What is the SOS Project?
The CJJ “Safety, Opportunity & Success (SOS): Standards of Care for Non-Delinquent Youth Project” (“SOS Project”) engages multiple stakeholders to guide states in implementing strategies that divert non-delinquent youth from juvenile courts and locked confinement to connect them to family- and community-based systems of care that can more effectively meet their needs.

Why is it Needed?
Since 1974, the Deinstitutionalization of Status Offenders (DSO) core requirement of the federal Juvenile Justice and Delinquency Prevention Act (JJDPA) has prohibited the incarceration of youth charged with status offenses. Research reveals that placing youth who commit status offenses in locked detention facilities jeopardizes their safety and well-being, and may actually increase their likelihood of committing unlawful acts. Since 1984, however, the Valid Court Order (VCO) exception to the DSO core requirement has allowed detention of adjudicated status offenders if they violate a direct order from the court. Almost half of the U.S. states and territories prohibit use of the VCO exception in statute or do not actively use the exception. Still, each year the VCO exception contributes to the locked detention of thousands of non-delinquent youth.

DEFINING THE PROBLEM
Each year, thousands of children enter the juvenile justice system because they have run away from home, behavior that is considered a status offense in many states. In 2010 alone, nearly 14,800 boys and girls, most of whom were teenagers, were referred to the courts because they fled their residence. They accounted for roughly 11 percent of the 137,000 status offense cases that were brought before the courts that year.

Runaway cases often involve complex social issues and require the judiciary to make difficult decisions about a young person’s future. Frequently, for example, a young person’s flight is the result of physical or sexual abuse that in their home. Once away from home, they face a new set of challenges. In 2013, for example, one in seven runaway youth reported to the National Center for Missing and Exploited Children that they may have been a victim of sex trafficking. Anecdotal reports show that issues such as these may give judges pause.

RUNNING AWAY: FINDING SOLUTIONS THAT WORK FOR YOUTH AND THEIR COMMUNITIES
about returning children to the communities from which they fled. In fact, the complexities of their situations may cause young people who run away from home to be detained at higher rates than other status offenders. The Office of Juvenile Justice and Delinquency Prevention (OJJDP) reported that in 2010, youth who ran away from home accounted for 16 percent of the youth who were placed in detention centers for status offenses, and that children who ran away were more likely to be put in out-of-home placements post-adjudication than any other group of young people charged with a status offense. Detention is not the answer, though.

Incarcerating children does not ensure that they are safer than they would be otherwise. While incarcerated, boys and girls frequently find themselves in overcrowded, understaffed facilities – environments that can breed violence and worsen their unmet needs for therapy and other services. They may also be subjected to assaults and other attacks from staff and fellow youth. Research shows that nearly 20% of non-delinquent youth, such as runaways, are placed in living units with juveniles who have killed someone.

To properly address the needs of children who have run away, juvenile justice systems must develop better responses. As part of this effort, a growing number of community collaborations across the country are helping to ensure that children who have run away are not detained.

WHO ARE THESE YOUNG PEOPLE?

OJJDP defines running away from home as any instance in which a young person leaves the custody and home of their parent or guardian without their permission, and fails to return within a “reasonable length of time.” This includes situations in which a young person leaves home without obtaining their parent or guardian’s permission and stays away overnight. It also includes situations in which a young person is away from home and chooses not to return when they were supposed to and subsequently stays gone overnight.

Nationally, statistics show that a majority of children who are petitioned to the courts for these types of behaviors are girls between the ages of 13 and 17. Running away from home is the only category of status offenses for which more girls are charged than boys.

African American youth are also more likely to be referred to the courts for running away. African American young people are more than three times as likely as their white peers to be petitioned to the courts for running away from home.
Among all children who are petitioned to the courts for running away, children who are lesbian, gay, bisexual or transgender (LGBT) are twice as likely to be incarcerated. Roughly 28 percent of gay and bisexual boys are placed in detention as compared with 12 percent of straight boys. Meanwhile, 38 percent of lesbian and bisexual girls are placed in detention as compared with 17 percent of straight girls.

Young people run away for a variety of reasons, including parental rejection. A child may also leave home because they have been lured in to the sex industry, or because of abuse. Studies show that sexual and/or physical abuse frequently exists in homes from which teens and children decide to flee. Among children who ran away as a whole, 21 percent reported that they were either physically or sexually abused in the year preceding their departure, or that they were afraid they would be abused upon their return.

