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A Preliminary Study of the Operations of the
Juvenile Term of the Family Court, New York County

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December, 1968

Introduction

This paper is a re-draft of a report originally written in June, 1968. The June report was concerned primarily with the handling of juvenile delinquency cases in New York County, and was intended to be used as background information for a proposal to station legal officers in the Juvenile Term to handle the preparation and presentation of all delinquency cases. In this re-draft, the scope is somewhat broader: I have attempted to consider all categories of Juvenile Term cases--PINS and neglect as well as delinquency--and to work from a framework which can be used to study all of what can loosely be called "The juvenile justice system" in New York County.

The result is that the organization of the paper is fairly comprehensive but the system itself is, for the most part, sketched in only the barest outlines.

Chapter I, "The Statutory Framework", includes a section-by-section discussion of the relevant provisions of the Family Court Act. It notes, but does not discuss, several other statutes--including the Judiciary Law, the Code of Criminal Procedure, the Penal Law, the Executive Law, the Social Services Law, the Mental Hygiene Law, and the Education Law--which bear directly on the operations of the Juvenile Term. Any substantial change in the operations of the court would have to take account of these laws and the regulations made pursuant to them by State and City agencies.

Chapter II, "The Physical Facilities", includes (a) a fairly detailed floor-by-floor description of the building which houses the New York County Juvenile Term and some of the related agencies; and (b) a very sketchy description of the shelter and detention facilities used for children involved

in Juvenile Term proceedings. Additional descriptive material—all of it taken from Vera files—is included in Appendices A through I.

Chapter III, "The Screening Process", is the first of three chapters dealing with what appear to be three conceptually separate processes of the juvenile justice system. In this chapter, the screening process—the process by which various agencies decide to refer some juveniles to court and to deal differently with others—is regarded as a two-stage process, the first administered by the public or private agency which decides to refer the case to court and the second administered at the court building by the intake section of the Office of Probation. Only one of the several agencies involved in the first stage, the New York City Police Department, is discussed in any detail, and even the description of that Department is quite superficial; to get hard data it would be necessary to do some observation in stationhouses and patrol cars over a long period of time. The discussion of intake is somewhat more complete. The whole area of individual and administrative decision-making in the pre-judicial stages of a case warrants much further research; as noted in the report, the material contained in Chapter III represents only a beginning.

Chapter IV, "The Adjudicatory Process", contains a description of the juvenile court process from the time of the drafting of the petition through the conclusion of the fact finding hearing. This was the main focus of our study of the Juvenile Term and the information contained in this chapter is, I think, more complete than the material in any other chapter.

Chapter V, "The Dispositional Process", is very sketchy; it is an area about which I frankly know very little. A good discussion of some aspects of the process is, however, contained in Judy Rubenstein's memorandum "Services for Youth in Trouble", which can be found as Appendix P of this study.

This paper is almost entirely descriptive; it contains very little in the way of statistics or other "hard" empirical data. There are several reasons for this. First, while there are some available sources of statistics compiled by public agencies (e.g., the Annual Reports of the Judicial Conference, the Office of Probation, the Family Court and the Police Department), the data that has been compiled by these agencies is seldom broken down into meaningful categories; it is useful for purposes such as rough estimates of volume, but for little else. Some of this data is, however, included in Appendices I and N of this paper. Second, there are at least two current studies of the New York County Juvenile Term which should, in the reasonably near future, result in the publication of much relevant data which has been carefully gathered. One such study, in which data was collected between 1961 and 1965, has been under the direction of Monrad Paulsen, now Dean of the University of Virginia Law School; the other, known as the "Non-Delinquent Child Project" is currently being conducted by the Survey Research Center. Data collected in these projects should be a basis for further empirical research. Third, there is a flat prohibition on any kind of writing in the courtroom, which makes it impossible to accurately record all that happens in the court. While we might have gotten special permission from the Administrative Judge to take some notes, it did not seem necessary to do so when our purpose was to develop general background information rather than record specific data which could be used as a basis for innovation.

Notwithstanding the rather sketchy state of my knowledge about the system as a whole, I think I should set forth my own observations and recommendations regarding aspects of the system as to which I have some knowledge and which strike me as of particular note. These are discussed below in a sequence roughly corresponding with the order in which the topics are covered in the main body of the paper.

The Family Court Act.

1. There is no statutory provision authorizing secretarial service or law assistants for judges of the Family Court other than the administrative judge. Such assistance is clearly needed. I think that the use of third year law students as law clerks to the judges should be explored. If capable student interns were available to the Part I judge—even for as little as two or three afternoons a week—they could aid considerably in legal research. I don't think that any statutory changes would be necessary to start such a system on a non-paying basis. It might even be possible to pay student interns at least a nominal salary using funds allotted to the administrative judge for law assistants.

2. The relationship of the private voluntary agencies to the court seems to be based partly on statute (chiefly the Social Services Law), partly on administrative regulations, and chiefly on tradition and inertia. To explore this relationship in any depth would be a full-time, long-term job; one which would cut across the whole social services area. There are a host of constitutional and political problems involved, most notably the church-state issue and the issue of the extent to which publicly supported private institutions should be accountable to the public for their admission criteria and their expenditure of funds.

3. Ironically, the area in which the Family Court Act made perhaps its most significant contribution to the development of juvenile law—provision of legal counsel—is an area in which glaring needs are apparent today. The Act made an important advance in providing for counsel to be furnished to juveniles involved in delinquency, PINS and neglect cases, but now there is clear need for lawyers to perform other functions in the Family Court—most notably to present the evidence against juveniles who have been charged with delinquency.

and to represent parents charged with neglect. Statutory revision may not be necessary to accomplish these changes--Section 254 already contemplates the appearance of the Corporation Counsel to represent the petitioner in Family Court cases, and §253 (which provides that the Family Court in any county "shall have such other auxiliary services as will serve the purposes of this act and as are within its authorized appropriation would seem to authorize the provision of counsel to parents in neglect cases.

4. The whole concept of Family Court proceedings as litigations in which individual petitioners have the burden of initiating and sustaining charges (see, e.g. FCA §§332, 733) is, I think, open to serious question. Ideally, I think there would be a single legal officer who would be responsible for deciding whether a petition should be filed and for presenting the evidence against the juvenile in any kind of case--PINS and neglect as well as delinquency. Individuals could be complainants but court action, when taken, would be initiated in the name of and as a responsibility of the state. The present system puts individuals (e.g., victims of delinquency, policemen, parents, etc.) in the position of asserting the interests of the society and tends to make the proceedings unnecessarily personal and vindictive in tone.

5. FCA §724, which attempts to set forth directions as to what a police officer is supposed to do when he takes a juvenile into custody, is completely ineffective in New York City. The apparent purpose of the statute is to keep children out of the police stationhouse atmosphere, but it doesn't work--the police apply their own unique interpretation of "in custody", and continue to question juveniles at the stationhouses. The statute and the police regulations should be revised so as to set up a realistic policy which would permit the police an opportunity to conduct an effective screening process prior to sending a case to court while at the same time adequately

protecting the juvenile's constitutional rights and the interest which both he and his parents have in being able to contact each other promptly after the juvenile has been picked up. Revision of FCA §724 is clearly necessary in light of recent decisions of the U.S. Supreme Court and the New York Court of Appeals concerning the rights of juveniles.

6. As noted in the report, the absence of any provision for advising juveniles of a right to silence and to counsel at the intake stage—despite (a) the fact that where juveniles are represented by retained lawyers, such lawyers are permitted to attend the intake conference and to advise their clients with regard to answering questions; and (b) the fact that statements made at an intake conference can be used at subsequent dispositional proceedings—would seem to raise potentially serious constitutional questions. I have no firm idea as to what the solution should be here; however, it would seem to be worthwhile to experiment, on a pilot project basis, with having the intake officer give the juvenile the equivalent of a Miranda warning before talking to him. Apart from the question of whether such a requirement would be "good" (as to which I have strong doubts), it seems desirable to know what its effect would be on disclosure by the child.

