

*a newsletter of the*

Pennsylvania  
Juvenile Court  
Judges'  
Commission

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This year juvenile courts across the United States will celebrate the 100<sup>th</sup> anniversary of the first juvenile court. Understanding the significance of this event requires a brief visit to the past to look at the historical foundations, the general climate within society, and, of course, the evolution of the *parens patriae* doctrine. No celebration of the experiment that became the American Juvenile Justice System would be complete without some historical perspective; for how can we truly appreciate what we have

now without acknowledging what came before.

This is the first in a series of articles exploring the birth and growth of the juvenile court in America. During the coming months we hope to be able to bring to these pages the ideas, insights and attitudes of some of the "movers and shakers" in Pennsylvania's juvenile system. Through these interviews we hope to be able to bring our readers new insights into the system, and

a greater appreciation of the unique and on-going experiment that is our juvenile justice system. As an introduction to this series we offer this initial article as a short review of the historical developments from Europe through colonial America that eventually led to the creation of the first juvenile court in Chicago, Illinois in 1899.

From the Middle Ages through the 15th and 16th centuries families, clans and tribes devoted the greatest portion of their time working to survive. Children were expected to assume adult roles early in life in order to contribute to a family's continued survival. Whether in an aggregate or industrial community, a group's very survival often depended on all of its members sharing the workload, and children were not exempt. Understandably, disobedient or unruly children were usually subjected to harsh disciplinary tactics to keep them under control.

The development of the nonpersonal parent-child relationship is rooted in this driving need to survive; so much so that, until they were

The Juvenile Court Judges' Commission is recruiting to fill a Juvenile Court Consultant position to be located at the Harrisburg office. This position will have responsibility for assisting in the implementation and monitoring of the Commonwealth's Juvenile Accountability Incentive Block Grant program and for providing consultant services to juvenile courts and juvenile probation departments. This position will require at least five years' experience in juvenile probation and graduate study to the level of a Master's Degree in Criminal Justice Administration, social work, or other related field. However, eligibility for this position will be determined on an individual basis through State Civil Service Commission testing.

If you are interested in applying for this position, please mail or fax your name and complete home address with a statement indicating that you would like to be considered as a candidate for the position at the Juvenile Court Judges' Commission to Keith B. Snyder, Juvenile Court Judges' Commission, 401 Finance Building, Harrisburg, PA 17120-0018 or fax 717-783-6266. Responses must be received or postmarked no later than February 22, 1999. Upon receipt of this information, application materials will be mailed to your home address by the Office of Personnel Services.

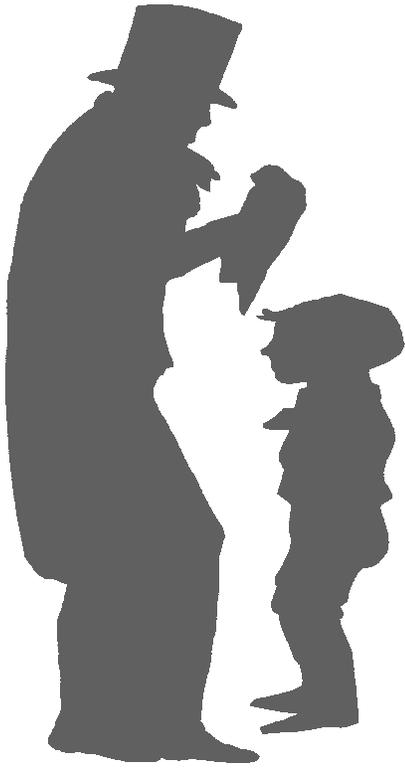
**P E N N S Y L V A N I A**  
**J U V E N I L E**  
**U S T I C E**

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The Juvenile Justice System - a Historical Perspective

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Position Available



physically able to make a working contribution to the group, very young children were regarded as economic and social liabilities. Disease, retardation, or physical handicap often guaranteed a child would be left in the care of some charitable institution or simply abandoned by its family. Child-rearing practices during the Middle Ages can best be described as physically and emotionally remote, lacking in affection and relying heavily on physical punishment to ensure control. Society in general was too busy trying to survive to be distracted by a problematic child. These were the conditions that precipitated the children's court movement in England during the 17th and 18th centuries.

