

## Chapter 5: Purpose and Scope of the Juvenile Court Acts

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The Missouri Revised Statute Section 211.011 provides that the purpose of its juvenile courts is to facilitate the care, protection and discipline of children who come within its jurisdiction. This act is so rooted in the concept of *parens patriae* that each child coming within its fold shall receive such care, guidance and control as will conduce to the child's welfare and the best interests of the state. Whenever a child is removed from the control of his parents, the court must secure for him care as nearly as possible equivalent to that which his parents should have provided. The child welfare policy of Missouri is what is in the best interests of the child and to that end the Act should be liberally construed.

To further the purpose of the Juvenile Court Act, the Missouri Department of Social Services Children's Division defines its mission as maintaining or improving the quality of life for the people of Missouri by providing the best possible services to the public with respect, responsiveness and accountability which will enable the individuals and the families to better fulfill their potential (Annual Report 2005).

The current Act facilitates care and protection for children who come within its perimeters, and allows the use of disciplinary measures for children when appropriate for rehabilitation and public safety needs. Today, removal of a child from the home is appropriate when necessary and reasonable efforts to prevent or eliminate the removal have been made. (211.183. 1.RSMo.) In fact, under the current statute, the court must include in its order for removal what preventative or reunification efforts were made and why further efforts would not have prevented or shortened the separation of the family.

The early juvenile courts often sought placement of children in reform schools or structured learning and living environments like Boonville, Tipton, and Chillicothe. Removal was oft times the permanent plan as opposed to the intermediate emergent action. A reluctance to permanently remove children from their homes came about in the 1970's and 1980's due to the social movement advocating for rehabilitation rather than confinement. Small group living facilities replaced the high security and prison like settings of the past. Furthermore, by 1986 no children were detained in adult jails or lock ups. By 2001, no juvenile correctional facility in Missouri contained more than 85 beds, and all except three contained 33 beds or fewer" (Sullivan, 2007; p.27). These small facilities foster closer relationships between juveniles and their counselors which in turn, assists or promotes in rehabilitation. Juveniles benefit by having better facilities for rehabilitation and Missouri benefits by saving almost one-third of what surrounding states pay for operation of their facilities (Mendel, 2001). Keeping families together whenever possible is the current trend.

In the spirit of upholding this trend to keep families together the Division of Youth Services divided the state into five geographic regions, each with their own regional administrative and service delivery systems. The smaller geographic regions each contain smaller residential and non-residential programs and services to provide for the youth and their families closer to their own communities. These smaller facilities replaced the enormous state operated historical institutions of Chillicothe, Boonville and Tipton.

Specifically today, Missouri is divided into 45 Judicial Circuit Juvenile Divisions encompassing 115 counties. Each of these juvenile division circuits has a juvenile court judge and a juvenile officer (Missouri Department of Public Safety 1998). The Division of Youth Services is responsible for providing treatment options for all juvenile offenders within the State's juvenile justice system. The

options include prevention, community-based programs, residential options and since April 1999, seven highly structured, secure care programs (Missouri Department of Public Safety 1998).

Missouri's juvenile court has jurisdiction of all children ages 17 and younger who are in need of care and treatment because of neglect or abuse due to medical, emotional, physical, or educational reasons (211.031. 1. RSMo). Additionally, the juvenile court has jurisdiction of youth 16 and younger for delinquency and status offenses. Status offenders include all children who are unruly or ungovernable due to repeated absence from school, habitual absence from home, who are beyond the control of their parents or guardians or whose behavior or associations are injurious to their welfare or the welfare of others. There is no lower age limit specified by law; however, the extended age of delinquency jurisdiction is twenty (211.041 RSMo). Juvenile courts may relinquish jurisdiction in delinquency matters when the court certifies the offender for trial as an adult. For the most serious offenses and for habitual felony offenders, the court may certify transfer at any age. For all other felony offenses, the court may certify transfer to adult court if the child is between twelve and seventeen years old (211.071.1 RSMo.).

In order for the justice system to fairly provide services for juveniles and their families according to the purpose and mission statements outlined above, the state created the Missouri Juvenile Offender Classification System (Sections 211.326.1, 211.326.6, 211.141.4, and 211.141.5, RSMo. Supp.1995). Specifically, section 211.326.1 requires that the state develop a standardized assessment form for classifying offenders and Section 211.326.6 provides that the "Standards, training and assessment forms...shall be developed considering racial disparities in the juvenile justice system" (RSMo. Supp.1995). Section 211.141.4 requires that the assessment be done in writing prior to disposition and Section 211.141.5 dictates that "...juvenile officers and juvenile courts, shall at least biennially review a random sample of assessments of children and the disposition of each child's case to recommend assessment and disposition equity throughout the state"(RSMo. Supp.1995) to determine if racial disparities occur in the juvenile justice system. More generally, the legislation attempts to provide an objective classification system on which to determine strategy and dispositional choices for status and law violators by creating a "colorblind justice" system.