7. The provisions of the Family Court Act regarding detention (FCA §§728, 729, 739) seem very good—they provide, in essence, that a child should be released pending further proceedings unless (a) there is a substantial probability that he will not appear in court on the return date, or (b) there is a serious risk that he may before the return date do an act which if committed by an adult would be criminal. There is, however, reason to believe that some judges use detention far more frequently than these criteria would warrant. Note that in the last several legislatures bills have been introduced—backed by the Family Court Judges Association and by civic groups such as the Community Services Society—

which would also permit detention "if there is a substantial possibility that the child might do an act harmful to himself before the return date." If this criterion (which strikes me as of dubious constitutionality) were adopted, it would leave virtually no check on the judges' discretion. There is little enough now, as a practical matter.

8. As noted in the report, the FCA's lack of provision for a jury trial, its provisions for excluding the general public from hearings (FCA §343 (b), §741 (b)) and its requirement that substantive acts establishing delinquency need only be proved by a preponderance of the evidence (FCA §744 (b)) all seem likely to be subjected to serious court challenge on constitutional grounds in the near future. Apart from constitutional questions, the provision for excluding the general public from hearings seems to be carried to extremes. Without the express permission of the Administrative Judge, a person other than a parent or a witness in the case being heard cannot get inside a courtroom, and even his presence at the courthouse is apt to be questioned. Friends, and even relatives of the child and/or his parents are excluded at most hearings.

9. The problems of disclosure of evidence, by both sides, deserve prompt attention. The FCA is silent on the subject, but it is at least arguable that the respondent is entitled to the relatively liberal disclosure benefits accorded to litigants by the CPLR. However, it hardly seems fair to enable a respondent to get these benefits and at the same time claim all the protections of the privilege against self-incrimination. The juvenile court could be a forum for constructive experimentation in this area, experimentation which could have significant ramifications for the adult criminal courts.

10. Unlike the juvenile court statutes of many other states (most notably California), the Family Court Act makes no provision for the use of "referees"

or other law trained officials to perform functions now performed by the judges. For example, referees might conduct calendar parts, setting adjourned dates and deciding whether a child should be remanded in the meantime. Many other functions, including the conduct of fact finding hearings in some cases, could also be undertaken by referees. While statutory changes might be necessary to establish such a system on a permanent basis, some experimentation could be done now in cases where all parties consent. The procedure used in the Small Claims Part of the New York City Civil Court provides an analogy--an effective system of arbitration based on consent of the parties has been set up in that court, without any specific statutory authorization. See New York Civil Court Rule 33 subd. 15, which sets out the rules governing arbitration in small claims cases. For a comprehensive discussion of problems and advantages of using referees, see Gough, Referees in California's Juvenile Courts: A Study in Sub-Judicial Adjudication, 19 Hastings L. J. 3 (1967).

The Physical Facilities

11. The hours during which the court and the intake service are in operation should be reexamined. At the present time the court is open Monday through Friday from 9 a.m. to 5 p.m. (with the judge sitting from 10 a.m. to 5 p.m. with an hour out for lunch). Intake opens at 8:30 a.m. but does not take any new cases later than 3 p.m. Both the court and intake are closed on the weekend. I think it would be worthwhile to experiment with extending court and intake hours into the evening (perhaps until 10 p.m.) and keeping the court open on weekends. The use of evenings and weekends could be even more worthwhile in juvenile court than in adult courts--it would enable the juvenile to stay in school and would enable parents and witnesses to work during the day. A change in hours could be accomplished by court rule (see FCA §161, Rule 1.2). Such a change would almost certainly eliminate much unnecessary detention and would speed the disposition of cases.

12. As indicated in the text and in the material in the Appendices, the courthouse, the detention facilities and the shelter facilities are all woefully inadequate for their intended purposes. They are badly overcrowded, severely understaffed, and generally depressing in appearance. It should perhaps be noted, however, that the court building in New York County, inadequate as it is, is still far superior to the buildings in the Bronx and Queens. In those two boroughs, the courthouses are very old, incredibly overcrowded, and (unlike the New York County building) have no air conditioning.

Practices of the Police and Other Referring Agencies

13. The statutes and police regulations dealing with apprehension of juveniles are very complex and ambiguous; indeed, in places the regulations are directly contradictory to statutes. As noted above, both the Police Regulations and FCA §724 should be overhauled in the light of recent court decisions dealing with the rights of juveniles. It should not be impossible to devise a system which would enable the police to do an effective "screening" job while still protecting the rights of the juvenile. The present wording of FCA §724, insofar as it can be read as prohibiting the police from taking a juvenile to the station-house, is simply unrealistic unless the Family Court is to be open 24 hours a day.

14. Police practices concerning apprehension and referral of juveniles appear to vary widely from precinct to precinct. This may reflect differing neighborhood conditions; more likely it reflects lack of overall coordination of police youth activity and confusing police regulations. This problem might be ameliorated by: (a) strengthening the Youth Aid Division and making wide use of Youth Aid Division personnel (in lieu of desk officers) in deciding whether or not to send a case to court; (b) revising police regulations so as to establish clearer guidelines for dealing with problems of delinquency; and (c) devoting more time to training and refresher courses aimed particularly at the problems of dealing with juveniles.

15. There is a strong need for more information about the way the Police Department and the other referring agencies--most notably the Transit Police, the Board of Education, and the Department of Social Services--screen cases. At the present time there is no coordination of the activities of these public agencies in their dealings with youth and practically no knowledge about how they make important decisions regarding juveniles. The introduction of a civil legal officer to handle the presentation of petitioners' cases in the Juvenile Term should be a step toward increased coordination, but more detailed study of the internal operations of the agencies is necessary, particularly if any kind of effective court-diversion program is to be developed.

Intake

16. The intake section of the Office of Probation clearly serves a valuable function in screening out many cases, thus giving the judges more time to concentrate on the cases which do reach court. For example, in 1959, according to a report submitted by the Juvenile Delinquency Evaluation Project, over 60% of the juvenile delinquency cases brought to the old Children's Court were dismissed or discharged; by contrast, since the establishment of the intake service in 1962, the number of delinquency cases dismissed or discharged in the Family Court has dropped to below 35%. Nevertheless, the present operation of intake raises several issues discussed in the report and in the following paragraphs.

17. There is serious question about the desirability of some of the criteria used by intake officers in deciding whether or not to send a case to court. For example, the requirement that a juvenile admit the charges in order for a case to be adjusted may mean: (a) that an innocent child may admit

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charges in order to avoid having to go before a judge; and (b) that the effect of the requirement, if a child subsequently comes before the court after an earlier adjustment, is to put him in the position of being a "second" offender. The policy of sending cases which have a "serious impact on the community" to court is criticized on the basis of its application--intake officers have differing views of what kinds of cases are serious (e.g., one intake officer may tend to adjust all car theft cases but send all teacher assault cases to court while another officer may do just the opposite).

18. There is some question as to just what "adjustment" means in practice. As noted in the report, it seems to take 3 forms--immediate closing of a case, referral to a community agency, and periodic conferences with the intake officer. There is no data which indicates the success--in terms of recidivist rates or other criteria--of any of the three forms of "adjustment".

19. Although the intake officers make recommendations regarding remand of children pending further proceedings; we have no knowledge of the criteria they use. It would seem worthwhile to experiment with the development of a set of objective criteria similar to those used in the ROR program in the Criminal Courts.

The Adjudicatory Process

20. As indicated in the report, the drafting of petitions is a job which probably ought to be done by a lawyer rather than by a petition clerk. The petition clerks would still be needed for the actual typing, of course, but the legal questions involved in drafting the substantive allegations would seem to require a lawyer's skills.