Grammar and boarding schools developed in England during the seventeenth century, where the children of the more well off families were sent away at a very early age. Just as in the family or clan control over a young person was ensured via harsh physical

discipline. These practices extended all the way up to the university level of England's then educational system. Things did not really change in this regard until the end of the 18th century when Europe entered the Age of Enlightenment – so called because of the emerging theories stressing a more humanistic view of life as well as the rights of man.

These revolutionary philosophies caught on first in the upper, then in the middle classes, and resulted in some tempering of the traditionally harsh child care practices. Not surprisingly, the children of the poor were treated differently. England legislated the treatment that poor young people would receive in 1601 with the passage of the Elizabethan Poor Laws. These laws set up a system whereby the county squire or justice of the peace approved the placement by local church officials of vagrant, neglected and delinquent children into workhouses. Workhouses, a truly good idea ran afoul because of inadequate planning and wild overcrowding. Workhouses, where adult and child, man and woman, the impoverished, the indebted, the criminal, and the insane lived and labored side by side often until death. Given the sanitary conditions, or lack thereof, death was not usually preceded by a long productive life in the workhouse. The system set up under the Elizabethan Poor Laws became the model for care of abandoned and/or wayward youth for the next 200 years.

Concurrent with the arrival of the workhouse was the Chancery Court System, which was especially strong in England where this system (along with almost everything else) belonged to the

monarch. Primarily concerned with complaints over property rights, the Chancery Courts also heard disputes over guardianship as it pertained to inheritances and the continuation of various family lines, especially those families guaranteeing loyalty (and arms) to the crown.

The Chancery Courts were predicated on the notion that incompetents were under the protective control of the monarch. Incompetents were defined as anyone without power; clearly children fell into this category. The Latin phrase *parens patriae* took root in the English Chancery Court System where it referred to the king as the father of his country, and therefore, protector of all. From that point in time the concept of *parens patriae* would slowly evolve to refer primarily to the responsibility of the court (and eventually the state) to act in the best interests of the child.

Colonial America in the 17th century initially passed Poor Laws and created a Chancery Court System based on what existed in England. However, one colony was different from the rest: Pennsylvania. Here there is a rich history of experimentation tied with the justice system that goes all the way back to the beginnings of the Commonwealth. The Pennsylvania colony was established at a time in England when death was the most common form of punishment and nearly 200 offenses (many of them religious) could draw a capital sentence. Corporal punishments (torture) were shockingly vicious and usually carried out in public to serve as a deterrent. Though very few children were actually sentenced to death, there were no legal distinctions between adult and juvenile under this penal system.

Pennsylvania was the first colony that was not governed by the British penal code established by the Duke of York in 1676. William Penn established his colony under the Quaker Great Law which adhered to a secular system, eliminated most religious offenses, and provided for capital punishment only in cases of premeditated murder. Under this penal code each county in the Pennsylvania colony within Penn's jurisdiction was required to build a jail. The continuation of the county jail system in Pennsylvania, and elsewhere in America, is testament to Penn's experiment and his influence. By the time of the American Revolution in 1776, and well past Penn's time, the High Street Jail in Philadelphia was supplemented by the Walnut Street Jail. Within the next 20 years this House of Correction would undergo a transformation to become America's first penitentiary. The concepts of imprisonment and confinement without physical torture are rooted in Pennsylvania, along with the idea of separating types of people held in confinement by age, gender, and infraction.

This was all rather short-lived however; with the onset of the American Revolution many ideas

and practices borrowed from England were rejected as too representative of the monarchy and feudalism. Concepts like *parens patriae* were fading in the collective consciousness, and survival was again the name of the game in child rearing practices. By the beginning of the 19th century the idea of childhood, as well as the care and treatment of children in America, had come to resemble what had been the norm in Europe during the Middle Ages. And, just as it was in England, children were subjected to adult criminal procedures and adult punishments whenever they broke the law or otherwise needed to be brought under control.

During this period various laws were passed in the United States which were intended to soften the impact the criminal justice system had on children. However, there was still no legal distinction defining children as a class within society separate from adults, unless you count the Factory Laws. Factory Laws were passed in the more industrial areas of the country, and many set minimum age requirements before a child could begin employment and/or required minimal education for the child while on the job. Additionally, no distinction was made within the group itself; i.e., abandoned, delinquent, neglected, and runaway children were all considered part of the same group with little or no attention paid to their respective needs.