In 1999 it was estimated that Missouri's juvenile population (10- 16) was 83% white, 14% African American, 2% Hispanic, 1% Asian Pacific and .4% Native American for a total of 17%; however, this minority juvenile population accounted for 39% of the juveniles held in secure facilities, more than twice their representation in the general population (Agee, J). Furthermore, studies revealed a disproportionate minority overrepresentation of 28% at the referral stage. Hence, Missouri began to implement strategies such as the Juvenile Minority Overrepresented Populations (JMOP) program with a slogan of JMOP Must Drop to reduce its minority numbers at the referral stage and ultimately at the confinement stage. The results of their legislative efforts, programs and training programs will be revealed when updated statistics are gathered and analyzed pursuant to their three year plan scheduled for 2006-2009 (Agee, J).

Abuse and neglect referrals require their own system. In those situations, a thorough report and an investigation/family assessment outlining up to four observed family characteristics and up to four observed perpetrator characteristics are noted on which to base their dispositional recommendations.

For criminal and status offenses, the classification system includes a risk assessment and a needs assessment. The risk assessment is used to objectively estimate the likelihood of recidivating resulting in a finding of low, moderate or high risk for committing a new offense. The risk assessment process requires that the offending juvenile and their parent(s) be interviewed concerning their history and life circumstances. Officers are required to complete a risk assessment when the juvenile and their parent have attended an informal adjustment conference. The risk scale is comprised of ten factors based on empirical research relating to delinquency: age at first referral; prior referrals; peer relationships; family

dynamics; school behavior; history of abuse and/or neglect; referrals for assault; history of out-of-home placement; substance abuse; and history of parental incarceration (Classification System, 2001).

The needs assessment component is used to identify the type and seriousness of psychosocial needs presented by juvenile offenders so that treatment may be planned for on both the individual level and at the administrative level by identifying the resource needs. The needs scale identifies sixteen areas relevant to the psychological development of children. The areas identified within this scale include: behavior problems, attitude, interpersonal skills, history of abuse and neglect, mental health and physical health issues, substance abuse, school attendance, academic performance, learning disabilities and behavioral problems, employment, juvenile's parental responsibility, parental management style, parental mental health, parental substance abuse, and social support (Classification System, 2001).

By linking the risk assessment with the needs assessment, an objective estimation for recommending graduated sanctions and psychosocial needs can be identified. A supervision reassessment form also exists to continually assess the child's adjustment to supervision. Currently, about 78% of the judicial circuits use this system for case management decision making.

In the mid to late 1990s Missouri had the third highest percentage of status offenders housed in public facilities. Status offenders comprised 12.6% of Missouri's confined juvenile population, ranked behind Indiana at 13.7%, Iowa at 12.8% and slightly more than South Dakota at 11.5%. In 1995, Missouri statistics reflected that out of 1,037 juveniles in public facilities, 901 were placed there for delinquency and 131 were placed for status offenses (Moone, J. 1997). Nationally, about 96% of the juveniles in public facilities were placed in custody for delinquency offenses and only 2.6% of the juveniles in public facilities were placed for status offenses. Missouri significantly placed more status offenders than the national average. For a system committed to keeping children within the family structure, something needed to be done.

In 1995 Missouri began establishing a unified family court system which encouraged state agencies and community options to work together to provide services and establish funding. Furthermore, the Juvenile Justice Reform Act of 1995 assisted in this endeavor by establishing the Juvenile Education Division to develop educational standards for juvenile court personnel.

The reforms brought about by the 1995 Juvenile Justice Reform Act improved placement options for delinquent offenders as well. The Act assisted in gathering funds to create smaller, more home-like environments for youths placed in juvenile facilities (Beaubien, J. 2007). If one cannot be placed in their own home, the next best option would be a facility that resembled a home with home like amenities. For example in the Northwest Regional Youth Center, a facility that houses thirty serious juvenile offenders, the lobby includes a drum set and a piano. There the children are treated like citizens, not inmates. They wear regular clothes and go to schools that appear like regular public educational institutions. Only the chain link fence that surrounds the building sets the facility apart (Beaubien, J. 2007).

