supp., 575 (S. D. N.Y., 1973); Malcolm Goddard, The Effect of Right to Treatment

Litigation upon the Relationship of Juvenile Offenders,
Institutions and the Family Court, 387 NYS 2d (1976).

4.411 Denial of Enumerated Rights

THE RIGHTS ENUMERATED IN STANDARDS 4.41 - 4.410 SHOULD BE INALIENABLE AND SHOULD NOT BE DIMINISHED OR DENIED FOR DISCIPLINARY REASONS.

Source N.Y. Official Compilation of Codes, Rules and Regulations Sec. 171.1 (1974); see generally, Fred Cohen and Andrew Rutherford, Proposed Standards for Correctional Administration, Standard 4.9 - 4.14, 7.6 (IJA/ABA, Draft, May, 1976).

4.5 Discipline

4.51 Corporal Punishment and Use of Physical Restraint

CORPORAL PUNISHMENT SHOULD BE PROHIBITED. HOWEVER, USE OF PHYSICAL FORCE SHOULD BE PERMITTED;

- a. FOR SELF-PROTECTION;
- b. TO SEPARATE JUVENILES WHO ARE FIGHTING;
- c. TO RESTRAIN JUVENILES IN DANGER OF INFLECTING HARM TO THEMSELVES OR OTHERS; OR
- d. TO RESTRAIN JUVENILES WHO HAVE ABSCONDED OR WHO ARE IN THE PROCESS OF ABSCONDING.

WHEN USE OF PHYSICAL FORCE IS AUTHORIZED, THE LEAST FORCE NECESSARY UNDER THE CIRCUMSTANCES SHOULD BE EMPLOYED.

STAFF MEMBERS OF RESIDENTIAL AND NON-RESIDENTIAL PROGRAMS WHO ARE ASSIGNED TO WORK WITH JUVENILES SHOULD RECEIVE WRITTEN GUIDELINES ON THE USE OF PHYSICAL FORCE, AND WRITTEN NOTICE THAT CORPORAL PUNISHMENT IS PROHIBITED AND THAT, IN ACCORDANCE WITH STAFF DISCIPLINARY PROCEDURES, LOSS OF EMPLOYMENT MAY RESULT IF USE OF CORPORAL PUNISHMENT IS PROVEN.

Sources Fred Cohen and Andrew Rutherford, Proposed Standards on Correctional Administration, Standards 4.8(a) and (b) (IJA/ABA, Draft, May, 1976); N.Y. Official Compilation of Codes, Rules and Regulations §168.1 (1974).

4.52 Room Confinement

JUVENILES SHOULD BE PLACED IN ROOM CONFINEMENT ONLY WHEN NO LESS RESTRICTIVE MEASURE IS SUFFICIENT TO PROTECT THE SAFETY OF THE FACILITY AND THE PERSONS RESIDING OR EMPLOYED THEREIN. NO JUVENILE SHOULD BE PLACED IN ROOM CONFINEMENT FOR MORE THAN ONE HOUR UNLESS THE PROCEDURES SET FORTH IN STANDARD 4.54 HAVE BEEN FOLLOWED. ROOM CONFINEMENT FOR MORE THAN 24 HOURS SHOULD BE IMPOSED ONLY IN EXCEPTIONAL CIRCUMSTANCES.

ORDINARILY THE PLACE OR CONFINEMENT SHOULD BE THE JUVENILE'S OWN ROOM. WHEN THIS IS NOT POSSIBLE, THE PLACE OF CONFINEMENT SHOULD BE LIGHTED, HEATED, COOLED AND VENTILATED THE SAME AS OTHER LIVING AREAS IN THE FACILITY AND SHOULD BE FURNISHED WITH THE ITEMS NECESSARY FOR THE JUVENILE'S HEALTH AND COMFORT. JUVENILES PLACED IN ROOM CONFINEMENT SHOULD BE AFFORDED THE RIGHTS SET FORTH IN STANDARDS 4.41 - 4.410; EXAMINED AT LEAST ONCE DAILY BY A PHYSICIAN; AND VISITED, AT LEAST ONCE DAILY BY A CHILD CARE WORKER OR OTHER MEMBERS OF THE TREATMENT STAFF.

JUVENILES PLACED IN ROOM CONFINEMENT FOR MORE THAN 12 HOURS SHOULD BE PROVIDED WITH AT LEAST 30 MINUTES OF RECREATION AND EXERCISE OUTSIDE THE ROOM OF CONFINEMENT EACH DAY DURING THE CONFINEMENT PERIOD.

Source See generally, New York Official Compilation of Codes, Rules and Regulations §§168.2(c), (d), and (i)(1974).