COURT INVOLVEMENT

The courts become involved in only a small fraction of instances in which children and teens have run away from home. Police sometimes become involved when they are called to help locate the child, or because the child was seen and suspected of engaging in some other type of behavior. When the courts do become involved, judges are faced with difficult choices.

As noted earlier, there are a many reasons why a young person might leave home. While some of these issues result in challenging decisions to which there are admittedly no easy answers, research shows that placing low-risk youth - such as children charged with running away - in juvenile detention facilities can have harmful effects. For example, young people who are placed in detention centers are more likely to

Trafficicking and Runaways

Young people who become court-involved after running away from home may also become victims of sex trafficking, although not all runaway youth become trafficking victims and not all trafficking victims have run away from home. While discussions about sex trafficking frequently focus on victims who are brought to the United States from other countries and forced to work as prostitutes against their will, The Polaris Project reports that an estimated 244,000 American children are considered at risk for sexual exploitation and victimization. Of these, 38,600 are boys and girls who are living on the streets after either running away from home, or being forced out of their homes by their families.

One of the most frequent ways in which police become involved in cases where teens and children are charged with a status offense for running away is when the teen is spotted by police and suspected to be engaging in prostitution. At present, these young victims can, and often do, find themselves facing charges for either a status offense or prostitution.
have deeper contact with the juvenile justice system in the future, a probability that continues to increase each time they are detained. Nonetheless, detention is presently permitted under the Juvenile Justice and Delinquency Prevention Act (JJDPA) if the young person’s behavior violates an existing valid court order. Such an order could be as simple as a prior verbal pronouncement from a judge telling the young person to remain in his or her home. If the young person subsequently runs away, they are in violation of the judge’s order and may, under existing federal law, be placed in a locked detention center. Many states have chosen, however, through law, policy or practice, to never place runaway youth in locked confinement, but instead to seek out alternatives to detention.

DETENTION ALTERNATIVES

When presented with the detention dilemma, Judge Linda Tucci Teodosio of Summit County, Ohio reminds herself, “[k]eeping children safe from conditions in the home is not the purpose of detention.” Instead, Judge Tucci Teodosio focuses on “how to keep them in the community.” Keeping these youth out of detention, safe, and in the community requires collaboration among diverse stakeholders in the juvenile justice, child welfare, and other social service systems that work with youth who have run away. Through collaboration, communities can develop and implement detention alternative practices and programs to better serve youth who run away.

Alternative practices and programs may serve youth who run away at three stages: (1) before contact with the juvenile justice system (i.e., prevention), (2) after contact with the juvenile justice system but before referral to court (i.e., diversion), and (3) after referral to court (i.e., court-based interventions). Some practices and programs may be deployed at multiple stages.

PREVENTION

Community-based programs and initiatives may serve and prevent youth who run away from having contact with the juvenile justice system (i.e., prevention). Some communities offer crisis intervention services such as youth respite care programs, shelters, and drop-in centers. Typically focused on safe family reunification, respite care programs (e.g., Bridges Over Troubled Waters in Boston, Massachusetts, Sasha Bruce Youthwork in Washington, DC and Huckleberry House in San Francisco, California) and shelters provide youth temporary housing. If family reunification is not viable, these programs may provide assistance in identifying alternative long-term housing (e.g., willing and able relative or independent living programs). Drop-in centers provide services to meet youths’ immediate needs such as “food, clothing,
showers, laundry, and bus tokens.” Additional interventions may be offered by shelters, drop-in centers, and respite care programs. These additional interventions often target underlying reasons for running away and include case-management, mediation, vocational training, reengagement with education, medical care, family/group/individual therapy, and substance abuse counseling.

Some studies indicate that over 70% of youth return home after receiving shelter services. However, other research suggests that only 30% of youth who are in need seek services from shelters. The low rate of youth who are in-need and seek services from shelters may reflect limited access to adequate services because there are only 4,000 shelter beds for youth as compared to the almost 15,000 youth who were petitioned for running away in 2010. Although the need for shelter beds may vary between communities, some agencies might not receive youth “with past histories of violence, current involvement in the juvenile justice system, or, with some exceptions, serious mental health issues.” The provision of these services is partly driven by funding requirements (discussed further below).