Despite the legislative reform and the research that reports that if you treat children like criminals they will act like criminals, Missouri has not entirely abandoned the removal of children from the community or the placing of them in secure settings, as an option for treatment. Tim Decker, the Director of the Missouri Division of Youth Services, relates that "our first and primary function is public safety. We have young people who've become a problem in our community and that needs to stop" (Beaubien, J. 2007). However, the community can be kept safe while the offenders are in rehabilitative locations with access to group therapy and counseling. His approach appears to be working as Missouri boasts an extremely low recidivism rate of 7.3%. A rate that many other states envy and seek to emulate (Korenstein, A., 2006).

Not all youthful offenders are as lucky or as protected as those who are housed in youth centers like the Northwest Regional Youth Center mentioned above. A number of youthful offenders are certified as adults and are transferred out of the juvenile system and into the general jurisdiction of adult court some as young or younger than twelve. Unlike many states that have mandatory waiver provisions, or automatic adult jurisdiction policies for certain offenses at certain ages, Missouri has a discretionary transfer and certification system. Although the process for certification, a formal hearing, may be mandatory whenever the juvenile petition alleges that the child has committed such serious offenses as first or second degree murder, first degree assault, forcible rape or forcible sodomy, first degree robbery, distribution of drugs, or has committed two or more prior unrelated offenses which would be felonies if committed by an adult, the consequences are not (RSMo. 211.071.1.). The Missouri code also allows for a certification hearing to be sought at the discretion of any party for any felony if the offender is between the ages of twelve and seventeen (RSMo. 211.071.1.). In both instances, the mandated hearing and the discretionary hearing, the court always has the option, within its discretion to retain jurisdiction except when the child has already been adjudicated within the adult system. Typically, once jurisdiction of the juvenile court is transferred, jurisdiction over that child is forever terminated (RSMo. 211.071.9 and 10).

The transfer or certification hearings require procedural due process. The juvenile and his/her parent are entitled to written notification of the proceeding unless waived. The juvenile must be made aware by statement that the purpose of the hearing is to determine whether the child offender is a proper subject to be dealt with under the provisions of juvenile court, or if not, then the offender will be prosecuted under the general law as an adult. The juvenile is entitled to an attorney during this hearing and must be provided with copies of all documents as well as the transfer report prepared for or on behalf of this hearing. A written transfer report is required prior to the hearing and includes information concerning the child 's history, record, offense, and amenability to rehabilitation.

In making the determination to certify the juvenile offender to adult court, the court may consider but is not limited to the following criteria:

- (1) The seriousness of the offense alleged and whether the protection of the community requires transfer to the court of general jurisdiction;
- (2) Whether the offense alleged involved viciousness, force and violence;
- (3) Whether the offense alleged was against persons or property with greater weight being given to the offense against persons, especially if personal injury resulted;
- (4) Whether the offense alleged is a part of a repetitive pattern of offenses which indicates that the child may be beyond rehabilitation under the juvenile code;
- (5) The record and history of the child, including experience with the juvenile justice system, other courts, supervision, commitments to juvenile institutions and other placements;
- (6) The sophistication and maturity of the child as determined by consideration of his home and environmental situation, emotional condition and pattern of living;
- (7) The age of the child;
- (8) The program and facilities available to the juvenile court in considering disposition;
- (9) Whether or not the child can benefit from the treatment or rehabilitative programs available to the juvenile court; and
- (10) Racial disparity in certification (RSMo. 211.071.06).

If the child offender is transferred to adult court, the judge enters an order dismissing the juvenile petition, makes written findings supporting the underlying reasons for the transfer, certifies that the juvenile court had original jurisdiction and that the child was present at the hearing and represented by counsel (RSMo. 211.071.7). If the transfer is denied and the child is kept within the purview of the juvenile court's jurisdiction, the court must set a date for the adjudicatory hearing (RSMo. 211.071.11).

Missouri is semi unique in that it is one of fifteen states that offer a blended sentencing option that authorizes the court to combine a juvenile disposition with a suspended criminal sentence (Griffin, P. 2005). For juveniles who have been transferred for criminal prosecution, the court has the option of imposing both a juvenile disposition and an adult sentence, execution of which is suspended pending successful completion of the juvenile disposition (Dual Jurisdiction Statute 211.073 RSMo). To be considered for the sentencing option, a juvenile offender must be less than 17 years old, transferred and convicted within the adult court system. If the requirements are met, the juvenile is placed in a 40-bed secure residential facility in Montgomery City, Missouri. When Dual Jurisdiction youths reach the age of 17, or if the juvenile violates a condition or commits a new offense, the Court has a hearing to decide whether the youth will be: (1) transferred to the Department of Corrections, (2) placed on probation; or (3) remain in the custody of DYS, with the agreement of both the Court and DYS (NCJJ, 2006).