21. The calendar practice in the New York County Juvenile Term has both good and bad aspects. While reform of the system is certainly necessary, the good aspects of it--most notably the opportunity for a full fact finding hearing in a delinquency case to be held within a few hours after the child has been

apprehended—should not be abandoned. As a necessary preliminary to calendar practice reform, a month-long study of Part I should be undertaken, during which a record would be kept by a Vera observer of every matter which came before the Part I judge, the action taken upon it; the time spent on it in court; and where delay was necessary, the reason for the delay. I strongly suspect that such a record would show that, just as in the criminal courts, the judge is spending a relatively large portion of his time on administrative matters which could be handled by other officials, with the result that he has insufficient time to give to the cases which require it. The experience acquired in the Bronx Calendar Control Project should be helpful for devising changes in calendar procedures in the Juvenile Term.

22. The Law Guardians seem to do quite a capable job in fact finding hearings, particularly given the handicaps under which they work. They are severely under-staffed (in New York County, there are only 6 lawyers, an investigator and a file clerk) and thus have little opportunity for library research or on-the-scene investigating of cases. They have no private offices in which to interview clients and witnesses. There seems to me to be no excuse for the shabby treatment the Law Guardians have been given with regard to office space, and little excuse for the severe staff problems. Little money is saved in the long run when Law Guardians are forced to type their own motion papers and briefs at the end of a day in which they have been under constant pressure from judges, court officers, opposing lawyers, parents and kids. In New York County, the Law Guardians' staff should include, at a minimum, eight lawyers, one or two social workers, and two secretaries.

23. The desirability of having a single legal officer draft the petitions, prepare the cases and present the evidence in delinquency cases has already been

discussed. While I recognize that there are arguments to the contrary, I think that it would be desirable for this legal officer to perform these functions in all Juvenile Term proceedings with the possible exception of PINS proceedings initiated by parents. Under such a system much greater coordination of the city's delinquency prevention and control efforts would be possible; at the present time, some city agencies seem to be working at cross-purposes. Moreover, it would eliminate the role-conflict problems which exist when the judge is forced to develop the evidence in a case himself because of the absence of an attorney for the petitioner. The present system, under which some city agencies station a lawyer at the court (e.g., the police counsel) and others do not even provide an attorney when one of their own employees is a petitioner (e.g., the Transit Authority) is plainly inadequate.

24. The physical setting of the courtroom in which fact finding hearings are conducted is in many ways far better than that of other New York City courtrooms. Since the room is small and is separated from the waiting room, the atmosphere is potentially a good one. Unfortunately, the potential is seldom achieved. I see no reason why it should not be possible to eliminate the continual comings and goings of various clerks and other court officials; every time the courtroom door opens, it brings all of the din of the waiting room into the court.

25. A major problem of the court is lack of effective communication between the judges and the juveniles involved in the cases. Differences in ages, language and color are probably the major factors here—there are few young judges, only 1 or 2 Puerto Rican judges, and only 2 or 3 black judges

out of a total of 33. Yet over 90% of the juveniles who appear in the court are either black or Puerto Rican. For example, at the conclusion of a fact finding hearing we would often hear a judge say "Findings Made", without ever explaining what he meant. I am sure that the child often has little or no idea what has happened at most of the different stages of the court process.

Miscellaneous

26. There is a clear need for some kind of a volunteer agency to act as a kind of "information service" for juveniles, their parents, and others who get caught up in the court process but have little idea of what is going on, or what their rights are. An anti-poverty agency, the Puerto Rican Community Development Project, has started performing this function on an experimental basis for Puerto Ricans who become involved in the system, but it reaches only a relatively small percentage of the court's "clientele". One step toward increased dissemination of information about the court might be the preparation of a manual or "guidebook" which would describe the court's operations in simple terms in English and Spanish.

27. Volunteers or other non-professional aides could also be of some value working in the community. The PRCDP has done some encouraging work in this field too, without using formally trained social workers. I know little about the actual operation of the Office of Probation's programs but it is readily apparent that, with 80-90 cases to deal with and with no opportunity to get outside their own offices in the court building, the supervising probation officers can be of limited effectiveness.

28. There is a great need for imaginative approaches to non-judicial handling of cases and for experimentation with ideas for diversion from established channels at several points in the process beginning with the police station. (See Judy Rubenstein's memorandum, Appendix P).

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I. THE STATUTORY FRAMEWORK WITHIN WHICH THE COURT OPERATES

The principal law which governs the operations of the Juvenile Term is the Family Court Act.¹ That Act, passed in 1962 with the support of numerous civic and bar associations and widely hailed as a major piece of progressive legislation in the family law field², created the Family Court as a state-wide court with jurisdiction over substantially all aspects of family life except divorces, separations and annulments.³ Other statutes--most notably, the Civil Practice Law and Rules, the Penal Law, the Code of Criminal Procedure, the Social Services Law, the Education Law, the Executive Law, the Mental Hygiene Law, and other parts of the Judiciary law--are also important to the operations of the Juvenile Term in some circumstances, but the Family Court Act is the basic governing statute.

¹McKinney's Consolidated Laws of New York, Vol. 29A (Judiciary - Court Acts, Part 1). The Act is hereinafter sometimes cited as "FCA".

²See, e.g., Paulsen, The New York Family Court Act, 12 Buffalo L. Rev. 420 (1963); Report of the President's Commission on Law Enforcement and Administration of Justice, "The Challenge of Crime in a Free Society" (1967) (hereinafter cited as President's Crime Commission Report), pp 84-88; Opinion of Mr. Justice Fortas for the majority in Matter of Gault, 387 U.S.1 (1967).

³For a comprehensive discussion of the court's jurisdiction, see Oughterson, Family Court Jurisdiction, 12 Buffalo L. Rev. 467 (1963).

The Act contains ten articles, an enumeration of which indicates the scope of the Act:

- Act 1 - Family Court Established
- Act 2 - Administration, Medical Examinations, Law Guardians, Auxiliary Services
- Act 3 - Neglect Proceedings
- Act 4 - Support Proceedings
- Act 5 - Paternity Proceedings
- Act 6 - Permanent Termination of Parental Rights, Adoption, Guardianship and Custody
- Act 7 - Proceedings concerning Juvenile Delinquency and Whether a Person is in Need of Supervision
- Act 8 - Family Offenses Proceedings
- Act 9 - Conciliation Proceedings
- Act 10 - Appeals

For present purposes, the relevant articles are 1, 2, 3, 7 and 10. Following is a brief summary of the provisions of these articles which are most pertinent to the operation of the court's New York County Juvenile Term.

Article 1 - Establishment of the Court

Article 1 contains a number of general provisions as well as some applying specifically to the Family Court within the City of New York.

With respect to the City, the Article provides for a single administrative unit, which is known as the Family Court of the State of New York for the City of New York. The City is allocated 39 judges, one of whom, Judge Florence M. Kelley, is an administrative judge.⁴ The judges are appointed by the Mayor for 10 year terms⁵ and are compensated at the rate of \$25,000 per year.⁶ None of the sitting judges have any assistants to provide legal or clerical services.⁷

⁴See FCA §121; Judiciary Law §217; Paulsen, The New York Family Court Act, 12 Buffalo L. Rev. 420, 424-25 (1963). The number of judges was recently increased from 33 to 39, but the six newly created judgeships have not yet been filled.

⁵FCA §123.

⁶FCA §125. This section provides that the \$25,000 salary may be increased by any additional compensation which may be provided by the City of New York, but no such additional compensation has yet been provided by the city.

⁷See the opinion of Judge Polier in Matter of Lang, 44 Misc. 2d 900, 255 N.Y.S. 2d 987, 992 (1965).

Among the general sections of particular interest are §116, which contains several provisions aimed at maintaining the religious faith of any child who is placed or committed;⁸ §119 which contains a definition of "duly authorized association, agency, society or institution," a term used frequently in the Act;⁹ §161, which provides that the days and hours which the court is open shall be as provided by rule of court;¹⁰ §165, which provides that where a procedural matter is not covered by the FCA, the Civil Practice Law and Rules are supposed to be used to supplement the Act;¹¹ and §166, which provides that the court's records are not to be open to indiscriminate public inspection.¹²

⁸FCA §116 (g) - (f). Under §116 (f), if a judge makes a placement or commitment across religious lines, or if he appoints a guardian whose religious faith is different from that of the child, he is supposed to recite the facts which impel him to make such a disposition. See also FCA §252 (a), 759.