Increasing urbanization in America and the rise of the Childsaving Movement provided the impetus for the various states to pay greater attention to problematic children. Coupled with the shortcomings in the criminal justice system, special

institutions began to open for the housing of problematic children. The refuge program for children began in the eastern states in 1825 with the opening of the New York House of Refuge. The Childsaving Movement and its refuge programs extended the concept of *parens patriae* by giving the operators of these programs the right of parental control over the children they sheltered. Through the 1840s and 1850s the country experienced the Reform School Movement, which did make a distinction between children in trouble because of unlawful behavior and children in need as a result of misfortune. However, for some neglected and runaway children, the *parens patriae* doctrine served only to change the location of their neglect or the scenario prompting runaway behavior. The distinction did nothing to temper the living conditions or the harsh treatments meted out to children living in these facilities.

Eventually individual reform groups like the Childrens Aid Society in New York began to lobby for government control over problematic children and the places to which they were being sent. Such lobbying would lead Illinois to pass its Juvenile Court Act in 1899. Other states followed and by 1917 all but three states in the country had followed Illinois' lead and established separate courts for juveniles. Most states passed Juvenile Court Acts predicated on the *parens patriae* doctrine which came to be loosely interpreted to mean that the state (judge) act in the best interests of the child and provide care for those children in need of it. Various interpretations of the impact of the separate juvenile court (for better or worse) have been around almost



as long as the court itself. Regardless of the traditional interpretation or a revisionist approach, two things are unalterably true: the event in 1899 established the juvenile court as a judicial form, and juvenile delinquency as a legal concept.

Reviewing the evolution of society's take on childhood,

including defining children as a class separate from adults, one can see that this was a long, often slow, journey. It also begs the question: Where do we go from here? There are more answers to that question than this forum can accommodate, but it is our hope that in subsequent issues our readers will be informed and enlightened, and perhaps, be able

to answer that question themselves. But for now, let us appreciate what has been accomplished and is still underway, because those of us who work within the system know we have every reason to celebrate the anniversary of this milestone event.

There was a 2.7 percent increase in delinquency dispositions from 1996 to 1997. Dispositions of new charges in Philadelphia county increased by 3.8 percent and Allegheny county dispositions decreased by 9.3 percent.

The accompanying graph displays the number of dispositions for delinquency referrals from 1993 to 1997. Disposition and Placement reviews and dependency referrals are not included in the graph or data table.

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## **DELINQUENCY DISPOSITIONS, 1993 - 1997**

**Juvenile Court dispositions are collected from county juvenile probation departments across the Commonwealth. The chart shown here depicts the dispositions of new referrals in 1997.**

The 10th JCJC Drug and Alcohol Statewide Training Program has been scheduled for March 24-26, 1999, at the Days Inn State College. The topic is *Time to Grow Beyond the Frustration of Resistance: A Time to Address It With Compassion and Intelligence*. The training is based on *A Handbook to Assess and Treat Resistance in Chemical Dependency* by Michael J. Taleff, Ph.D., CAC, MAC. This workshop explores the diverse expressions of resistance and chemical dependency. Resistance needs to be understood as a complex problem. It requires far-from-simple interventions which have been prescribed in the past. Resistance can originate from a number of sources, some of which include the client, the counselor, families or groups, as well as programs and the field itself. In this workshop, many concepts will be examined that will help the participant more accurately determine what is true resistance, versus what is some other behavior. The information presented is based on the latest ideas and research on the subject. Particular attention will be given to *The Denial Decision Tree* and how that assessment tool can produce a more accurate representation of what a client is really manifesting. Throughout the workshop, various strategies to address resistance will be explored. Participants will leave this presentation with new ideas about the nature of resistance in chemical dependency, and new methods with which to engage it.

Course objectives include understanding and recognizing resistance, not as a simple problem, but as a complex, multifaceted one; applying dimensions of resistance theory, as well as *The*

*Denial Decision Tree* assessment to past or present cases, and more accurately evaluating these so-called refractive problems; identifying how they, their programs, and even the field can generate needless resistance, and working around those obstacles; and, beginning to use the suggestions presented in the workshop to offset many resistance factors.

Michael J. Taleff, Ph.D., CAC, MAC, has worked in the alcohol-and-other-drugs field for 25 years. He has been a therapist, clinical director and presently is an assistant professor for the Pennsylvania State University. He is the coordinator for the Master's program with a chemical dependency emphasis, as well as the project director for chemical dependency programs with the Counselor Education Department

He has served on the Pennsylvania Chemical Abuse Certification Board, and is a member of its licensing committee, and is the president of The International Coalition of Addiction Studies Educators, serving as a member of the Curriculum Committee. Taleff is also a member of Curriculum Training and Research Committee for The National Association of Drug Abuse Counselors and serves on the National Steering Committee to establish a national practice standard manual for Alcohol, Tobacco and Other Drugs (ATOD) counselors.

