

Chapter 2: Defining and Measuring Offenses by and Against Juveniles *Courtney V. Cox and Dennis C. Bliss*

Categories of youth included under the Illinois Juvenile Court Act include (Information from 705 ILCS 405):

- *Delinquent*: Any minor who prior to the minor's 17th birthday has violated or attempted to violate, regardless of where the act occurred, any federal or State law or municipal or county ordinance. With certain exceptions, no minor who was under 17 years of age at the time of the alleged offense may be prosecuted under the criminal laws of this State.
- *Minors Requiring Authoritative Intervention*: Any minor under 18 years of age who is:
 - Absent from home without consent of parent, guardian, or custodian, or
 - Beyond the control of his or her parent, guardian, or custodian in circumstances which constitute a substantial or immediate danger to the minor's immediate physical safety, and
 - Who after being taken into limited custody for the period of time provided for (in the Juvenile Court Act) and offered interim crisis services, where available, refuses to return home after the minor and his or her parent, guardian, or custodian cannot agree to an arrangement for an alternative voluntary residential placement or the continuation of such placement.
- *Neglected or Abused Minor*: Any minor under 18 years of age who is not receiving the proper or necessary support, or education required by law, or medical or other remedial care recognized under state law as necessary for a minor's well-being, or other care necessary for his or her well-being, including adequate food, clothing, and shelter, or who is abandoned by his or her parents or other persons responsible for the minors welfare, or
 - Any minor who is under 18 years of age whose environment is injurious to his or her welfare
 - Any newborn infant whose blood, urine, or merconium contains any amount of a controlled substance as defined in the Illinois Controlled Substances Act, or
 - Any minor under the age of 14 years of age whose parent or other person responsible for the minor's welfare leaves the minor without supervision for an unreasonable period of time.
- *Addicted minor*: those who are addicted include any minor who is an addict or an alcoholic as defined in the Illinois Alcoholism and Other Drug Abuse and Dependency Act.
- *Dependent minor*: those who are dependent include any minor under 18 years of age:
 - Who is without a parent, guardian, or legal custodian
 - Who is without proper care because of the physical or mental disability of his parent, guardian or custodian
 - Who is without proper medical or remedial care recognized under state law or other care necessary to his or her well-being through no fault, neglect, or lack of concern by his parents, guardian, or custodian
 - Who has a parent, guardian, or legal custodian who with good cause wishes to be relieved of all residual parental rights and responsibilities, guardianship, or custody and who desires the appointment of a guardian for the person with power to consent to the adoption of the minor (under appropriate Illinois law).

Although the definitions presented above may appear clear-cut, there are several potential problems associated with them (see Chapter 2). Defining a minor as a delinquent is often interpreted as meaning a “young criminal.” While some minors who commit serious offenses are young criminals, others who commit acts which are offenses solely because of their age, or who are onetime offenders, may also be labeled young criminals. These labels may stick even though the offenses would not have been considered criminal had the minors been a few years (months or days) older (underage drinking, illegal possession of alcohol, curfew violations, for example).

Labels (delinquent, abused child, minor requiring authoritative intervention) tell practitioners very little about any particular juvenile. All parties involved would benefit far more from focusing on the specific behaviors that led to the labels.

There is no doubt that a good deal more delinquency and abuse occur than are reported, although the exact amount is very difficult to determine. While it is tempting to divide the world into those who have committed delinquent acts and those who haven't, or those who have been abuse victims and those who haven't, this polarizes the categories and overlooks the fact there are many in the official nondelinquent, nonabused category that actually are delinquent or abused. Some types of behavior labeled delinquent occur as a “normal” part of adolescence. Activities such as underage drinking, curfew violation, and experimentation with sex and marijuana seem to be widespread among adolescents. While these activities may be undesirable when engaged in by youth, they are not abnormal or atypical. Those viewing activities which are widespread among juveniles as atypical or abnormal are faced with essentially two choices. They can either define the majority of juveniles as delinquent, thereby increasing official delinquency rates, or they can reevaluate the legal codes which make these activities violations and remove such behaviors from the category of delinquent.

To some extent, the same argument holds for abused and neglected youth. While those who are labeled are victims instead of perpetrators (as is the case with delinquents), they are not, in many cases, so terribly different from their peers either. If, as we suspect, the vast majority of abuse and neglect cases go unreported, many youth experience many of the same behaviors as those labeled abused or neglected. Thus, the way in which we treat those who are labeled may be crucial in determining the extent of psychological damage done. If we recognize them as victims, but also recognize that they are not abnormal, our efforts at reintegration and rehabilitation may be more effective.

Both legal and behavioral definitions of delinquency and child maltreatment present problems. Legal definitions assess more or less accurately numbers and characteristics of juveniles who become officially labeled. However, use of legal definitions can be misleading with respect to the actual extent and nature of offenses by and against youth. Behavioral definitions assess the extent and nature of such activities more accurately, but raise serious problems in the area of data collection (see Chapter 2).

Review Questions

1. What categories of youth are included in the Illinois Juvenile Court Act?
2. How accurate are official statistics on delinquency likely to be?
3. Do you think most cases of child abuse are reported? Why or why not?
4. What kinds of problems can result from inaccurate images of juvenile delinquents?

5. What might be some of the consequences of using official statistics to develop images of abused minors?