The low rate of youth who are in need and seek services may also reflect youths’ unwillingness to seek services for various reasons (e.g., because they do not consider family reunification to be a safe, viable option or because they want to avoid the family becoming involved in the child welfare system). Strategies that allow youth to build relationships overtime may be more successful in getting young people to voluntarily enter community-based programs. Street-based outreach and drop-in centers are some examples of programs that aim to build a trusting relationship with youth and service providers.

To connect youth with existing services, communities may coordinate and execute a campaign to raise awareness of available resources and services. As part of a state-level strategic plan to coordinate and strengthen Virginia’s response to human trafficking, the Virginia Anti-Trafficking Coordinating Committee has begun to deploy several strategies to raise awareness of the National Runaway Safeline. Posters and other promotional materials are being disseminated to state/local agencies (e.g., schools, social services, libraries, DMV, law enforcement, parks, community centers) and other establishments frequented by youth (e.g., movie theaters, visitor centers, and highway rest areas).

The Committee has also begun to identify some community partners who could utilize the free “Let’s Talk” runaway prevention curriculum.
The curriculum may be used in diverse group settings such as schools, residential placements, and community-based social services. The curriculum provides activities that focus on educating youth about the risks associated with running away and the alternatives to running away. Overall, the curriculum encourages youth to seek help from community resources.

DIVERSION

Juvenile justice professionals such as law enforcement and prosecutors may divert youth from the court and detention to community resources. When law enforcement officers in Ramsey County, Minnesota encounter youth who have run away, they utilize a 10-question screening tool. The screening tool may help law enforcement officers to identify the youth’s challenges (e.g., physical/sexual abuse, healthcare, housing, mental health, substance abuse, gang involvement) and make appropriate referrals to school- and community-based resources (respite programs, parent support/training, counseling, and family mediation). Communities looking to implement the screening tool should provide training to ensure law enforcement officers ask questions in an effective manner that ensures youth “feel safe, cared for, and believed.”

Law enforcement training should also provide information about community resources and explain how punitive and other inappropriate responses (e.g., forcing youth to return home or to a substitute care placement) may place youth at risk of harm and lead the youth to run away again. Also, because a high rate of youth who run away cite family conflict as a reason for running away, law enforcement officers and other first responders should also be trained in family conflict resolution strategies.
Other jurisdictions have adopted policies to keep youth who are petitioned for running away out of the court. For example, the Connecticut state legislature enacted Public Act 07-4, in 2007, mandating that youth charged with status offenses – including running away – be diverted to community-based resources in certain circumstances. Between 2007 and 2009, status offense complaints dropped 62 percent in Connecticut. In February 2011, the Ramsey County, Minnesota Attorney directed the juvenile division to cease prosecution of any youth who has been sexually exploited.

“Our goal is to avoid court involvement by using victim-centered interventions that focus on harm reduction and resiliency building.”
-Kate Richtman
Director of Juvenile Division
Office of Ramsey County Attorney

Some jurisdictions develop diversion programs in conjunction with diversion policies. For example, the Connecticut state legislature provided funding to establish a network of community-based centers called Family Support Centers (now called Child, Youth, and Family Support Centers and located in all local jurisdictions). Within three hours of receiving the referral, the centers provide youth and families 24-hour crisis intervention, family mediation, psycho-educational and cognitive behavioral support groups, case management, educational advocacy, respite care for up to two weeks, and individual counseling.

In Ramsey County, young girls who have run away from home and experienced a history of sexual assault or exploitation are referred to the county’s Runaway Intervention Program, an intensive case-management intervention. Over the course of the intervention, an advanced practice nurse (APN) meets with the girl in the home, school, and community. During visits, an APN and girl identify and support the girl’s goals, build self-esteem, and develop trusting relationships. More specifically, APNs connect the girls with school, extracurricular, and healthcare resources. In doing so, APNs assist girls in navigating the juvenile justice system and possible barriers by building life-skills. Girls are also offered the opportunity to participate in a weekly after-school therapeutic empowerment group. A 2010 study suggests that the Runaway Intervention Program restores healthy development for youth by increasing self-esteem and family/school connectedness and reducing emotional distress and risk behaviors.

COURT-BASED INTERVENTIONS

Once a youth is referred to court for running away, judicial officers should first try to assess why the youth is running away so that
appropriate referrals can be made to community resources. If the youth does not want to return home, the judicial officer should consider placements with relatives, a friend’s family, respite care programs, and shelters.

