



# Juvenile Justice Issue

# The Advocate

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May 1999

## Tennessee Is in Jeopardy of Losing Federal Juvenile Justice Funds

If corrective action is not taken, juvenile justice funding administered by the Tennessee Commission on Children and Youth will be cut by 25 percent and the remaining funds targeted to fixing the problem.

TCCY receives and administers funds provided through the Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974 and assures the federal government that Tennessee complies with its core requirements. TCCY monitors secure facilities to back up that assertion.

When states do not comply with the act's core requirements, the federal government penalizes them and requires corrective action. The core requirements include:

- Deinstitutionalization of status offenders (DSO)
- Removal of children from adult jails
- Separation of children from adult offenders
- Address minority overrepresentation in secure confinement

Tennessee is out of compliance with the JJDP Act. DSO violations are at an all-time high of 484. The maximum number allowed for 1998 is 391. Records show that violations from three counties comprised 73 percent of the state's total DSO violations.

- Knox County with 185 violations;
- Rutherford County with 49 violations;
- Shelby County with 121 violations.

### 1997-98 DSO Violations

| County                    | DSO Violations |            |
|---------------------------|----------------|------------|
|                           | Violations     | DCS*       |
| Bradley County            | 4              |            |
| Davidson County           | 9              | 4          |
| Hamilton County           | 2              | 1**        |
| Knox County               | 185            | 16         |
| Madison County            | 1              |            |
| Putnam County             | 5              |            |
| Warren County             | 2              | 1          |
| Jackson County            | 4              | 1          |
| DeKalb County             | 1              | 1          |
| Bledsoe County            | 1              |            |
| Rhea County               | 17             |            |
| Overton County            | 1              |            |
| Johnson City (Washington) | 1              |            |
| Carter County             | 3              | 2          |
| Johnson County            | 4              |            |
| Robertson County          | 8              |            |
| Rutherford County         | 49             | 1          |
| Maury County              | 1              |            |
| Wilson County             | 1              | 1          |
| Scott County              | 1              |            |
| Shelby County             | 121            | 71         |
| Sumner County             | 4              |            |
| Williamson County         | 19             |            |
| Blount County             | 25             | 1          |
| Dickson County            | 13             |            |
| Loudon County             | 2              |            |
| <b>Total</b>              | <b>484</b>     | <b>100</b> |

\*Number of total related to Department of Children's Services custody or placement issues.

\*\*Held in Scott County Juvenile Detention Unit

TCCY staff members conduct on-site monitoring visits of all adult jails and lockups and secure juvenile facilities, which include juvenile detention centers, temporary holding resources, and training schools to

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# TCCY Juvenile Justice Funding Helps Communities

TCCY is in the process of evaluating grant proposals for the upcoming federal year. Each year TCCY funnels more than \$1 million to agencies working to prevent juvenile crime and violence.

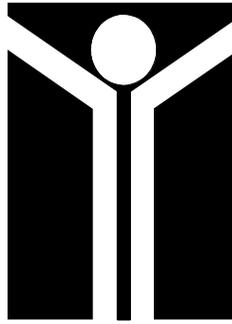
**Federal Formula Grants.** Tennessee received approximately \$1.4 million in formula grant funds in 1997-98. The Commission awarded grants to agencies for delinquency prevention and intervention to ensure that young people who commit offenses receive appropriate placements and services. Seventy-eight federal formula grants were awarded to juvenile courts and private, not-for-profit organizations and educational programs.

More than 17,000 children were served directly by programs funded in fiscal year 1997-98.

**Title V Grants.** Title V of the Juvenile Justice and Delinquency Prevention (JJDP) Act includes funds to promote collaboration within communities toward delinquency prevention strategies. Title V funds may only be given to local units of government. A risk and resource assessment of the target community must also be completed to ensure needs will be met.

The **Ombudsman program** was created to resolve questions or concerns regarding services to children and youth in state custody. The process helps ensure that the best interest of the child is the focal point for mediation and facilitation.