Registration materials have been forwarded to all chief juvenile probation officers, with a registration deadline of February 19, 1999. Please call Arlene Prentice at 717-783-7836 if you need more information.

to help commemorate the 100<sup>th</sup> anniversary of the founding of the juvenile court, the Children and Family Justice Law Center of Northwestern University School of Law plans to publish stories of successful graduates of the juvenile justice and child protection systems. These will feature professionals, business individuals, teachers and others who can serve as spokespersons for second chances and talk about how the juvenile court system helped them lead productive lives.

Similarly, the Center for Juvenile Justice Training and Research is planning to feature stories of adults who have successfully overcome the odds through their involvement with Pennsylvania's juvenile justice system. Throughout 1999, and in commemoration of the creation of the nation's first juvenile court, features will be presented in Pennsylvania Juvenile Justice, the newsletter of the Juvenile Court Judges' Commission, highlighting individuals whose lives have been transformed because of their interaction with Pennsylvania's juvenile justice system.

If you would like to submit information for a story, please call P.J. Verrecchia at CJJT & R, 717-532-1797. A referral form has been developed by the project staff at Northwestern University and will be forwarded. The project is very sensitive about confidentiality concerns and none of the information submitted will be released or used in any way without first obtaining the permission of the former juvenile client or foster child.

JCJC Drug and Alcohol Training Program

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Publications to Feature Success Stories

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his 68-page report, with several appendices, is the most thorough how-to guide for implementing the balanced and restorative justice principles published to date. Released in December 1998, the principal writer is Kay Pranis, of the Minnesota Department of Corrections, and is an outgrowth of the last five years of a developmental initiative in training and technical assistance efforts led by the OJJDP sponsored BARJ Project and juvenile justice professionals throughout the United States. Obviously, it is influenced heavily by the work of the BARJ principals Gordon Bazemore, Mark Umbreit, Mark Carey, Andrew Klein, and Dennis Maloney.

Beyond a comprehensive examination of what the elements of Balanced and Restorative Justice components of accountability, competency development, and community safety look like in practice, the document attempts to convey a detailed strategy for guiding a local system's transition toward one based in restorative justice values. How the roles of victims, communities, offenders, and system professionals need to change, as well as how decision-making patterns need to be altered are described. In addition, a strategy for involving the key stakeholders and preparing to measure outcomes, to reinforce the transition, is included.

Finally, while many examples of good practice are cited throughout the report, the final section

#### Crawford County's Community Service and Mentoring program

received recognition and commendations from U.S. Senator Rick Santorum. Senator Santorum presented county juvenile justice officials with a "Real Life Award", citing the positive results of the program and acknowledging those who administer the new approach. Santorum had the opportunity to speak with the program administrators as well as a youthful participant, who recently obtained employment based on his positive experience from the mentoring offered through the Viking Tool Company.

Senator Santorum met with Earl Brown, Crawford County Chief; Darel Cooper, a juvenile probation officer; Nancy Overman, the county's BARJ Coordinator; Jack Burns, owner of Viking Tool; and an 18-year-old juvenile probation client. Ms. Overman was presented with a citation for a job well done. The Senator said he was proud to be able to recognize people doing good work in helping teach young people how to turn their lives around. He praised the participants for their involvement and encouraged others to become involved as well.

The program is funded through PCCD and promotes a partnership between the tool and die industry and the juvenile justice system in Crawford County.

The program assists youth in developing competencies by obtaining job skills, and includes mentoring for the youthful offenders. Industry personnel serve as mentors for those youth

chosen to participate in the program. Youth spend three days at a tool and die shop working with maintenance workers and skilled craftsman, as well as with the industry's management personnel. These mentors work with participating youth, lunch with them, and impart information and guidance that will help that youth realize they can have a future in the county at jobs which are both financially and personally rewarding.

Crawford County is looking forward to the expansion of this program. They anticipate program growth as more companies hear of the positive results. Program administrators anticipate that at least 20 delinquent youth will have the opportunity to participate in this outstanding program in 1999.