4.53 Loss of Privileges

THE TEMPORARY SUSPENSION OF A PRIVILEGE ENJOYED BY A JUVENILE WHO IS DETAINED OR SUBJECT TO THE DISPOSITIONAL AUTHORITY OF THE FAMILY COURT SHOULD BE AN AUTHORIZED FORM OF DISCIPLINE. A JUVENILE SHOULD BE ADVISED OF THE PRIVILEGES SUBJECT TO SUSPENSION AND A LIST OF SUCH PRIVILEGES SHOULD BE POSTED IN EACH RESIDENTIAL FACILITY.

FOOD, INCLUDING SNACKS, TOILETRIES, AND OTHER ITEMS NECESSARY FOR A MINIMUM QUALITY OF LIFE, AS WELL AS THE RIGHTS ENUMERATED IN STANDARDS 4.41-4.410, SHOULD NOT BE DIMINISHED OR DENIED FOR DISCIPLINARY PURPOSES.

SUSPENSION OF A PRIVILEGE SHOULD BE A PROPER SUBJECT FOR THE OMBUDSMAN AND GRIEVANCE PROCEDURES DESCRIBED IN STANDARDS 4.81 AND 4.82.

Sources See generally, Fred Cohen and Andrew Rutherford, Proposed Standards on Correctional Administration, Standard 8.7 (IJA/ABA, Draft, 1976); N.Y. Official Compilation of Codes, Rules and Regulations, Discipline of Children §168.1 (1974).

4.54 Disciplinary Procedures

A CHRONOLOGICAL RECORD OF ALL DISCIPLINARY ACTIONS TAKEN AGAINST JUVENILES PLACED IN RESIDENTIAL FACILITIES SHOULD BE MAINTAINED. THIS RECORD SHOULD CONTAIN THE NAME OF THE JUVENILE DISCIPLINED, THE NAME OF THE PERSON IMPOSING THE DISCIPLINE, AND THE DATE OF, THE DURATION OF, THE ACTIONS LEADING TO, AND THE REASONS FOR THE DISCIPLINARY ACTION.

BEFORE JUVENILES PLACED IN A RESIDENTIAL FACILITY OTHER THAN A FOSTER HOME MAY BE CONFINED IN A ROOM, INCLUDING THEIR OWN ROOM, FOR MORE THAN ONE HOUR, OR HAVE A PRIVILEGE SUSPENDED FOR MORE THAN 24 HOURS, THEY SHOULD BE GIVEN NOTICE OF THE ALLEGED INFRACTION, ACCESS TO THE FACILITY OMBUDSMAN OR A PERSON IN AN EQUIVALENT CAPACITY, AND AN OPPORTUNITY TO RESPOND TO THE ALLEGATIONS.

BEFORE JUVENILES PLACED IN A RESIDENTIAL FACILITY OTHER THAN A FOSTER HOME MAY BE CONFINED IN A ROOM, INCLUDING THEIR OWN ROOM, FOR MORE THAN 48 HOURS OR HAVE A PRIVILEGE SUSPENDED FOR MORE THAN 7 DAYS, THERE SHOULD BE A HEARING TO DETERMINE WHETHER THE ALLEGATIONS ARE TRUE AND WHETHER THE SANCTION IS APPROPRIATE. IN CONJUNCTION WITH THAT HEARING, THE JUVENILE SHOULD BE ENTITLED:

- a. TO WRITTEN NOTICE OF THE RULE VIOLATED AND DATE, TIME, PLACE AND NATURE OF THE ALLEGED VIOLATION, ON WHICH THE HEARING IS BASED;
- b. TO ADEQUATE TIME TO PREPARE;
- c. TO REPRESENTATION BY THE FACILITY OMBUDSMAN, A MEMBER OF THE FACILITY STAFF OTHER THAN THE OMBUDSMAN, ANOTHER JUVENILE, OR A VOLUNTEER FROM AN ESTABLISHED VOLUNTEER PROGRAM;
- d. TO PRESENT EVIDENCE AND TESTIFY;
- e. TO CALL AND CROSS-EXAMINE WITNESSES;
- f. TO AN IMPARTIAL HEARING OFFICER OR BOARD;
- g. TO HAVE THE HEARING TAPE-RECORDED, THE TAPE MAINTAINED BY THE AGENCY FOR A TWO YEAR PERIOD, AND ACCESS TO THE TAPE OR A TRANSCRIPT THEREOF; AND
- h. TO REVIEW OF THE DECISION BY THE AGENCY DIRECTOR OR AN AGENCY OFFICIAL ABOVE THE LEVEL OF FACILITY DIRECTOR WHO REPORTS TO THE AGENCY DIRECTOR, OR BY AN INDEPENDENT REVIEW BOARD.