**Access to justice**, which involves developing and adapting policies and programs to provide access to counsel for all juveniles in the justice system to ensure that youth consult with counsel before waiving their right to counsel, was implemented during fiscal year 1997-98 through programs provided by West Tennessee Legal Services and Rural Legal Services of Tennessee. Training was provided for attorneys and juvenile court staff on working with children. Also, materials were developed to inform parents and children of their rights and responsibilities.



**Juvenile Justice Reimbursement Account.** The Commission administers a combination of state and federal JJDP Act funds to provide financial assistance to counties for removing children from adult jails. In fiscal year 1997-98 TCCY contracted with 76 counties for use of reimbursement account funds. Through the reimbursement account, 1,765 children received services in fiscal year 1997-98.

**State Juvenile Justice Supplements.** The Commission administers state funding for improving juvenile court services. In fiscal year 1997-98, each county was allocated \$10,000. To receive the funds, the juvenile court must have at least one part-time qualified youth services officer who is appointed and supervised by the juvenile court judge. In fiscal year 1997-98, counties used these funds to pay the salaries of youth services officers or enhance court services.

**Court Appointed Special Advocate Programs.** The Commission administers state funds for Court Appointed Special Advocates (CASA) programs in Tennessee. The purpose of the CASA programs is to recruit, train, and supervise court-approved volunteers. These volunteers advocate for the best interests of abused, neglected, or dependent children and other children who are placed out of home by the court. CASA volunteers provide assistance to the court by collecting background information, preparing reports for court, and participating in case reviews. The CASA volunteer works with the court and other agencies to ensure that a permanent placement is found as quickly as possible and that appropriate resources are available to meet the needs of these children. In fiscal year 1997-98, state CASA funds provided services for more than 2,300 children in Anderson, Davidson, Hamblen, Hamilton, Knox, Madison, Shelby, Sullivan, Sumner, Washington, Williamson, and Wilson counties. The CASA programs in these counties, plus Blount and Sevier, each receive \$15,000 this year.

# Juvenile Justice in Tennessee

Nearly 68,000 children were referred to Tennessee's 98 juvenile courts during the 1997 calendar year, according to the Tennessee Council of Juvenile and Family Court Judges. Approximately 94,003 referrals to juvenile courts were made in 1997, slightly more than in the previous year.

Although 37 percent of the referrals did not involve children committing offenses, more than half of them were for alleged delinquent offenses. Status offenses, actions that are only offenses when committed by minors, made up 14 percent of total referrals.

**Authority.** Tennessee's juvenile courts – 16 private-act juvenile courts and 82 General Sessions Courts with juvenile jurisdiction – have authority in the following areas:

- The adjudication of children as dependent, neglected, abused, unruly, and delinquent.
- The determination of custody or the appointment of a guardian of a child.
- The termination of parental rights.
- The ordering of treatment, evaluation, or commitment of mentally retarded and mentally ill children.
- The commitment of children to the custody of the Tennessee Department of Children's Services.
- The establishment of parentage.
- The ordering and enforcement of child support for children.
- Establishing visitation for non-custodial parents.
- Enforcement of the Compulsory School Attendance Laws.
- Removal of the age restrictions on a minor's employment or enlistment in the armed services if such consent is required by law.
- Giving of judicial consent to the medical treatment of a child when his or her parents or guardians are unable to do so.
- Adjudication of alleged traffic violations by persons under the age of 18.
- Transfer of juvenile cases to criminal court to be tried as adults.

**Process.** The juvenile court process has three phases: intake, adjudication, and disposition.

**Intake.** The court reviews referrals to determine whether it has the authority to intervene and possible interventions. The process begins with the filing of a complaint by law enforcement, parents or other people, victims, or agencies. If detention (in a secure facility) is requested, a detention screening determines if there is probable cause that the child committed the alleged offense and is subject to detention in accordance with the law. An assessment is made to see if the complaint can be settled through a voluntary agreement, called an "informal adjustment."