⁹See, e g., FCA §§321, 332, 355, 733, 756.

¹⁰No court rule setting specific hours has ever been adopted. Rule 1.2 provides that either the Administration Board of the Judicial Conference or the Appellate Division in each department is supposed to designate the days and hours that the court is to be open. In New York City, the court in each of the counties is open from 9 a.m. to 5 p.m. on weekdays; it is closed all day on Saturdays, Sundays and holidays.

¹¹This provision raises some particularly difficult issues in delinquency cases, where criminal law concepts are becoming increasingly relevant. For example, can the respondent in a delinquency case make use of the full range of discovery proceedings which are available to a civil litigant under the CPLR and at the same time claim the benefit of constitutionally based exclusionary rules which are available to defendants in criminal cases? It is been held that the Code of Criminal Procedure does not apply to Family Court Proceedings (see e.g., In re Williams, 49 Misc. 2d 154, 267 N.Y.S. 2d 97 (1965); In re Rooney, 18 Misc. 2d 890, 265 N.Y.S. 2d 217 (1965)); clearly, however, at least some essentially procedural aspects of the criminal law--e.g., rules prohibiting the use at trial of illegally seized evidence or of statements obtained from a suspect who has not been warned of his right to remain silent and to consult with counsel--are applicable in delinquency proceedings (see e.g., Matter of Gault, 387 U.S.1 (1967); Matter of Gregory W., 19 N.Y. 2d 55 (1967)).

¹²It appears that, as a matter of practice, records may be opened to bona fide researchers and to the juvenile himself, but not to anyone else outside the court. However, a prospective employer--or the armed services--can get the record by requiring the juvenile himself to obtain it.

Article 2 - Administration, Law Guardians, Auxiliary Services
Administration

The Act provides that the administration and operation of the family court is to be in accord with Article 7-a of the Judiciary Law¹³, thus making it clear that the family court is a part of the statewide administrative structure established in that article.¹⁴ The Administrative Board of the state's Judicial Conference is authorized to prepare rules of court to implement the Act¹⁵ and is required to collect certain information about the business of the court in each county, to be included in an annual report to the legislature.¹⁶ Section 214, implemented by Rule 2.2, provides for a series of official forms which are supposed to be used uniformly throughout the state.¹⁷ Section 235 stands as something of an anachronism—it provides that upon the detention, placement or commitment of a child, the City's Department of Welfare is supposed to investigate the ability of the child's parent or guardian to contribute in whole or in part to the expenses of maintaining the child and to initiate a proceeding to compel such payment if the parent or guardian is found able to contribute.¹⁸

¹³FCA §121

¹⁴For comprehensive discussion of the State's judicial administrative structure, see Note, Judicial Administration in New York: Developments in the last 25 Years, 15 Buffalo L. Rev. 319 (1965).

¹⁵FCA §212. The rules adopted by the Administrative Board are included in the bound volume of McKinney's (Vol. 29A, Part 1) which contains the Act.

¹⁶FCA §213

¹⁷FCA §214. The forms prepared by the Administrative Board are included in the bound volume of McKinney's which contain the Act. Printed copies of these forms are used—apparently exclusively—in the New York County Juvenile Term.

¹⁸The predecessor of this statute, contained in the old Domestic Relations Court Act, was held constitutional in Dept. of Welfare v. Siebel, 6 NY 2d 536 (1954), Opp. dism. 361 U.S. 534 (1960). It seems doubtful that the statute is invoked anymore—there have been no reported cases involving it since the enactment of the Family Court Act.

The Act contains a legislative finding that "counsel is often indispensable to a practical realization of due process of law and may be helpful in making reasoned determinations of fact and proper orders of disposition."¹⁹ Based on this finding, the Act declares that minors have a right to the assistance of counsel of their own choosing or of law guardians in neglect, delinquency and PINS proceedings²⁰, and makes provision for a system of law guardians to provide representation to minors in such proceedings.²¹ A law guardian may be appointed at the request of a minor, or at the request of the minor's parent or guardian, or on the court's own motion.²²

Within New York City, law guardians have been provided by the Family Court branch of the Legal Aid Society pursuant to a contract between the Society and the Appellate Divisions.²³ The law guardians represent over 92% of minors involved in neglect, PINS and delinquency cases in the City.²⁴ An additional 4% are represented by private attorneys and 4% are unrepresented.²⁵

¹⁹FCA §241

²⁰Id.

²¹FCA §§242-248

²²FCA §249. Under §343, the court is supposed to notify the parent in a neglect proceeding of the child's right to be represented by a law guardian. Under §741, in delinquency and person in need of supervision proceedings both the respondent and his parents are supposed to be advised of the respondent's right to be represented by counsel or by a law guardian.

²³See FCA §§243 (a), 244, 245.

²⁴Report of the Administrative Board of the Judicial Conference of the State of New York for the Judicial Year July 1, 1966 through June 30, 1967 (N.Y. Legislative Document NO. 90, 1968) (hereinafter cited as 1968 Judicial Conference Annual Report) pp. 380-381; also 1967 Judicial Conference Annual Report pp. 288-291.

²⁵Id.

The high proportion of minors represented in the City compares rather startlingly with the relatively low proportion--only 44%--represented by counsel in the counties outside the City²⁶, a disparity perhaps attributable to the fact that only in the City is a permanent law guardian staff located in the court.²⁷

Auxiliary Services

The principal auxiliary services authorized by the Act are medical examinations and probation services. The court has broad power to order examinations by a physician, psychiatrist or psychologist and, if necessary, may demand a person under its jurisdiction to a hospital for physical or psychiatric study or observation for a period of not over 30 days.²⁸ The family court in each county is required to have a probation service; in New York City, this service is furnished by the Office of Probation for the courts of New York City.²⁹

A provision of some interest for future innovation within the court is §253, which provides that the family court in any county "shall have such other auxiliary services as will serve the purposes of this act and as are within its authorized appropriation."³⁰ Also of interest is §254, which provides that the court may request the appropriate corporation counsel or county attorney

²⁶Id.

²⁷Id. In New York County, for example, the Legal Aid Society has a staff of 6 law guardians working in the court building. Juveniles and their parents are advised by a court officer of the availability of the law guardians as soon as the petition is filed. See *infra*, p.54 n 9

²⁸FCA §251

²⁹FCA §252; Fam. Ct. Rule 2.4

³⁰FCA §253

to represent the petitioner when such representation would serve the purposes of the Act.³¹

Article 3 - Neglect Proceedings

Jurisdiction

As defined by the statute, a "neglected child" is a male less than 16 years of age or a female less than 18 years of age:

- (a) whose parent or other person legally responsible for his care does not adequately supply the child with food, clothing, shelter, education or medical or surgical care, though financially able or offered financial means to do so; or
- (b) who suffers or is likely to suffer serious harm from the improper guardianship, including lack of moral supervision or guidance of his parents or other person legally responsible for his care and requires the aid of the court; or
- (c) who has been abandoned or deserted by his parents or other person legally responsible for his care³²

The family court has exclusive original jurisdiction over proceedings involving an allegedly neglected child.³³

Temporary Removal from Home

Sections 321-326 set forth procedures for temporarily removing a child from his home prior to the filing of a petition (a) by a peace officer or an agent of a duly authorized agency, with the consent of the child's parent or guardian³⁴,

³¹FCA §254; see also Fam. Ct. Rule 2.7. Both the statute and the rule provide that the appropriate corporation counsel or county attorney "shall" represent petitioners when requested to do so by a Family Court judge. However, the Corporation Counsel in New York City has not always acceded to such requests, principally on the grounds of lack of available manpower. There is no provision for representation of the petitioner by any of the public officials or for institution of proceedings in the name of "The People"; indeed, a recent opinion of the Attorney General is to the effect that a Family Court judge may not request a District Attorney to represent a petitioner (1963 Op. Atty. Gen. 70).