As previously noted, the scope of Missouri's Juvenile Courts Act encompasses five categories of referrals: law violations, status offenses, abuse/neglect/custody matters, court order violations, and municipal/juvenile violations. Most jurisdictions refer to law violations as delinquent acts as they include any act in violation of the criminal code. Status offenses are acts that are violations only due to a juvenile's age such as truancy. Abuse, neglect, and custody referrals include cases involving termination of parental rights and the abuse or neglect of children. Municipal/juvenile offenses include a collective category of activities such as curfew violations and smoking in a public places.

Within these five categories civil and criminal proceedings are employed. Typically, criminal proceedings are initiated by the state to prohibit activities that are injurious to society or threaten social order in general and civil proceedings are initiated by individuals to control interpersonal or private activities. Since criminal proceedings can result in the state taking away a person's freedom or liberty, there are additional constitutional protections built into the rules of criminal procedure. Usually in civil matters, the controversy is between individuals, resulting in an award of money or a judgment to make an aggrieved person whole for the harm that has been caused to them. Personal liberty limitations are not generally imposed in civil matters, thus the rules of civil procedure are less onerous than those of criminal procedure.

Juvenile court presents an interesting quandary, falling somewhere between criminal and civil. Delinquent acts, status offenses and municipal code violations are not truly considered criminal violations. Despite that, criminal rules and rights apply. Dispositional hearings in juvenile court are considered more similar to civil actions in that treatment or service needs are determined rather than deprivation of liberty. However, as juvenile court dispositions increasingly resemble criminal sentences and sanctions, claims have emerged alleging that the informal and non-adversarial procedures violate constitutional rights to due process. Thus, the due process decisions outlined in the text, apply in Missouri.

Specifically, the Missouri Supreme Court requires that in all hearings upon a petition alleging that the juvenile has committed an act or acts which would be a crime if committed by an adult, such acts or acts shall be proved beyond a reasonable doubt. All cases alleging that the juvenile is the subject of abuse or neglect shall be proved by a preponderance of the evidence (Section 455.516 RSMo.). The Missouri courts also follow *In Re Winship (In Re Fisher (Mo. 1971)* by specifically declining to address whether the state must apply a beyond a reasonable doubt standard in the pre-adjudicatory or dispositional stages of juvenile court processes. Thus, when a juvenile officer seeks to modify a prior judgment of disposition based upon a violation of probation, the juvenile officer must prove the violation by clear and convincing evidence (*In Interest of C.L.B.,2000*). If, however, the substance of the violation of probation is a new offense, and the juvenile officer is requesting the court to also adjudicate the new crime, the appropriate standard of proof is beyond a reasonable doubt (*In Interest of C.L.B., 2000*). Furthermore, in the case of *In the Interest of P.L.O.* the Missouri Supreme Court set forth the two requisite standards of proof for

judgments terminating parental rights:(1) the trial court must find by clear, cogent, and convincing evidence that one or more grounds for termination exists under the statute; and 2) the trial court must find that termination is in the best interests of the children by a preponderance of the evidence (*In Interest of K.C.M.*, 2002 and RSMo.211.447.5).

All children within the juvenile system must be treated fairly regardless, of race, economic level, or sex. The state demographics make this a challenging prospect. For example, per the Casey Foundation report in 1995, approximately 8 percent of Missouri juveniles were living in families with incomes below 50 percent of the poverty level.. Further, approximately 25 percent of those children were living in working-poor families or families where at least one parent was working 50 or more hours a week but the family's income was still below the poverty level (Casey Foundation 1998). Additionally, Missouri ranked 29<sup>th</sup> in the country in terms of teen birth rate for 1995 (Casey Foundation 1998).

Per the United States Census Bureau, 51.1% of the Missouri population is female (US Census 2006). Although the ratio is approximately 1:1, the offense patterns, the processing of female offenders and the commitment patterns for females is off center. It is the responsibility of the Division of Youth Services to provide treatment options for juvenile offenders within the State's juvenile justice system. This includes prevention, community-based programs, and residential options including highly structured, secure care programs (Missouri Department of Public Safety 1998). These prevention and program options must meet the needs of all children, including the female offenders. The Missouri Department of Public Safety statistics shown below provide an overview as to the gender bias existing within the Missouri system.