**Adjudication.** If a petition is filed, the case often goes into the adjudicatory phase. The judge hears the case to determine if the allegations of the petition are true. If the allegations cannot be proven, the petition will be dismissed.

**Disposition.** The purpose of the dispositional phase is to determine an appropriate course of action regarding the child and his or her circumstances. The child's treatment, social, and rehabilitation needs are considered.

*Information in this article was based on data from the Tennessee Council of Juvenile and Family Court Judges.*

## Resources

- Tennessee Council of Juvenile and Family Court Judges, Andrew Johnson Tower, 1st Floor, 710 James Robertson Parkway, Nashville, TN 37243, (615) 741-3980.
- Office of Juvenile Justice and Delinquency Prevention (OJJDP), 810 Seventh St., NW, Washington, DC 20531, phone: 202-307-5911, fax: 202-307-2093, (<http://ojjdp.ncjrs.org/>).
- Bureau of Justice Statistics (BJS), 810 Seventh St., NW, Washington, DC 20531, phone: 202-307-0784, ([www.ojp.usdoj.gov/bjs](http://www.ojp.usdoj.gov/bjs)).

# Juvenile Court Judges Question Effectiveness of Zero Tolerance, Alternative Schools

Zero tolerance policies, truancy policies, the ineffectiveness of alternative schools, and communication lags contribute to problems, according to a survey of Tennessee's juvenile court judges. The survey also found a lot of support for early-intervention activities in the schools and the juvenile justice system.

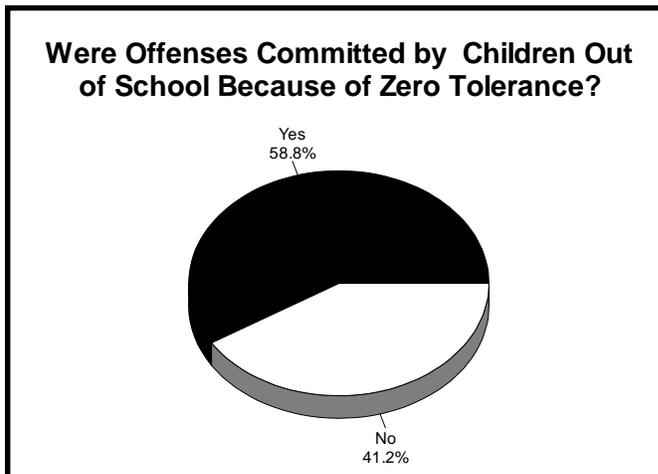
At the August 1998 Annual Summer Conference of the Tennessee Council of Juvenile and Family Court Judges, TCCY distributed a comprehensive survey of participants. The survey collected information on juvenile justice funding, minority overrepresentation, the impact of zero tolerance laws and implementation on courts, child custody services, and juvenile justice reform issues. Follow-up surveys were sent to those unable to respond initially. This is the first of two reports on the survey.

## Survey Respondents

The survey was distributed to the 113 judges who preside over the state's 98 courts that serve juveniles and to some juvenile court referees. Sixty-nine judges and seven referees responded to the survey. Eighteen respondents (23 percent) had served in the courts for less than one year, and many had just been elected when the surveys were distributed. Nearly three-fourths (73 percent) of the respondents also served as General Sessions judges. Judges also presided over Domestic Relations (34 percent) and Probate courts (30 percent).

## Zero Tolerance and Schools

A majority (80 percent) of respondents expressing an opinion reported dealing with children who were referred to court primarily because of zero tolerance offenses. Despite fears about school safety, 69 percent of those responding listed possession of a narcotic or stimulant drug as the most frequent zero tolerance offense; 20 percent listed possession of another type of



weapon first, and 9 percent listed possession of a firearm first. Battery of school staff made up only a small percentage of referrals. Other offenses mentioned included threats of physical harm, smoking, and fighting.