³²FCA §312

³³FCA §313

³⁴FCA §321

(b) in the absence of consent, by any "interested person" pursuant to court order,³⁵ or (c) under emergency conditions, by a peace officer acting without consent and without a court order.³⁶ These sections are something less than crystal clear both with respect to the conditions under which removal is permitted and with respect to what happens after the removal.³⁷ It seems, however, that the child is supposed to be brought to a place designated by the appropriate appellate division as facility for the shelter of such children; that the person who removes the child is supposed to notify the parent or guardian and the probation service; and that either the probation service, the person who removes the child, or the court staff is to arrange for a petition to be filed promptly.³⁸

After a petition has been filed, the court may order the removal of a child from his home if it finds after a hearing that there is a substantial probability (a) that the child will be found to be neglected and (b) that the final order will be one of placement or that temporary removal is necessary to avoid an imminent risk to the child's life and health.³⁹

³⁵FCA §§322-323

³⁶FCA §§324-325. Removal without consent is permitted only when (a) the child is in such condition that his continuing in the home presents an imminent danger to his life or health; and (b) there is not time enough to apply for a court order. "Peace officers"--the only persons permitted to make such removals--are specifically enumerated in §154 of the Code of Criminal Procedure; the definition includes sheriffs, policemen, officers or agents of any duly incorporated society for the prevention of cruelty to children, and family court clerks, attendants and uniformed court officers.

³⁷The standard for permitting removal without consent--"imminent danger to the child's life or health"--seems vague on its face, and does not appear to have acquired any judicial gloss. The statute does not specify who may make the actual removal of a child pursuant to court order (i.e., whether it must be a peace officer or can be any interested person) and does not state what is to be done with a child who is removed pursuant to court order.

³⁸See FCA §§325-326; Fam. Ct. Rules 3.1, 3.2.

³⁹FCA §327

Preliminary Procedure

A proceeding to determine neglect is originated by the filing of a petition which alleges that the minor involved falls within the statutory definition of a neglected child.⁴⁰ Any one of the following can file a petition:

- (a) a parent or other person interested in the child;
- (b) a duly authorized agency, association, society or institution;
- (c) a peace officer;
- (d) any person having knowledge or information of a nature which convinces him that a child is neglected;
- (e) a person on the court's direction.⁴¹

The Act provide that rules of court may authorize the probation service to confer with any person seeking to file a petition, with the potential respondent, and with other interested persons, concerning the advisability of filing the petition, and to attempt to "adjust" suitable cases before a petition is filed.⁴² The provision for the establishment of such an "intake" service is implemented by Rule 3.4, which specifically authorizes such conferences and adjustments. However, the powers of the probation service are to some extent limited by other subparagraphs of the same section and rule. Thus, the probation service cannot prevent any person who wishes to file a petition from having access to the court for that purpose;⁴³ cannot extend its efforts at adjustment beyond

⁴⁰See FCA §331, which incorporates the definition of neglected child contained in §312.

⁴¹See FCA §332. Given the broad sweep of §332 (d) it would seem that just about anyone can file a neglect petition; the other sub-paragraphs appear superfluous.

⁴²FCA §333 (a)

⁴³FCA §333 (b) Rule 3.4 (a)

a period of two months without approval of a judge of court;⁴⁴ and cannot compel any person to appear at any conference, produce any papers, or visit any place.⁴⁵

The Act provides specifically that no statement made during such a preliminary conference with the probation service may be admitted into evidence at an adjudicatory hearing under the Act or in a criminal court prior to conviction in such a court.⁴⁶ However, there is no proscription against the use of such statements at dispositional proceedings and there is no requirement that persons be warned that the statements may be used at a dispositional hearing or as a basis for dispositional recommendations by the probation services.

Once a petition has been filed, the court may issue a summons requiring the parent or other person legally responsible for the child's care or with whom he is living to appear at court and produce the child⁴⁷; if there is no response to the summons, or if it appears that the respondent is likely to leave the jurisdiction, the court may issue a warrant for his arrest.⁴⁸

Hearings

No hearing under Article 3 can begin unless the court enters a finding that (a) the child's parent or guardian is present and has been served with a copy of this petition; or (b) if the parent or guardian is not present, that every reasonable effort has been made to effect service.⁴⁹ When a hearing does take place in the absence of the child's parent or guardian, the child himself must

⁴⁵FCA §333 (d), Rule 3.4 (c). Of course, the fact that the intake service can discontinue an attempt at adjustment and refer a case to court at any time during the "adjustment period" provides an impetus to cooperation.

⁴⁶FCA §334, Rule 3.4 (d).

⁴⁷The summons and petition are supposed to be served together, at least 24 hours before the hour stated for appearance at court, by delivery to the person named in the summons. If personal service cannot be made, the court may order providing for substituted service. See FCA §§335-336.

⁴⁸FCA §337

⁴⁹FCA §341

be represented by counsel, a law guardian, or a guardian at litem.⁵⁰ If the absent parent or guardian subsequently moves for a new hearing it must be granted unless the court finds that the parent or guardian willfully refused to appear at the earlier hearing.⁵¹

At the outset of a hearing, the court is supposed to (a) advise the parent or guardian that he has a right to be represented by counsel and to have an adjournment to obtain counsel; and (b) inform the parent or guardian of the child's right to be represented by a law guardian.⁵² Significantly, there is no provision for informing the parent or guardian that, if indigent, counsel will be furnished for him. Thus, ironically, although the child is assured of the assistance of counsel, the parent or guardian--whose rights and interests may be deeply affected by the proceeding--is not.

The Act provides for two hearing stages--a fact finding hearing to determine whether the allegations of the petition are supported by a fair preponderance of the evidence⁵³, and a dispositional hearing, to determine what order of disposition should be made.⁵⁴ Only competent, material and

⁵⁰FCA §342

⁵¹Id.

⁵²FCA §343. As the statute reads, it makes provision for advice to the parents regarding the child's right, but fails to invoke provision for advice to the child of his right to a law guardian or other counsel. As a practical matter, this is not a problem in New York County; ordinarily, the court assigns the Law Guardian as a matter of course.

⁵³FCA §344

⁵⁴FCA §345

relevant evidence may be admitted at the fact-finding hearing⁵⁵; at the dispositional hearing, however, the evidence need be only material and relevant.⁵⁶ The general public can be excluded from any hearing in a neglect proceeding.⁵⁷

The dispositional proceeding can commence as soon as findings of neglect are made at a fact-finding hearing, though ordinarily this is not done.⁵⁸ Reports prepared by the probation service or by a duly authorized agency are not supposed to be furnished to the court prior to the conclusion of the fact-finding hearing.⁵⁹ They may be furnished to the court for use in a dispositional hearing, and are deemed "confidential information" which the court may, in its discretion, withhold from or disclose "in whole or in part to the law guardian, counsel, party in interest, or other appropriate person."⁶⁰

⁵⁵FCA §346

⁵⁶Id. The apparent intent of the statute is to permit use of hearsay and opinion evidence at dispositional hearings. The report of the probation service and of various social agencies are often used at dispositional hearings. The draftmanship of the section--particularly insofar as it appears to permit the use at dispositional hearings of testimony ordinarily labeled "incompetent" e.g., testimony of insane persons or young children; testimony subject to a privilege)--is severely criticized in Paulsen, The New York Family Court Act, 17 Buffalo L. Rev. 420, 432-33 (1963).

⁵⁷FCA §343 (b)

⁵⁸FCA §347 (a) permits the dispositional hearing to commence as soon as a fact-finding hearing is over, but §348 provides for adjournments and the ordinary practice is to adjourn a proceeding for approximately a month after a finding of neglect has been made, in order to enable to probation service to develop a report and recommendation for disposition.