A DECISION SHOULD BE RENDERED ORALLY AT THE HEARING. A WRITTEN DECISION CONTAINING THE FACTS AND REASONS UNDERLYING THE DETERMINATIONS MADE SHOULD BE SUBMITTED WITHIN TWO DAYS TO THE AGENCY, WITH A COPY TO THE JUVENILE AND TO THE PLACING FAMILY COURT.

THE HEARING OFFICER OR BOARD SHOULD NOT BE EMPOWERED TO PLACE A JUVENILE IN ROOM CONFINEMENT FOR MORE THAN FIVE DAYS OR TO SUSPEND A PRIVILEGE FOR MORE THAN 30 DAYS.

Sources See generally, Goss vs. Lopez, 419 U.S. 565, 581 (1974); Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention, Standards 20.5 and 20.6 (July, 1976).



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4.6 Use of Restraints

4.61 Mechanical Restraints

MECHANICAL RESTRAINTS SHOULD BE USED ONLY WHEN A JUVENILE IS UNCONTROLLABLE AND CONSTITUTES A SERIOUS AND EVIDENT DANGER TO HIM/HERSELF OR TO OTHERS, OR DURING TRANSPORTATION WHEN NECESSARY FOR PUBLIC SAFETY. USE OF MECHANICAL RESTRAINTS EXCEPT DURING TRANSPORTATION SHOULD NOT BE IMPOSED FOR MORE THAN A HALF HOUR. WHEN IN RESTRAINTS, A JUVENILE SHOULD NOT BE ATTACHED TO ANY FURNITURE OR FIXTURE.

Sources New York Official Compilation of Codes, Rules and Regulations §168.3(a)(1974).

4.62 Medical Restraints

FOR THE PURPOSES OF THESE STANDARDS, MEDICAL RESTRAINTS ARE MEDICATION ADMINISTERED EITHER BY INJECTION OR ORALLY FOR THE PURPOSES OF QUIETING AN UNCONTROLLABLE JUVENILE.

MEDICAL RESTRAINTS SHOULD BE ADMINISTERED ONLY IN SITUATIONS IN WHICH A JUVENILE IS SO UNCONTROLLABLE THAT NO OTHER MEANS OF RESTRAINT CAN PREVENT THE JUVENILE FROM HARMING HIM/HERSELF. MEDICAL RESTRAINTS SHOULD BE AUTHORIZED ONLY BY A PHYSICIAN AND SHOULD BE ADMINISTERED ONLY BY A PHYSICIAN OR A REGISTERED NURSE.

ORDERS AUTHORIZING REGISTERED NURSES TO ADMINISTER PRESCRIBED PSYCHIATRIC MEDICATION AT THEIR OWN DISCRETION FOR PURPOSES OF CRISIS INTERVENTION, SHOULD ONLY BE ISSUED BY A PHYSICIAN WHO HAS EXAMINED THE JUVENILE AND DETERMINED THAT SUCH AN ORDER IS REQUIRED BY THE JUVENILE'S ON-GOING TREATMENT NEEDS. A REPORT SHOULD ACCOMPANY EACH SUCH ORDER EXPLAINING THE FACTS AND REASONS UNDERLYING IT AND PROVIDING SPECIFIC INSTRUCTIONS AND GUIDELINES FOR ADMINISTERING THE DRUG. JUVENILES SUBJECT TO THE ORDER SHOULD BE RE-EXAMINED AT LEAST MONTHLY TO DETERMINE WHETHER THE ORDER IS STILL NECESSARY. IF THE ORDER IS CONTINUED FOLLOWING THE RE-EXAMINATION, A WRITTEN REPORT EXPLAINING THE FACTS AND REASONS UNDERLYING THE CONTINUATION SHOULD BE PREPARED. A COPY OF REPORTS EXPLAINING THE ISSUANCE OR CONTINUANCE OF SUCH ORDERS SHOULD BE PROVIDED TO THE DIRECTOR OF THE FACILITY AND PLACED IN THE JUVENILE'S FILE.

Sources See generally, New York Official Compilation of Codes, Rules and Regulations §168.3(b)(1974).

4.7 Transfer Procedures

4.71 Transfers from Less Secure to More Secure Programs

EACH STATE SHOULD CLASSIFY THE PUBLIC AND PRIVATE FACILITIES PROVIDING RESIDENTIAL CARE FOR JUVENILES SUBJECT TO THE JURISDICTION OF FAMILY COURT OVER DELINQUENCY OR NON-CRIMINAL MISBEHAVIOR* ACCORDING TO THE LEVEL OF SECURITY MAINTAINED. A LIST OF THE FACILITIES IN EACH CATEGORY SHOULD BE PUBLISHED EACH YEAR.