Some jurisdictions have developed programs that enable judicial officers to make more informed decisions about alternative placements. In Orange County, New York, the Family Keys Program utilizes a crisis intervention model for youth who are referred to the probation department for running away. Within two hours of receiving the referral, a Family Keys caseworker meets with the youth and family to conduct an assessment and develop a service plan. At the initial court appearance, the caseworker presents the service plan (including alternatives to out-of-home placement) to the judge. “In 2007, Family Keys served 57 youth [who were referred for running away]; all of these young people avoided residential placement.”

In Summit County, Ohio, Judge Tucci Teodosio convened service providers from the child welfare, juvenile justice, and other social service agencies to establish a “service pool.” A service pool enables Judge Tucci Teodosio to refer youth to services that may not otherwise be accessible because the youth is involved in the juvenile justice system and not the child welfare

SOS Project Products
The Coalition for Juvenile Justice has released several publications related to status offense, including:

National Standards for the Care of Youth Charged with Status Offenses

Disproportionate Minority Contact and Status Offenses
Available at: http://www.juvjustice.org/sites/default/files/resource-files/DMC%20Emerging%20Issues%20Policy%20Brief%20Final_0.pdf

Girls, Status Offenses and the Need for a Less Punitive and More Empowering Approach

Ungovernability and Runaway Youth

LGBTQ Youth and Status Offenses
Available at: http://www.juvjustice.org/sites/default/files/resource-files/LGBTQ%20Youth%20Guidance%20FINAL.pdf

Use of the Valid Court Order
Available at: http://juvjustice.org/sites/default/files/resource-files/State%20VCO%20Usage.pdf

Truancy and Other Status Offenses
According to Section 3.8 of the National Standards for Care of Youth Charged with Status Offenses, courts should “not securely detain or confine youth at any point in the status offense process.” Instead, communities should deploy alternative policies, practices, and programs:

1. Before contact with the juvenile justice system (i.e., prevention),
2. After contact with the juvenile justice system but before referral to court (i.e., diversion), and
3. After referral to court (i.e., court-based interventions).

Communities should also prioritize and pursue appropriate funding streams to support their efforts to increase service accessibility.

FUNDING DETENTION ALTERNATIVES
Agency service provision is partly driven by federal funding requirements under the Runaway and Homeless Youth (RHY) Act. For the 2013 fiscal year, there was approximately $50.1 million allocated for shelter services through the RHY grant program. However, the current statute prohibits RHY-grantees from using RHY-funding to provide shelter services for youth who are involved in the juvenile justice system. Therefore, RHY-agencies must seek alternative funding streams to provide shelter services for these young people.

Alternative funding streams may include Title IV-E (child welfare), Title II formula grants, state appropriations, and foundations. These alternative funding streams may be leveraged at the state and local levels. State Advisory Groups may prioritize the funding of detention alternatives specifically for youth who are petitioned for running away. Local communities may convene multi-disciplinary stakeholder groups to conduct needs assessments and coordinate referral agreements between the juvenile court and shelter service providers. In doing so, communities can ensure that adequate funding follows youth who are referred by the juvenile court.

CONCLUSION
Of all status offense cases petitioned between 1995 and 2010, runaway cases were the most likely to involve detention. High detention rates partly reflect the high need for adequate, alternative placement options, and are driven partly by the unique safety concerns for youth who are petitioned for running away.
Status offenses are behaviors that violate the law solely because the person engaging in them has not yet reached the legal age of majority, which, in most jurisdictions is 18. Status offenses include skipping school, coming home after curfew, alcohol- and tobacco-related conduct, and refusal to abide by parental rules. The courts sometimes refer to this final category of behaviors as “incorrigibility” or “ungovernability.”

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3 Id.

4 National Incidence Studies of Missing, Abducted, Runaway and Throwaway Children.


13 Id.

14 Juvenile Court Statistics 2010. p. 69, 71.

15 Id., 71.

16 Id., 75.


18 Id.

19 Id.


21 Id.


23 Id.


25 Id.


27 Judge Linda Tucci Teodosio is the only juvenile court judge in Summit County, Ohio. She has jurisdiction over dependency and neglect, delinquency and child support cases, as well as juvenile traffic violations. Judge Teodosio was first elected to the municipal court in 1998, and then to the juvenile court in 2003. Summit County does not utilize locked confinement for youth charged with status offenses. In 2010, Judge Teodosio was honored with the Models for Change Champion for Change Award from the MacArthur Foundation.

37 Dedel, supra note xxvii.

38 Dedel, supra note xxxix.


41 Slesnick et al. supra note xxviii.