⁵⁹FCA §347 (b)

⁶⁰Id.

Orders

If the allegations of a neglect petition are not established, or if the court concludes that its aid is not required on the record before it, the petition must be dismissed.⁶¹ Otherwise, however, the court must, after a dispositional hearing, enter an order (a) suspending judgment;⁶² (b) discharging the child to the custody of his parent or other person responsible for his care and, if necessary, placing the person to whose custody the child is discharged under the supervision of the probation service;⁶³ or (c) placing the child outside his former home.⁶⁴ The court also has broad power to make orders of protection in furtherance of its other orders.⁶⁵

⁶¹FCA §351

⁶²FCA §352 (a), §353. Section 353 (a) provides that rules of court are to define the terms and conditions of a suspended judgment. These terms and conditions are set forth in Rule 3.6. Section 353 (b) sets one year as the maximum duration of a suspended judgment but permits an extension for an additional year if "exceptional circumstances" require such an extension.

⁶³§353 (b), §354. Section 354 (b) provides that rules of court are to define the permissible terms and conditions of probation, and these terms and conditions are set forth in Rule 3.7.

⁶⁴§353 (c), §355. Under §355 (a), a child may be placed in the custody of a relative or other suitable person, or of the commissioner of public welfare or to such other officer, board or department as may be authorized to receive children as public charges, or a duly authorized association, agency, society or in an institution suitable for the placement of a neglected child. Under §355 (b) and (c), placements may be for an initial period of 18 months, with extensions of placement for additional one year periods being permitted (in the judge's discretion) until the child reaches the age of 18 (in the case of boys) or 20 (in the case of girls).

⁶⁵FCA §356

New Hearing and Reconsideration of Orders

Any order issued by the court during a neglect proceeding can be stayed, modified or vacated for good cause shown, upon the court's own motion, or on the motion of any interested person acting on behalf of the child, or on the motion of the parent or other person responsible for the child's care.⁶⁶ Where the child has been placed outside his home, a petition must be brought showing that an application for return of the child has been made to and referred by the person or agency having custody of the child.⁶⁷ A copy of the petition must be served on the person or agency having custody of the child and an answer is supposed to be filed within five days.⁶⁸ The court is supposed to examine the petition and answer, and may grant or deny the petition with or without a hearing.⁶⁹

Compliance with Orders

If a parent or guardian is brought before the court for failing to comply with the terms and conditions of a suspended judgment, and if after a hearing the court is satisfied of the failure by competent proof, the suspension order may be revoked and an order of probation, protection, and/or placement may be made.⁷⁰ If a parent or guardian willfully and without just cause fails to comply with an order of probation or protection, it too may be revoked and any other appropriate order may be made; in addition, the parent or guardian may be committed to jail for a term of up to six months.⁷¹

⁶⁶FCA §361

⁶⁷FCA §362

⁶⁸FCA §363

⁶⁹FCA §§364-365

⁷⁰FCA §371

⁷¹FCA §372

Article 7 - Juvenile Delinquency and Person in Need of Supervision Proceedings

Jurisdiction

The relevant statutory definitions, contained in §712 of the Act, are as follows:

- (a) "Juvenile delinquent" means any person over seven and less than sixteen years of age who does any act which, if done by an adult, would constitute a crime. ⁷²
- (b) "Person in need of supervision" means a male less than sixteen years of age and a female less than eighteen years of age who is incorrigible, ungovernable or habitually disobedient and beyond the lawful control of parent or other lawful authority. ⁷³

The family court has exclusive original jurisdiction over any proceeding involving a person alleged to be a juvenile delinquent or a person in need of supervision ⁷⁴, with the age of the respondent at the time the delinquent act allegedly was done or the need for supervision allegedly arose being controlling for jurisdictional purposes. ⁷⁵ At any time during proceedings under Article 7, a judge may substitute a PINS petition for a delinquency petition and may substitute a neglect petition for either a delinquency or a PINS petition. ⁷⁶

⁷²FCA §712 (a)

⁷³FCA §712 (b)

⁷⁴FCA §713 Prior to September 1, 1967, cases in which a juvenile was charged with an offense punishable by death or life imprisonment were handled in the adult criminal courts of the state unless the district attorney agreed to removal to the Family Court. Now, however, any violation of the Penal Law committed by a person under 16 is solely within the jurisdiction of the Family Court.

⁷⁵FCA §714

⁷⁶FCA §716. Although no statistics are readily available, it appears from observation of proceedings at the New York County Juvenile Term that substitution of petitions occurs fairly frequently. It is a standard practice of the Law Guardians to request substitution of a PINS petition at the conclusion of a fact finding hearing on a delinquency petition.

Custody and Detention

The Family Court Act avoids use of the term "arrest" in connection with a juvenile offender. Rather, it speaks of "custody" (without defining what is meant by custody) and authorizes a peace officer or private individual to take a person under sixteen into custody without a warrant only in cases where he could arrest an adult for a crime.⁷⁷ There is no authorization for taking a juvenile into custody without a warrant if he has committed a violation (as distinguished from a felony or misdemeanor)⁷⁸ or if he is a truant or is otherwise within the court's jurisdiction only as a possible person in need of supervision.⁷⁹

If a private person takes a juvenile into custody, he is supposed to take the juvenile, without unnecessary delay, to his home, to a family court judge, or to a peace officer.⁸⁰ The duties of a peace officer who takes a juvenile into custody or to whom a juvenile is delivered by a private person are set forth in some detail in §724 and Rule 7.1. Under that section, a peace officer is supposed to immediately notify the juvenile's parents⁸¹; after making "every reasonable

⁷⁷FCA §§ 721, 722; cf. Code Cr. Proc. §§177, 183.

⁷⁸Although Code Cr. Proc. §§177 and 183 permit peace officers and private citizens, respectively, to arrest a person without a warrant for an offense committed in their presence, FCA §721 and 722, as amended in 1967 (at the same time as the Code sections were amended and the new Penal Law adopted) specify that a juvenile can be taken into custody only for a crime. The new Penal Law divides offenses into four categories: traffic infractions, violations (offenses other than traffic infractions, for which 15 days is the maximum sentence), misdemeanors and felonies; only misdemeanors and felonies are defined as crimes. (Penal Law §10.00 subs. 1-6).

⁷⁹See the official comment of the Joint Legislative Committee on Court Reorganization to §§721 and 722; see also Paulsen, The New York Family Court Act, 17 Buffalo L. Rev. 420, 438 (1963).

⁸⁰FCA §732

⁸¹FCA §724

effort" to give such notice he is supposed to release the juvenile to the parents⁸², take him directly to the family court (unless he determines that it is necessary to question him, in which case he may take him to a facility designated by the appropriate appellate division and there question him for a reasonable time)⁸³, or take him to a place designated by the appropriate appellate division for the reception of children.⁸⁴ In the absence of "special circumstances", the juvenile is supposed to be released to his parents.⁸⁵

Not surprisingly, the provisions regarding custody by a peace officer have given rise to considerable controversy. In the first place, the police appear to equate "taking into custody" with formally charging the juvenile.⁸⁶ The police apparently do not regard the period between initial apprehension and the making of the decision to charge (which is usually a decision made at the stationhouse by the desk officer) as "custody", and do not regard themselves as under any obligation to notify a child's parents of his whereabouts prior

⁸²FCA §724 (b) (i)

⁸³FCA §724 (b) (ii)

⁸⁴FCA §724 (b) (iii) It appears that the Appellate Division, First Department, has designated the City's juvenile detention facilities as the place for the questioning of juvenile suspects (see Matter of Aaron D., - App. Div. 2d (1st Dept. March 21, 1968)

⁸⁵FCA §724 (c) The meaning of "special circumstances" is not defined anywhere in the statute.