BEFORE A JUVENILE PLACED IN A RESIDENTIAL FACILITY MAY BE TRANSFERRED TO A COTTAGE, WING OR STRUCTURE WITHIN THAT FACILITY WHICH MEETS THE DEFINITION OF A HIGH SECURITY UNIT SET FORTH IN STANDARDS 4.219-4.2194 OR WHICH HAS SECURITY FEATURES EQUIVALENT TO THOSE FOUND IN ANY MORE SECURE CATEGORY OF FACILITY, OR TO ANOTHER FACILITY IN A MORE SECURE CATEGORY, A HEARING SHOULD BE HELD. AT THAT HEARING THE JUVENILE SHOULD BE ENTITLED TO ALL RIGHTS SPECIFIED FOR DISCIPLINARY HEARINGS IN STANDARD 4.54(a)-(g).

A JUVENILE SHOULD ONLY BE TRANSFERRED TO A MORE SECURE FACILITY OR UNIT IF:

- a. THE JUVENILE POSES A DANGER TO HIM/HERSELF OR OTHERS;
- b. THE JUVENILE'S ACTIONS DEMONSTRATE THAT HE/SHE CANNOT BE CONTROLLED IN THE FACILITY OR UNIT OF PLACEMENT DUE TO ITS LACK OF SECURITY; OR
- c. THE SERVICE BENEFITS TO THE PARTICULAR JUVENILE OF THE MORE SECURE FACILITY OR UNIT SUBSTANTIALLY OUTWEIGH ANY DETRIMENTAL EFFECT OF THE GREATER CONSTRAINTS ON LIBERTY.

A COPY OF A DECISION APPROVING TRANSFER TO A MORE SECURE FACILITY OR UNIT SHOULD BE PROVIDED TO THE PLACING FAMILY COURT FOR REVIEW, TO THE JUVENILE, THE JUVENILE'S REPRESENTATIVE, AND TO THE JUVENILE'S PARENT OR GUARDIAN.

*The National Advisory Committee on Juvenile Justice and Delinquency Prevention does not concur with the recommendation of the Advisory Committee on Standards regarding retention of jurisdiction over non-criminal misbehavior.

TRANSFERS FROM NON-RESIDENTIAL PROGRAMS TO RESIDENTIAL PROGRAMS AND FROM FOSTER CARE TO OTHER RESIDENTIAL PROGRAMS SHOULD ONLY BE AUTHORIZED AFTER A JUDICIAL HEARING PURSUANT TO STANDARDS 3.1810 OR 3.1811.

Sources See generally, Fenner v. Luger, 73 CIV 552 (S.D.N.Y., 1975); Morales v. Turman, 383 F. Supp. 53, 84 (E.D. Tex. 1974); Malcolm Goddard, From Minimum to Maximum Security in Juvenile Corrections: Transfer Boards or On-Site Hearings, (unpublished manuscript, 1977); Official Compilation of Codes, Rules and Regulations of the State of N.Y., Guidelines for Transfer, Sec. 175.1 (1974).

4.72 Transfers from More Secure Facilities to Less Secure Facilities

TRANSFERS FROM MORE SECURE TO LESS SECURE FACILITIES MAY BE MADE WITHOUT A HEARING. WRITTEN NOTICE OF THE TRANSFER AND OF THE REASONS THEREFOR SHOULD BE PROVIDED TO THE JUVENILE, THE JUVENILE'S PARENT OR GUARDIAN, AND TO THE PLACING FAMILY COURT.

Source See generally, Fred Cohen and Andrew Rutherford, Proposed Standards Relating to Correctional Administration, Standards 1.2(c), 4.11(a) and (e) (IJA/ABA, Draft, May, 1976).

4.73 Transfers Among Agencies

TRANSFERS FROM A JUVENILE FACILITY IN WHICH A JUVENILE HAS BEEN PLACED BY THE FAMILY COURT TO A FACILITY UNDER THE JURISDICTION OF A SEPARATE AGENCY FOR THE CARE OF THE MENTALLY ILL OR FOR THE CARE OF NARCOTIC ADDICTS OR DRUG ABUSERS, SHOULD ONLY BE PERMITTED FOLLOWING A HEARING BEFORE A FAMILY COURT JUDGE.

TRANSFERS OF JUVENILES FROM YOUTH AGENCIES TO ADULT CORRECTIONAL AGENCIES SHOULD BE PROHIBITED.

Source Samuel M. Davis, Rights of Juveniles, Sec. 6.08 (1974); Fred Cohen and Andrew Rutherford, Proposed Standards Relating to Correctional Administration, Standard 2.2(b), 2.3(b) (IJA/ABA, Draft, May 1976).