Many respondents had problems with the zero tolerance laws, calling them arbitrary. A respondent called for schools to delay expulsions for criminal behavior until court action is completed.

**Recommended Changes.** Suggested changes to the zero tolerance policies, ranked in order of the frequency they were listed, were:

|   |    |
|---|----|
| Require placement in Alternative School                         | 50 |
| More consistent definitions of zero tolerance violations        | 41 |
| Limit zero tolerance regarding a knife                          | 13 |
| Limit zero tolerance to possession of firearms                  | 10 |
| Provide that zero tolerance violations are limited to state law | 10 |
| Limit zero tolerance to aggravated assault                      | 9  |

One respondent said, "Putting a child on the street for a year under zero tolerance breeds delinquent behavior and contributes to the child's illiteracy and future dependence on social services."

Another said, "Perhaps (we need to) do away with it

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(zero tolerance); we have to educate them anyway.”

Many respondents (59 percent of those with an opinion) reported that children committed offenses while out of school because of zero tolerance policies. Drug offenses again led the list, followed by status and minor property offenses.

**What happens to children who are suspended for zero tolerance offenses?** Judges ranked the results as follows:

|   |    |
|---|----|
| Placed in alternative school  | 42 |
| Stay out of school for a year   | 32 |
| Come before juvenile court and are placed in custody due to educational neglect | 9  |
| Go to private schools   | 8  |
| Don't know  | 2  |

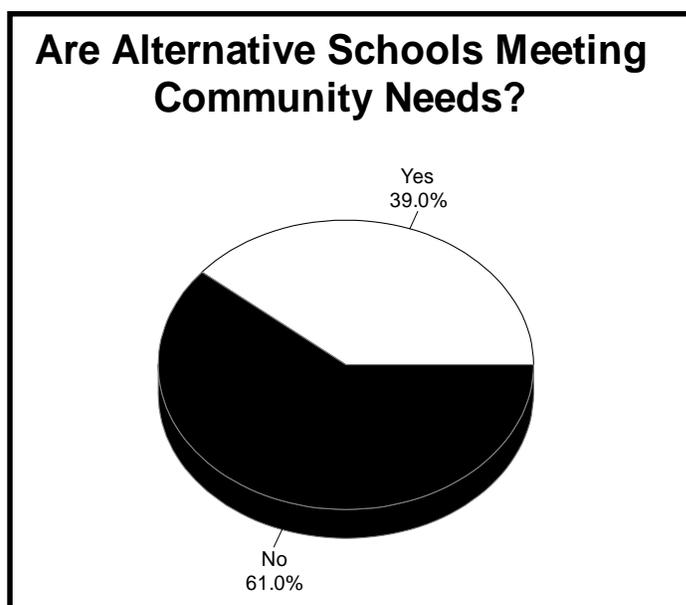
### Alternative Schools

While 92 percent of the respondents said alternative schools existed in their counties, many expressed a lack of confidence in them, with only 39 percent of those with an opinion saying they met community needs. One person labeled his county's program as a "so-called" alternative school, indicating it was really in-school suspension. The limited amount of spaces or services available was also a concern. Two respondents said that alternative schools were serving those with minor behavior problems, not those expelled or suspended, and another, just special education students for 45 days.

One judge called for a total revamp of the local alternative school.

Although 58 percent of all respondents, 78 percent of those expressing an opinion, said there was no waiting list for admittance to alternative schools, one indicated the wait was as long as 6 to 9 months.

Overwhelmingly alternative schools are operated by the school systems, but in a few instances, contract agencies or the courts operate them. One said the alternative school was a joint effort between the school and the court. Two people said courts should



operate alternative schools; another would like a detention-based school.

One respondent wanted an alternative to alternative schools.

### Other School-Related Problems

Truancy was the next most frequently mentioned school-related problem bringing children in contact with the courts. Although one judge said schools should file truancy petitions earlier, several respondents thought schools did not do enough to prevent court referrals.