- In 1995, females represented 31 % of all referrals to juvenile court. Anglo young women represented 22 % of these referrals while African-American young women represented 9 %. However, African-American females account for only 6.7 percent of the State's youth population and are represented in referrals at nearly one and a half times their percentage in the population (Missouri Department of Public Safety 1998).
- In 1995, young women represented 22.5 % of all juvenile court referrals for violent offenses. Anglo young women accounted for 12 % of these referrals, and African-American young women accounted for 10.5 % (Missouri Department of Public Safety 1998).
- Also in 1995, young women represented 22 % of all juvenile court referrals for nonviolent offenses. Anglo young women accounted for 15 % of these referrals, and African-American young women accounted for 7 % (Missouri Department of Public Safety 1998).
- Referrals of young women for nonviolent offenses have increased at almost twice the rate of males (female rates increased 27 %, while male rates increased by only 15 %) since 1993. (Missouri Department of Public Safety 1994).
- In 1995, young women accounted for 45 % of all referrals for status offenses. Anglo young women accounted for 33 % of these referrals while African-American young women accounted for 8 % (Missouri Department of Public Safety 1998).
- In 1992, young women represented 25 % of all youth admitted to detention and 14 % of all youth committed (Poe-Yamagata and Butts 1996, p. 19).

To ensure that comprehensive and adequate services are available in Missouri for both male and female youth, Missouri conducted a study on gender-specific services, identifying where there was a need for additional services and developing a program plan to initiate the necessary services. To further ensure that juvenile justice processing of youth and the outcomes of juvenile cases in Missouri was equitable and not based on gender bias by assessing processing and outcomes of sample cases, the results of the study were disseminated throughout the courts, and training programs for juvenile court personnel were initiated (Missouri Department of Public Safety 1995, pp. 2-3). The results

revealed inequities, thus Missouri created a Gender Equity Task Group to evaluate and rank the gender related issues and to develop a strategic plan to develop appropriate programming for young women (Missouri Department of Public Safety 1995, p. 6). One of the outcomes from this group included conducting a statewide gender conference entitled "Girls are Unique." Two hundred persons representing various agencies, organizations, schools, and city and county circuits attended the two-day conference in 1998 and developed the following goals:

- To identify characteristics of a quality program for girls.
- To define reasons programming and treatment for girls should be different from programming and treatment for boys.
- To recognize interventions designed to meet the unique developmental needs of girls.
- To define strategies to advocate for improving program services for girls.

The outcome of the conference was the re-establishment of a Gender Task Force consisting of interested professionals from around the State. Missouri is still working towards meeting these goals.

## References

Abrams, D.E. (2003). *A very special place in life: The history of juvenile justice in Missouri*. Columbia, MO: University of Missouri Press.

Agee, Julie Cole, Executive Director, Missouri Juvenile Justice Association  
Plan For Reducing Disproportionate Minority Confinement (DMC)  
In Missouri: <http://mjja.org/images/DMCSUMMARY.pdf> (Site last visited 11/29/07).

Annie E. Casey Foundation. 1998. *KIDS COUNT Online Data Service*. Annie E. Casey Foundation, Baltimore, MD.

Beaubien, Jason, 2007. Missouri Sees Teen Offenders as Kids, Not Inmates  
<http://www.npr.org/templates/story/story.php?storyId=15784264>.

Certification of juvenile for trial as adult--procedure--mandatory hearing, certain offenses—misrepresentation of age, effect. 211.071. 1. RSMo.

Griffin, Patrick. 2005. "National Overviews." State Juvenile Justice Profiles. Pittsburgh, PA: National Center for Juvenile Justice. Online. Available:  
<http://www.ncjj.org/stateprofiles/>.

*In Re Fisher*, 468 S.W.2d 198 (Mo. 1971).

*In Interest of C.L.B.*, 22 S.W.3d 233 (Mo.App.W.D. 2000).

*In Interest of K.C.M.*, 85 S.W.3d 682 (Mo.App.W.D. 2002).

*In the Interest of P.L.O.*, 131 S.W.3d 782, 788-89 (Mo. banc 2004).