4.8 Grievance Procedures and Ombudsman Program

4.81 Grievance Procedures

WRITTEN GRIEVANCE PROCEDURES SHOULD BE ESTABLISHED FOR ALL RESIDENTIAL AND NON-RESIDENTIAL PROGRAMS. EACH JUVENILE SHOULD BE PROVIDED WITH AN EXPLANATION AND A COPY OF THESE PROCEDURES AT THE TIME THE JUVENILE IS ADMITTED TO THE FACILITY.

ALTHOUGH THE FORM OF GRIEVANCE PROCEDURES MAY VARY, ALL SUCH PROCEDURES SHOULD PROVIDE FOR:

- a. REVIEW OF GRIEVANCES BY AN AGENCY OFFICIAL ABOVE THE LEVEL OF THE FACILITY DIRECTOR, AND BY AN INDEPENDENT REVIEW BOARD, OR AN IMPARTIAL INDIVIDUAL NOT EMPLOYED BY THE AGENCY;
- b. TIME LIMITS FOR RESOLUTION OF THE GRIEVANCE; AND
- c. INVOLVEMENT OF STAFF AND JUVENILES.

Source Daniel McGullis, Joan Mullen, Laura Studon, Controlled Confrontation: The Ward Grievance Procedure of the California Youth Authority (1976); Fred Cohen and Andrew Rutherford, Proposed Standards Relating to Correctional Administration, Standard 9.2 (IJA/ABA, Draft, May, 1976); Task Force on Standards and Goals for Juvenile Justice and Delinquency Prevention, Standard 20.2 (July, 1976).

4.82 Ombudsman Programs

IN ADDITION TO THE GRIEVANCE PROCEDURES DESCRIBED IN STANDARD 4.81, JUVENILES PLACED IN RESIDENTIAL OR NON-RESIDENTIAL PROGRAMS SHOULD HAVE ACCESS TO AN OMBUDSMAN.

THE OMBUDSMAN SHOULD INVESTIGATE MATTERS ADVERSELY AFFECTING JUVENILES UNDER AGENCY SUPERVISION WHICH ARE NOT RAISED IN GRIEVANCE PROCEDURES, AND WHENEVER POSSIBLE SHOULD SERVE ON THE ASSESSMENT TEAM FOR JUVENILES PLACED IN TRAINING SCHOOLS. OMBUDSMEN SHOULD REPORT TO THE DIRECTOR OF OMBUDSMAN OR, IF SUCH A POSITION HAS NOT BEEN CREATED, TO AN AGENCY OFFICIAL ABOVE THE LEVEL OF FACILITY DIRECTOR, WHO SHOULD NOT BE ADMINISTRATIVELY RESPONSIBLE FOR THE PROGRAM IN WHICH THE OMBUDSMAN IS ASSIGNED TO SERVE.

OMBUDSMEN SHOULD HAVE SUBSTANTIAL EXPERIENCE IN THE AREA OF JUVENILE LAW, YOUTH SERVICES AND INVESTIGATION.

IN ORDER TO ENCOURAGE RESIDENTS, STAFF AND ADMINISTRATORS TO FREELY COMMUNICATE WITH THE OMBUDSMAN, THE OMBUDSMAN INVESTIGATION RECORDS SHOULD BE STATUTORILY PROTECTED AS ATTORNEY WORK-PRODUCT AND PRIVILEGED COMMUNICATION. THE PRIVILEGE SHOULD RUN TO THE RESIDENTS, STAFF AND ADMINISTRATION. WAIVER OF THE PRIVILEGE PERTAINING TO ANY INVESTIGATION RECORD SHOULD BE BASED UPON THE MUTUAL CONSENT OF THOSE FALLING WITHIN THESE THREE CATEGORIES WHO ARE INCLUDED IN THE INVESTIGATION AND WHO COULD BE ADVERSELY AFFECTED BY PUBLIC EXPOSURE.

OMBUDSMAN REPORTS SHOULD NOT FORM THE BASIS FOR AGENCY DISCIPLINARY ACTION. HOWEVER, BASED UPON INFORMATION BROUGHT TO LIGHT BY THE OMBUDSMAN, THE AGENCY SHOULD INITIATE ITS OWN INDEPENDENT INVESTIGATIONS WHICH MAY GIVE RISE TO AGENCY ACTION.

Source Fred Cohen and Andrew Rutherford, Proposed Standards Relating to Correctional Administration, Standard 9.2 (IJA/ABA, Draft, May, 1976); Malcolm Goddard, The Ombudsman in the New York State Division for Youth Facilities (1974); Hillel Hoffman, "The Limits of Litigating Alternatives to a Lawsuit," Prisoner Rights Sourcebook (1973); Michael D. Kannersehn, A Report on the New York Division for Youth; Ombudsman Project, The Council of State Governments (1974); Malcolm Goddard, The Ombudsman Handbook (1972).