One respondent said: "Truancy personnel should make more efforts to get students to go to school prior to filing a petition with the court. Children are referred to juvenile court prior to exhausting all truancy prevention or diversion options."

Others expressed frustration with truancy rules. "Schools will file a petition on a child for truancy; then we make the parents get the child to school," one person said. "Next thing we know, the child is suspended/expelled. It's hard to tell which came first, the suspension or the truancy."

While one incoming judge defended the schools, others responded with frustration.

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## Judges

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“It’s hard to tell which came first, the suspension or the truancy.”

Tennessee Juvenile Court Judge

“The schools have psychologists, guidance counselors, and social workers who are not being utilized to meet the needs of students and parents. More intervention by the school and cooperation between school – DCS – court would have a strong impact on children and their parents and the community and others.”

One judge articulated a view shared with others when he blamed schools with having “Unwritten policies of dumping all problem students on the court.”

Many judges felt that better communication was needed between the schools and the courts, and one called for some definition or understanding between courts and schools on who would exercise appropriate jurisdiction in discipline cases. One respondent called for schools to turn over filing of petitions to law enforcement.

Juvenile court personnel also said that problem students should be identified earlier. Recognizing the relationship of school failure and learning disabilities to truancy and delinquency, several respondents said schools should better identify children with learning problems and provide earlier services for them.

In the words of one respondent, schools should “provide early positive school experience.” Others called for early intervention with unruly children in elementary schools and more family/parent involvement in the educational process.

One respondent said, “(We) badly need advocates for children who are expelled. Very few have an attorney at (the) school board level. Most attorneys don’t like these cases and aren’t trained to do a good job.”

## Jeopardy

Continued from Page 1.

make sure Tennessee is in compliance with the requirements. Once the data is collected regarding DSO violations from the on-site visits, a report is completed to document the results.

Reasons for the violations range from the failure of parents to pick up their children, to the Department of Children Services (DCS) failing to move children in its custody from detention centers within the appropriate time period. One-hundred violations involved children in DCS custody.

Unless drastic measures are taken to reduce Tennessee’s DSO violations in 1999, Tennessee will lose 25 percent of the Title II Federal Formula Grant allocation for fiscal year 2000. The remaining 75 percent must be used to address the DSO compliance issue. This would hurt communities that receive thousands of dollars from TCCY for prevention and intervention projects addressing juvenile delinquency.

Tennessee is in compliance with the other JJDP Act core requirements.



*The Advocate* is published by the Tennessee Commission on Children and Youth as an information forum on children's issues. The Tennessee Commission on Children and Youth, an independent state agency, serves as an advocacy agency and information resource for planning and coordination of policies, programs, and services on behalf of the state's children and youth. The 21-member Commission, appointed by the governor, works with other agencies and with regional councils on children and youth in each development district to collect information and solve problems in children's services. To receive *The Advocate*, contact Fay L. Delk, Publications Editor, Tennessee Commission on Children and Youth, 710 James Robertson Parkway, 9th Floor, Nashville, TN 37243-0800. Phone: (615) 741-2633. Fax No.: (615) 741-5956.

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# Disproportionate Minority Confinement

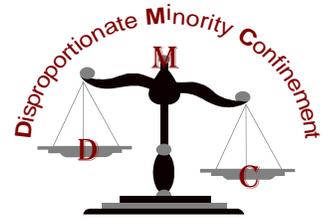
Addressing disproportionate minority confinement in the juvenile justice system is one of the core requirements of the Juvenile Justice and Delinquency Prevention (JJDP) Act. Julia Hamilton has recently been hired to staff the Disproportionate Minority Confinement Task Force. The task force is a group of concerned citizens from across the state sponsored by the Tennessee Commission on Children and Youth.

The task force plans to continue to work with state and local leaders to make DMC a high priority for interagency planning, policy formulation, program development, and staff training, and to develop an annual statewide update on DMC.