⁸⁶See New York City Police Department Rules and Procedures (hereinafter referred to as R & P) 9/60.1.

to the time they formally charge him.⁸⁷ Second, although the statute appears to authorize the questioning of children in places designated by the court, recent federal and state decisions cast serious doubt on the permissibility of this practice at least in the absence of very thorough warnings to both the juvenile and his parent as to the juvenile's constitutional rights.⁸⁸

When a juvenile who has been taken into custody is brought to court prior to the filing of a petition, the judge is supposed to hold a hearing to make a preliminary determination as to whether the court has jurisdiction over the juvenile.⁸⁹ Unless the matter is to be transferred to the criminal court because the juvenile is over sixteen, the judge is supposed to release the child to his parents (a) if the court does not appear to have jurisdiction; (b) if the matter appears to be cognizable as a PINS proceeding rather than as a delinquency proceeding; or (c) even if the events appear to give rise to a delinquency proceeding,

⁸⁷ A striking example of this procedure in operation appeared during the course of a recent fact finding hearing in the Kings County Juvenile Term which involved two boys charged with homicide. The police officer who conducted the investigation testified that he had picked up one of the boys at about 5 p.m. in the afternoon in front of his home and had had the other picked up at his home about 10 p.m., but had not notified the parents of either boy as to where the boys were being held or why they were being held. He said that the boys were held, for questioning and identification by witnesses, at the office of the Brooklyn North Homicide Squad until about 2 a.m. when they were transported to the station house in the precinct where the crime had occurred for booking by the desk officer. He said he assumed that the desk officer had notified the parents. Each boy's mother testified, without contradiction, that her first knowledge of what had happened came at about 2 a.m. when a patrolman came to the door and informed her that her child was in custody and that she should be at the Family Court building at 9 a.m. in the morning.

⁸⁸ See, e.g., Miranda v Arizona, 384 U.S. 436 (1966); Matter of Gregory W., 19 N.Y. 2d 55 (1967); Matter of Aaron D., supra, n. 84. The statute makes no provision for advising juvenile suspects that they have a right to silence, a right to consult counsel before answering questions, and a right to have counsel provided for them if they cannot afford their own counsel, though the requirements of Miranda as applied to juveniles in this state in Matter of Gregory W., and Matter of Aaron D., supra, clearly seem to require such advice.

⁸⁹ §728 (a). This section comes into play when a juvenile is taken to court too late in the day for him to go through the intake process described infra pp. 43-49

unless there is a substantial probability that he will not appear in court on the return date or unless there is a serious risk that he may before the return date do an act which if committed by an adult would be a crime."⁹⁰ No person may be detained for more than 72 hours or beyond the next court day, whichever is sooner, without such a hearing.⁹¹ At the commencement of this preliminary hearing, the judge is supposed to advise the child of his right to remain silent, his right to be represented by counsel of his own choosing, and of his right to have a law guardian assigned.⁹²

Preliminary Procedure

A delinquency or PINS proceeding is originated by the filing of a petition alleging that the respondent falls within the statutory definition of a juvenile delinquent or person in need of supervision.⁹³ A PINS petition must also include an allegation that the respondent requires supervision or treatment; a delinquency petition must include an allegation that the respondent requires supervision, treatment or confinement.⁹⁴ Any one of the following can file a petition:

- (a) a peace officer;
- (b) the parent or other person legally responsible for his care
- (c) any person who has suffered injury as a result of the alleged activity of a person alleged to be a juvenile delinquent or in need of supervision, or a witness to such activity;
- (d) the recognized agents of any duly authorized agency, association, society or institution.⁹⁵

⁹⁰FCA §728 (b)

⁹¹FCA §729

⁹²FCA §728 (b). In practice, a member of the Law Guardians' staff almost invariably appears with a child at a §728 hearing, and the judge in that case usually does not bother to give this advice.

⁹³FCA §§731, 732; see the definitions in §712

⁹⁴FCA §§731 (c), 732 (c)

⁹⁵FCA §733

Interestingly, there is no provision for the filing of a petition by a representative of the community such as a Corporation Counsel, a County Attorney, a District Attorney or the Attorney General. As drafted, the statute suggests that--despite the strong interest which the community has in these proceedings--a delinquency or PINS proceeding is to be viewed as essentially a litigation between private parties, with individual citizens acting as prosecutors. Section 254 does provide that a judge may call upon the appropriate corporation counsel or county attorney to represent the petitioners;⁹⁶ however, the wording of the statute implies that it is the individual petitioner, rather than the corporation counsel or county attorney, who is to make the initial decision to initiate proceedings.⁹⁷

The provisions of Article 7 regarding the establishment of an intake service to screen cases prior to the filing of a petition are the same as those of Article 3, and the above discussion of those provisions need not be repeated here.⁹⁸ We note, however, that the absence of any provision for advising juveniles charged with delinquency of (a) a right to counsel at the intake conference and (b) the possibility that their statements at the intake conference may subsequently be used at a dispositional proceeding would seem to raise some questions in view of recent Supreme Court decisions.⁹⁹

⁹⁶FCA §254; see supra pp. 7-8

⁹⁷FCA §731; note, however, that there is nothing in the statute which would prevent a law officer representing the community from conferring with prospective petitioners prior to the filing of the petition or from actually drafting the petition.

⁹⁸Compare FCA §734 and Rule 7.6 with §334 and Rule 3.4; see notes 42-46, supra, and accompanying text.

⁹⁹Cf. Miranda v Arizona, supra; Douglas v California, 372 U.S. (1963); Matter of Gault, 387 U.S. 1 (1967), Note (a) that although statements made at an intake conference cannot be used at a fact finding hearing, they can be used at a dispositional hearing; and (b) that some children are represented by attorneys at intake conferences. If counsel's participation at the intake conference can be of assistance to the child in the ultimate disposition of the case, an equal protection issue would seem to be raised by the present system.

Once a petition has been filed, the court may issue a summons requiring the respondent and his parent or guardian to appear at court at a specific time and place.¹⁰⁰ Service of the summons is supposed to be at least 24 hours before the time stated for appearance¹⁰¹; however, if all the persons on whom a summons must be served are before the court at the time the petition is filed the matter can proceed immediately to a hearing.¹⁰² If necessary, the court can bring people before it by issuing a warrant.¹⁰³

After a petition is filed, the court may direct the respondent's detention but is not supposed to do so unless it finds that if he is not detained (a) there is a substantial possibility that he will not appear in court on the return date; or (b) there is a serious risk that he may before the return date do an act which if committed by an adult would be criminal.¹⁰⁴

Hearings

As is the case with respect to neglect proceedings, the Act provides for two hearing stages in Article 7 proceedings--a fact finding hearing to determine whether the respondent did the act or acts which would bring him within the definition of "juvenile delinquent" or "person in need of supervision"¹⁰⁵, and a dispositional hearing to determine whether he requires supervision, treatment, or (in delinquency cases) confinement.¹⁰⁶ Only competent,

¹⁰⁰FCA §736

¹⁰¹FCA §737

¹⁰²FCA §736

¹⁰³FCA §738

¹⁰⁴FCA §739

¹⁰⁵FCA §742

¹⁰⁶FCA §743

material and relevant evidence may be admitted at the fact finding hearing¹⁰⁷; at the dispositional hearing, however, the evidence need only be material and relevant.¹⁰⁸ The standard of proof is the same at both stages--preponderance of the evidence.¹⁰⁹

In view of the trend of recent Supreme Court cases, it appears questionable whether the preponderance of the evidence standard will withstand renewed judicial scrutiny.¹¹⁰ Also open to question, it would seem, is the Act's provision for excluding the general public from hearings¹¹¹ and its lack of any provision for a jury trial.¹¹²

¹⁰⁸FCA §744 (a)

¹⁰⁸FCA §745 (a)

¹⁰⁹FCA §§744 (b); 745 (b)

¹¹⁰The issue was raised but not decided in In re Whittington, 391 U.S. 341 (1968). The reasonable doubt standard has never been held to be constitutionally required in criminal trials, but this is probably because there has been no way for the issue to be raised. It is at least arguable that the reasonable doubt standard is one of the fundamental requirements of due process which, under the Matter of Gault, *supra*, must be applied in juvenile proceedings which may result in disposition of the juvenile's liberty.