APPENDIX

Outline of the
Standards and Recommendations

0. The Administration Function

0.1 Roles and Responsibilities

0.11 Local Level Participation

- 0.111 Organization of the local juvenile justice system
- 0.112 Development of a local juvenile service plan
- 0.113 Coordination, development, and implementation of local juvenile service programs and guidelines
- 0.114 Evaluation and modification of the local juvenile service system program efforts

0.12 State Level Participation

- 0.121 Organization of the State juvenile service system
- 0.122 Development of a State juvenile service plan
- 0.123 Development of State standards and guidelines
- 0.124 Provision of financial and technical resources
- 0.125 Evaluation of local and State efforts
- 0.126 Office of youth advocate

0.13 Federal Level Participation

- 0.131 Organization and coordination of the Federal juvenile service system
- 0.132 Development and implementation of national juvenile justice and delinquency prevention standards
- 0.133 Distribution of financial and technical resources
- 0.134 Evaluation of Federal, State, and local activities

0.2 Planning

- 0.21 Data base development and collection
- 0.22 Inventory and analysis of community resources

- 0.23 Problem identification and prioritization
- 0.24 Needs identification
- 0.25 Goal development
- 0.26 Strategy development
- 0.27 Program coordination
- 0.28 Program development
- 0.29 Program implementation
- 0.3 Evaluation and Research
 - 0.31 Development of an evaluation system
 - 0.32 Development of a research capability
- 0.4 Personnel
 - 0.41 Selection
 - 0.42 Training
 - 0.421 Law enforcement personnel
 - 0.422 Judicial personnel
 - 0.423 Prosecutorial personnel
 - 0.424 Legal services personnel
 - 0.425 Personnel providing direct service to juveniles
 - 0.426 Educational personnel
 - 0.427 Planning personnel
 - 0.428 Personnel providing support services in residential programs
 - 0.429 Administrative personnel
- 0.5 Records Pertaining to Juveniles
 - 0.51 Security and privacy of records
 - 0.52 Collection and retention of records

- 0.53 Confidentiality of records
 - 0.531 Access to police records
 - 0.532 Access to court records
 - 0.533 Access to intake, detention, emergency custody, and dispositional records
 - 0.534 Access to child abuse records
 - 0.535 Access for the purpose of conducting research, evaluative or statistical studies
- 0.54 Completeness of records
- 0.55 Accuracy of records
- 0.56 Destruction of records

The Prevention Function

Possible Delinquency Prevention Program Strategies

Focal Point: The Individual

Type: Corrective Prevention

Area of Emphasis -- The Family

Cor. F-1 Individual and Family Counseling

Cor. F-2 Parent Training

Cor. F-3 Protective Services

Area of Emphasis -- Health

Cor. H-1 Diagnostic Services

Cor. H-2 Preventive and Maintenance Services

Cor. H-3 Treatment Services

Area of Emphasis -- Education

Cor. Ed-1 Learning Disabilities

Cor. Ed-2 Problems in Learning

Cor. Ed-3 Supportive Services

Area of Emphasis -- Employment

Cor. Em-1 Preparative and Supportive Counseling

Area of Emphasis -- Recreation

Cor. Rc-1 Expansion of Recreational Opportunities

Area of Emphasis -- Religion

Cor. R-1 Counseling (Religious)

Focal Point: Social Institutions

Type: Corrective Prevention

Area of Emphasis -- Family

- Cor. F-1 Provision for Basic Needs
- Cor. F-2 Day Care
- Cor. F-3 Crisis Intervention

Area of Emphasis -- Education

- Cor. Ed-1 Comprehensive Program of Learning
- Cor. Ed-2 Alternative Education
- Cor. Ed-3 The Home as a Learning Environment
- Cor. Ed-4 Utilization of School Facilities
- Cor. Ed-5 Career Education

Area of Emphasis -- Employment

- Cor. Em-1 Expansion of Employment Opportunities
- Cor. Em-2 Community Job Placement Information
- Cor. Em-3 Age and Wage Restrictions