- James, Stephen (2007) CYA goes to reform school. News Review.  
<http://www.newsreview.com/sacramento/Content?oid=33045> 11.04.2007
- Juvenile Offender Classification System Components (2001); Sections 211.326.1, 211.141.4, and 211.141.5 RSMo. Supp.1995;  
<http://www.courts.mo.gov/page.asp?id=1200>.
- Kempf-Leonard, Kimberly. 1997. *Gender and Juvenile Justice in Missouri*. Department of Public Safety, Jefferson City, MO.
- Korenstein, Amy, 2006. A closer look at...The Missouri Model, An Analysis of the Missouri Model in Comparison to the Ohio Department of Youth Services Final Report, November 30<sup>th</sup> 2006 referencing a 1969 federal report;  
[http://www.cleveland.com/teentrouble/pdf/final\\_report.pdf](http://www.cleveland.com/teentrouble/pdf/final_report.pdf).
- Mendel, R.A. (2001). *Low cost, more safety: Guiding lights for reform in juvenile justice*. Washington, DC: American Youth Policy Reform.
- Missouri Department of Public Safety. 1995. *Missouri 1995 Challenge Activity E Grant Application*. Submitted to the Office of Juvenile Justice and Delinquency Prevention, Washington, DC.
- Missouri Department of Public Safety. 1998. *The State of Juvenile Justice, Issues and Priorities for Missouri's Juvenile Justice System 1998-2000*. Missouri Department of Public Safety and the Missouri Juvenile Justice Advisory Group, Jefferson City, MO.
- Missouri Juvenile Offender Classification Annual Report 2003:  
[http://www.courts.mo.gov/osca/index.nsf/0689b8c101eb734c86256555007e179d/52f1c5da7ab2dcd686256eed007309d7/\\$FILE/Annual%20Classification%20Report\\_03.pdf](http://www.courts.mo.gov/osca/index.nsf/0689b8c101eb734c86256555007e179d/52f1c5da7ab2dcd686256eed007309d7/$FILE/Annual%20Classification%20Report_03.pdf)
- Moone, Joseph, 1997. States at a Glance: Juveniles in Public Facilities, 1995, Series: OJJDP Fact Sheet, Published: November 1997, Subject: Juvenile corrections;  
<http://www.ncjrs.gov/txtfiles/fs-9769.txt>.
- NCJJ, 2006; <http://www.ncjj.org/stateprofiles/profiles/MO06.asp?print=yes&topic=Profile&state=MO06.asp>; Last updated April 24, 2006.
- Poe-Yamagata, E., and J.A. Butts. 1996. *Female Offenders in the Juvenile Justice System: Statistics Summary*. Office of Juvenile Justice and Delinquency Prevention, Washington, DC.
- State ex rel. Cooper v. Hutcherson, 684 S.W.2d 857, 858 (Mo. App. W.D. 1984).
- United States Census Bureau Quick Facts, Missouri 2006;  
<http://quickfacts.census.gov/qfd/states/29000.html>.

### **Internet Links for Additional Information.**

National Center for Juvenile Justice. 2006. "Missouri." State Juvenile Justice Profiles. Pittsburgh, PA: NCJJ. Missouri Transfer Provisions as amended through the 2004 legislative session. Online. Available: <http://www.ncjj.org/stateprofiles/>.

<http://www.ncjj.org/stateprofiles/profiles/MO06.asp?print=yes&topic=Profile&state=MO06.asp>; Last updated April 24, 2006.

Zavlek, Shelley,(2005)Planning Community-Based Facilities for Violent Juvenile Offenders as Part of a System of Graduated Sanctions, Juvenile Justice Bulletin, August 2005; <http://www.ncjrs.gov/pdffiles1/ojdp/209326.pdf>.

### **Review Questions**

1. To what extent do you believe that the Juvenile Offender Classification System helps in the placement and rehabilitating of juvenile offenders?
2. How does Missouri's transfer of jurisdiction certification process compare with other states like Illinois that have mandatory waiver provisions based solely on offense category and/or age?
3. What benefits stem from the unified family court system to the youth placed in custody?
4. Are the factors used for certification and the factors used to predict risk of recidivism and determine needs assessment adequate?
5. What method(s) besides interview would assist in documenting risk and needs assessment? Why are these techniques not employed, particularly in light of the invalidity of self-reporting of criminal behavior and attributes among minorities, gang members and for specific categories of offenses?
6. Should the rules of evidence be identical for juvenile criminal offenses and sentencing as for adults? For status offenses? For abuse and neglect?
7. Explain how or why the consequences for delinquent behavior, the removal from one's home and the placement in an institution, are afforded greater Constitutional protection, than the consequences for being abused, the removal from one's home and the placement in an institution or facility?