Charles Anderson, Exec. Dir. of the Chamber of Commerce, and Chairman of the Juvenile Justice Advisory Board, inspired the project. Brian Deane, Chief Financial Officer of Nutec Tooling Systems, was instrumental in defining the structure of the program. The Northwest Pennsylvania Chapter of the National Tooling and Manufacturing Association is sponsoring the project. The project is being reviewed by the New Hampshire Office of Children and Youth Services for possible replication throughout the state of New Hampshire.

For more information on this program, call Earl Brown, Crawford County Chief JPO, 814-333-7427, or Nancy Overman, Balanced and Restorative Justice Coordinator, 814-333-7321.

OJJDP Publications

*Guide for Implementing the  
Balanced and Restorative  
Justice Model.*

**T**

Crawford County Program Receives Senate  
Recognition

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*continued from page 5*

conveys three specific jurisdiction's experiences with moving toward a restorative justice philosophy in practice. The demonstration sites described include Dakota County, Minnesota, the Department of Juvenile Justice in Palm Beach, Florida, and the Allegheny County Community Intensive Supervision Project here in Pennsylvania. Special attention is paid in each of these descriptions to the "Implications for Other Jurisdictions" conclusions.

The first appendix cites an exhaustive selection of sources of supplementary materials and resources related to balanced and restorative justice. A model *position description* for a "community justice officer," and a sample dispositional summary which both embody restorative justice values developed by and used in Deschutes County, Oregon are included as separate appendices.

Printed copies of this report may be requested by calling the National Criminal Justice Reference Service (NCJRS) at (800) 638-8736. It is also available as an Adobe Acrobat file through the NCJRS internet site at [www.ncjrs.org/pdffiles/167887.pdf](http://www.ncjrs.org/pdffiles/167887.pdf)

en years after Congress found that disproportionate incarceration of minority youth was a serious problem, most states are taking steps to address the issue. Minority youth represent 68 percent of the juvenile population locked in correctional facilities and detention centers, although they comprise only 32 percent of

the nation's youth population.

In 1992, Congress passed a law requiring states which receive federal juvenile justice grants to address the disproportionate minority confinement (DMC) problem. OJJDP rules call for a three-step process for states to follow; identifying the extent to which DMC exists, assessing the reasons for DMC, and developing an intervention plan to reduce DMC.

The report from OJJDP highlighted the efforts of Pennsylvania officials as an example of a "systematic, data-driven, and targeted effort to comprehensively address DMC." OJJDP's report also noted that Pennsylvania's campaign to reduce the incarceration of minority youth began two years before it became a requirement.

OJJDP said Pennsylvania started its approach in Dauphin County because it showed the greatest disproportion in the number of youths who were arrested. Officials from the juvenile probation department, schools, law enforcement agencies and other fields worked together with community organizations that were serving minority youths to create a plan. One result was that five delinquency-prevention programs were given funding aimed at minority youths considered at-risk for being arrested. For example, a program called Positive Choice provides minority youths with homework assistance, tutoring, and special classes with speakers who address topics of interest and concern to the youths. Similar programs were also started in Allegheny County and Philadelphia County.

After evaluating DMC programs

across the nation, OJJDP said that the most positive outcome reported to date was in Dauphin County, where the three-year recidivism rate for youths in a "high attendance" group was 26 percent. That was considered to be low, because nearly half of the clients had been arrested at least once before they were referred to the prevention programs.

To obtain a copy of the report contact the Juvenile Justice Clearinghouse at Box 6000, Rockville MD 20848-6000, or call them at 800-638-8736.

***Disproportionate Minority  
Confinement: 1997 Update***

**T**

**The Mental Health  
Needs of Youth  
Involved in the  
Juvenile Justice System**

**February 22, 1999**  
Sheraton Inn Harrisburg  
800 East Park Drive

A one-day regional training workshop for professionals working with youth who are involved in the juvenile justice system; providers in the children and youth, education, juvenile justice, substance abuse, vocational rehabilitation, mental retardation, health care systems of care; and family members.

\$50 per person includes the cost of instruction, handouts, continental breakfast, breaks and lunch. Registration deadline is February 15, with a limit of 40 people.

Additional training dates:  
Mon., March 8 - Allentown  
Wed., March 10 - Philadelphia  
Fri., March 12 - Meadville  
Tues., March 16 - Monroeville

For more information call the PA  
CASSP Training Institute, 717-232-  
3125.