Area of Emphasis -- Justice

- Cor. J-1 Police - Youth Relations

Area of Emphasis -- Recreation

- Cor. Rc-1 Expansion of Recreational Opportunities

Area of Emphasis -- Housing

- Cor. Ho-1 Provision of Adequate Shelter

Type: Instructional Prevention

Area of Emphasis -- Justice

- In. J-1 Preventive Patrols
- In. J-2 School Based Deterrence

Area of Emphasis -- Media

In. M-1 Media as a Method of Education

Type: Mechanical Prevention

Area of Emphasis -- Justice

Mec. J-1 Citizen Efforts to Prevent Delinquency

Mec. J-2 Hand Gun Control

Area of Emphasis -- Housing

Mec. H-1 Neighborhood Security

Area of Emphasis -- Family

Mec. F-1 Behavior Patterns

Focal Point: Social Interaction

Type: Corrective Prevention

Area of Emphasis -- Justice

Cor. J-1 Diversion

Cor. J-2 Alternative Approaches to Juvenile Misconduct

Area of Emphasis -- Education

Cor. Ed-2 De-emphasis on Labeling

Type: Redefinition

Area of Emphasis -- Justice

Re. J-1 Statutory Changes and Reform

2. The Intervention Function

- 2.1 Circumstances in which society should intervene
 - 2.11 Intervention for commission of a delinquent Act
 - 2.12 Intervention for non-criminal misbehavior
 - 2.13 Intervention to protect against harm
- 2.2 Intervention by law enforcement agencies
 - 2.21 Authority to intervene
 - 2.22 Decision to refer to intake
 - 2.221 Criteria for referral to intake--delinquency
 - 2.222 Criteria for referral to intake--non-criminal misbehavior
 - 2.223 Criteria for referral to intake--neglect and abuse
 - 2.23 Decision to take a juvenile into custody
 - 2.231 Criteria for taking juveniles into custody--delinquency
 - 2.232 Criteria for taking juveniles into custody--non-criminal misbehavior
 - 2.233 Criteria for taking juveniles into emergency protective custody
 - 2.234 Form of citation, summons, and order to take into custody
 - 2.24 Rights and Procedures
 - 2.241 Procedures following a decision not to refer to intake
 - 2.242 Procedures following a decision to refer to intake--delinquency
 - 2.243 Procedures following a decision to refer to intake--non-criminal misbehavior
 - 2.244 Procedures following a decision to refer to intake--neglect and abuse

- 2.245 Procedures when a juvenile is in need of immediate medical care
- 2.246 Procedures for fingerprinting and photographing juveniles
- 2.247 Procedures applicable to the interrogation of juveniles
- 2.248 Form of complaint
- 2.25 Specialization of law enforcement officers
 - 2.251 Police juvenile units
 - 2.252 Specialization within patrol units
 - 2.253 Personnel policies
- 2.3 Intervention by other governmental agencies
 - 2.31 Authority to intervene
 - 2.32 Decision to refer to intake
 - 2.321 Criteria for referral to intake--non-criminal misbehavior
 - 2.322 Criteria for referral to intake--neglect and abuse
 - 2.33 Criteria for taking juveniles into emergency protective custody
 - 2.34 Rights and procedures
 - 2.341 Procedures following a decision not to refer to intake
 - 2.342 Procedures following referral to intake
 - 2.343 Procedures upon taking a juvenile into emergency protective custody
 - 2.344 Procedures when a juvenile is in need of immediate medical care

Standards on Adjudication*

3.1 The courts

3.11 Jurisdiction

- 3.111 Jurisdiction over delinquency
- 3.112 Jurisdiction over non-criminal misbehavior
- 3.113 Jurisdiction over neglect and abuse
- 3.114 Jurisdiction of the Federal courts over delinquency
- 3.115 Maximum and minimum age
- 3.116 Transfer to another court--delinquency
- 3.117 Transfer of jurisdiction--intra-family criminal offense, contributing to the delinquency of a minor
- 3.118 Venue

3.12 Court organization

- 3.121 Relationship to other courts
- 3.122 Tenure of family court judges
- 3.123 Judicial qualifications and selection
- 3.124 Use of quasi-judicial decision-makers
- 3.125 Employment of a court administrator

3.13 Counsel

- 3.131 Representation by counsel -- for the State
- 3.132 Representation by counsel -- for the juvenile
- 3.133 Representation by counsel -- for the parents
- 3.134 Role of Counsel

*Contained in the September 30, 1976 Report of the Advisory Committee on Standards

- 3.14 Intake
 - 3.141 Organization of intake units
 - 3.142 Review of complaints
 - 3.143 Criteria for intake decisions -- delinquency
 - 3.144 Criteria for intake decisions -- non-criminal misbehavior
 - 3.145 Criteria for intake decisions -- neglect and abuse
 - 3.146 Intake investigation
 - 3.147 Notice of decision
- 3.15 Detention, release, and emergency custody
 - 3.151 Purpose and criteria for detention and conditioned release -- delinquency
 - 3.152 Criteria for detention in secure facilities -- delinquency
 - 3.153 Criteria for detention and release -- non-criminal misbehavior
 - 3.154 Criteria and procedures for imposition of protective measures in neglect and abuse cases
 - 3.155 Initial review of detention decisions
 - 3.156 Review of the conditions of release
 - 3.157 Initial review of emergency custody decisions
 - 3.158 Review, modification and appeal of detention decisions
- 3.16 Pre-Adjudication procedures
 - 3.161 Case-processing time limits
 - 3.162 Extension and computation of case-processing time limits
 - 3.163 Decision to file a petition