During 1997-98, TCCY's **Minority Issues Committee** ensured adequate consideration of the needs of minority children in all TCCY efforts, with particular attention given to disproportionate minority confinement (DMC) in the juvenile justice system, including recommendations from the statewide task force on how to reduce DMC. The committee was also responsible for the development of the agency plan to address issues related to Title VI of the Civil Rights Act of 1964.

**Disproportionate Minority Confinement (DMC)** refers to an overrepresentation of minority youth in secure confinement, i.e. there is a greater proportion of

minority youth in confinement than the proportion of minority youth in the population.



## Research Findings

Data and research have documented disproportionate representation of minorities in secure juvenile facilities across the country.

- In 1990, African Americans represented 15 percent of the U.S. population for youth ages 12-17. For Tennessee, 20 percent of the youth ages 12-17 were African American.
- Nationally, among African-American youth, the number of cases involving detention increased 70 percent; among white youth the increase was 9 percent; among youth of other races the increase was 61 percent from 1986 to 1995.
- In 1997 in Tennessee, 74 percent of juveniles in secure detention centers were African American, and 25 percent were white.
- In Tennessee, 75 percent of juveniles transferred to adult court were African American, and 25 percent were white in 1997.
- In 1997, non-white children were 22 percent of the overall juvenile population of Tennessee but were 41 percent of the state's juvenile court population.

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# Meetings and Events

## Council Activities

### Northeast Council on Children and Youth

May 26, Regional Meeting. Topic: "Legislation."

### East Tennessee Council on Children and Youth

Sept. 1, East Tennessee Meeting. TBA.

### Southeast Council on Children and Youth

June 8-9, Task Force meeting. Topic: "GIRLS." TBA.

### Mid-Cumberland Council on Children and Youth

June 10, Meeting. Topic: "Parents are the Key" at TPS, Nashville, 9:00 a.m.-noon

### Southwest Council on Children and Youth

August, TBA, Meeting. Topic: "July 1, 2001: What will be the status of Tennessee's children and the services for them?" TBA.

### Children's Program Outcome Review Team (C-PORT)

June 7-11, Northwest Region. Exit Conference: June 23, 11:00 a.m.  
 July 12-16, Mid-Cumberland Region. Exit Conference: July 23.  
 August 9-13, East Tennessee Region. Exit Conference: Aug. 20.  
 Aug. 30-Sept. 3, Memphis/Shelby County Region. Exit Conference: Sept. 10.  
 Sept. 27-Oct.1, Northeast Region. Exit Conference: Oct. 8.  
 Contact Pat Wade at (615) 532-1588 for more information.

### Special Events

June 17-18, Council of Juvenile and Family Court Judges, East Division. Topic: "Crisis Mediation." Chattanooga Clarion Hotel, Chattanooga, Contact: (615) 741-3980.  
 June 21-24, Child Welfare League of America (CWLA) National Conference on Research in Child Welfare. Topic:

"Sharing What Works in Research, Policy, and Practice." Contact: (202) 638-2952.

June 23, 12-2:00 p.m., National Guard Nashville Prevention Partnership Teleconference. "Heroin and Methamphetamine." Contact: Susan Young (615) 297-7635  
 June 29-30, Council of Juvenile and Family Court Judges, West Division. Topic: "Crisis Mediation." Comfort Inn, Jackson Contact: (615) 741-3980.  
 July 28, 12-2:00 p.m. National Guard/ Nashville Prevention Partnership Teleconference. "Addiction." Contact: Susan Young (615) 297-7635  
 July 31- Aug 2, American School Health Association Conference. Sheraton Music City, Nashville Contact: (615) 532-6260.  
 Aug. 1-4, Council of Juvenile and Family Court Judges/Tenn. Juvenile Court Services Association 16th Joint Conference on Juvenile Justice. Hyatt Regency Hotel, Knoxville, Contact:



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