- 3.164 Petition and summons
- 3.165 Determination of probable cause
- 3.166 Arraignment procedures
- 3.167 Discovery
- 3.168 Motion practice
- 3.169 Appointment and role of guardian ad litem
- 3.17 Adjudication procedures
 - 3.171 Rights of the parties
 - 3.172 Public and closed proceedings
 - 3.173 Finder of fact
 - 3.174 Burden and level of proof
 - 3.175 Plea negotiations
 - 3.176 Uncontested adjudications
 - 3.177 Withdrawals of admissions
- 3.18 Dispositions
 - 3.181 Duration of disposition and type of sanction -- delinquency
 - 3.182 Criteria for dispositional decisions -- delinquency
 - 3.183 Dispositional alternatives and criteria -- non-criminal misbehavior
 - 3.184 Dispositional alternatives and criteria -- neglect and abuse
 - 3.185 Criteria for termination of parental rights
 - 3.186 Predisposition investigations
 - 3.187 Predisposition reports
 - 3.188 Dispositional hearings
 - 3.189 Review and modification of dispositional decisions

- 3.1810 Enforcement of dispositional orders -- delinquency
- 3.1811 Enforcement of dispositional orders -- non-criminal misbehavior
- 3.1812 Review of dispositional orders -- neglect and abuse
- 3.1813 Enforcement of dispositional orders -- neglect and abuse
- 3.19 Appellate procedures
 - 3.191 Right to appeal
 - 3.192 Right to counsel and a record of the proceedings
- 3.2 Non-court adjudicatory proceedings

4. The Supervision Function

4.1 Administrative Responsibility

4.11 Role of the State

4.12 Role of the Federal Government

4.2 Residential programs

4.21 Training schools

4.211 Location and size

4.2111 Location

4.2112 Size

4.212 Staff

4.2121 Staff Size

4.2122 Staff qualifications

4.213 Services

4.214 Development of a treatment plan

4.2141 Assessment

4.2142 Treatment plan

4.215 Group counseling and treatment services

4.2151 Group therapy

4.2152 Semi-autonomous treatment model

4.216 Educational services

4.2161 Academic education

4.2162 Vocational education

4.2163 Special education

4.217 Health and mental health services

4.2171 Initial health examination and assessment

4.2172 Responsibility toward patients

4.2173 Diet

4.2174 Mental health services

- 4.218 Recreational services
- 4.219 High security units
 - 4.2191 Size
 - 4.2192 Staff
 - 4.2193 Services
 - 4.2194 Security
- 4.22 Camps and ranches
 - 4.221 Size
 - 4.222 Staff
 - 4.223 Services
- 4.23 Group homes
 - 4.231 Size
 - 4.232 Staff
 - 4.233 Services
 - 4.234 Central services
- 4.24 Community correctional facilities
- 4.25 Foster homes
 - 4.251 Staff
 - 4.252 Services
- 4.26 Detention facilities
 - 4.261 Size
 - 4.262 Staff
 - 4.263 Services
- 4.27 Shelter care facilities

- 4.72 Transfers from more secure to less secure facilities
- 4.73 Transfers among agencies
- 4.8 Grievance procedures and ombudsman programs
 - 4.81 Grievance procedures
 - 4.82 Ombudsman programs

4.3 Non-residential programs

4.31 Community supervision

4.32 Services

4.33 Imposition and enforcement of regulations

4.4 Rights of juveniles

4.41 Mail and censorship

4.42 Dress codes

4.43 Personal appearance

4.44 Visitation

4.45 Religious freedom

4.46 Responsibility for control and apprehension of juveniles

4.47 Notice of rules

4.48 Searches

4.49 Work assignments

4.410 Right to treatment

4.411 Denial of Enumerated Rights

4.5 Discipline

4.51 Corporal punishment

4.52 Confinement

4.53 Loss of privileges

4.54 Disciplinary procedures

4.6 Use of Restraints

4.61 Mechanical restraints

4.62 Medical restraints

4.7 Transfer procedures

4.71 Transfers from less secure to more secure facilities

- 4.72 Transfers from more secure to less secure facilities
- 4.73 Transfers among agencies
- 4.8 Grievance procedures and ombudsman programs
 - 4.81 Grievance procedures
 - 4.82 Ombudsman programs

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