¹¹¹FCA §741(b) appears to leave the issue of who may be admitted to hearings up to the judge who is conducting the hearing. In practice, however, only the parents of the juvenile, witnesses (after they have testified), and persons who have requested and received permission from the Administrative Judge to attend a court session, are admitted. An argument can be made, on the basis of the Sixth and Fourteenth Amendments of the Constitution, that the juvenile has a right to a public trial.

¹¹²The claim that a juvenile has a constitutional right to a jury trial was raised but not decided in In re Whittington, *supra*. The failure of the Family Court Act to provide for a right to trial by jury is currently being challenged on constitutional grounds in the U.S. District Court for the Southern District of New York.

At the outset of any hearing in an Article 7 proceeding, the respondent and his parent or guardian are supposed to be advised of the respondent's right to remain silent and of his right to be represented by counsel chosen for him or his parent or by a law guardian assigned by the court.¹¹³ The statute does not take account of possible conflict of interest between the parent and child regarding representation by counsel.¹¹⁴

If the respondent is in detention, a fact finding hearing is supposed to commence not more than three days after the filing of a petition unless the respondent requests a longer adjournment.¹¹⁵ As in neglect proceedings, a dispositional hearing can commence immediately after the requisite findings are made at a fact finding hearing.¹¹⁶ Usually, however, the proceedings are adjourned if findings are made which necessitate a dispositional hearing.¹¹⁷

On the court's own motion the adjournments are not supposed to exceed 20 days if the respondent is in detention unless there are "special circumstances."¹¹⁸ If the respondent is not in detention the court may adjourn proceedings for a maximum of two months.¹¹⁹ On a motion made on behalf of the respondent or his parent, however, the only limitation on an adjournment is that it be for a reasonable period of time.¹²⁰

¹¹³FCA §741 (a)

¹¹⁴Such conflicts are clearly possible--for example, parents sometimes want to be relieved of responsibility for the child and thus have no interest in assisting in the defense of a delinquency or PINS proceeding.

¹¹⁵FCA §§747,748

¹¹⁶FCA §746 (a)

¹¹⁷On rare occasions, the court may make findings but decide, nevertheless, to dismiss the proceedings on the spot on the ground that the child is not in need of supervision, treatment or confinement.

¹¹⁸FCA §749 (b). There is no statutory definition of what "special circumstances" means. In practice, many dispositional proceedings are dragged out for longer than 20 days even though the respondent is in detention.

¹¹⁹FCA §749 (a)

¹²⁰FCA §745 (b).

As is the case in neglect proceedings, probation reports are not supposed to be furnished to the court prior to the conclusion of a fact finding hearing¹²¹ and their subsequent disclosure to a law guardian, counsel, party in interest or other appropriate person is wholly within the court's discretion.¹²²

Orders

The Act provides that an Article 7 petition must be dismissed if the allegations are not sustained.¹²³ This provision is not as innocuous as it might at first appear—it is possible, for example, for the court to conclude at the end of a fact finding hearing that the respondent has done an act or acts which bring him within the statutory definition of a juvenile delinquent or person in need of supervision, yet dismiss the petition on the ground that the respondent does not require supervision, treatment or (in the case of a delinquency proceeding) confinement.¹²⁴

If, however, the judge finds that the allegations of a petition are established, he is supposed to enter an order finding that the respondent is a juvenile delinquent or a person in need of supervision, stating the grounds for the finding.¹²⁵ If the respondent is found to be a juvenile delinquent, the

¹²¹FCA §746 (b)

¹²²FCA Id.

¹²³FCA §751

¹²⁴Compare the definitions of "juvenile delinquent" and a "person in need of supervision" in §712 with the requirements of a petition set forth in §§731 and 732.

¹²⁵FCA §752

court is also supposed to enter an order either (a) suspending judgment¹²⁶; (b) continuing the proceeding and placing the respondent in accordance with specific statutory guidelines¹²⁷; (c) putting the respondent on probation¹²⁸; or (d) committing the respondent in accordance with statutory directives.¹²⁹

¹²⁶FCA §753 (a), §755. Section 755 (a) provides that rules of court are to define the terms and conditions of a suspended judgment. Rule 7.5 is intended to supplement this section, and sets up a framework within which the judge has fairly broad discretion in establishing specific terms and conditions. Section 755 (b) sets one year as the maximum duration of a suspended judgment but permits an extension for an additional year if "exceptional circumstances" require.

¹²⁷FCA §753 (b), §756. Under §756 (a), a child may be placed "in its own home or in the custody of a suitable relative or other private person or a commissioner of public welfare or an authorized agency or a facility of the division of youth". By virtue of a statute which in terms is supposed to last only a year but which in fact has been re-enacted each year since 1963 for a one year period, the term "authorized agency" as used in §756 includes the state training schools established under Article 7 of the Social Welfare Law (§756 (d)). Under §756 (b) and (c), placements may be for an initial period of 18 months, with extensions of placement for additional one year periods being permitted (in the judge's discretion) until the child reaches the age of 18 in the case of boys or 20 in the case of girls.

¹²⁸FCA §756 (c), §757. Section 757 (a) provides that rules of court are to define the permissible terms and conditions of probation. Rule 7-6 sets forth a list of some 15 permissible terms and conditions, which themselves leave some room for further exercise of discretion by the judge. Section 757 (b) sets two years as the maximum duration of probation in a delinquency case and one year as the maximum in a PINS case, but permits the court to continue probation for an additional year if it finds at the conclusion of the original period that "exception circumstances" require such an extension.

¹²⁹FCA §753, §758. Under §758 (a), commitment may be made "to the care and custody of an institution suitable for the commitment of a delinquent child maintained by the state or any subdivision thereof; to a commissioner of public welfare, or to an authorized agency". If the act which the juvenile was found to have committed would be a class A or a class B felony as defined in the Penal Law, and if the juvenile was 15 years old at the time of the commission of the act, the commitment may, under §758 (b), be to an institution maintained by the Department of Correction (e.g., Elmira Reception Center for boys, Westfield State Farm for girls). Under §758 (c), no commitment may exceed three years.

If the respondent is found to be a person in need of supervision the court has the same dispositional alternatives except for commitment¹³⁰; in addition, the court can simply discharge the respondent with a warning.¹³¹ The court also has broad powers to make orders of protection in assistance of, or as a condition of any other order.¹³²

New Hearing and Reconsideration of Orders

The provisions of Article 7 regarding the holding of new hearings and the modification of prior orders are essentially the same as the provision of Article 3 on the same subject.¹³³

Compliance with Orders

Any institution, society or agency, except a state training school, in which a juvenile has been placed or committed, may subsequently petition the court for transfer of the juvenile to another institution, on the grounds (a) that his presence is detrimental to the welfare of the applicant institution, society, and agency or to other persons in its care; or (b) that he has been released on parole or probation by the applicant and has willfully violated the terms of his release.¹³⁴ Provision is made for a hearing on such a petition, after which the court may make any disposition which it could have made in the first instance.¹³⁵

¹³⁰FCA §754 (b), (c), (d)

¹³¹FCA §754 (a) The statute apparently distinguishes between dismissal of the petition, on the ground that the child does not need supervision or treatment (see §§732 and 751, and note 124 supra) and discharge with a warning (§754 (a)). The distinction is, to say the least, not readily apparent.

¹³²FCA §759

¹³³Compare §§761,768 with §§361,368; see notes 66-69, and accompanying text, supra.

¹³⁴FCA §773

¹³⁵FCA §§774, 775

If a respondent is brought before the court for failure to comply with the terms and conditions of a suspended judgment, or of placement, or of probation, the court may, after a hearing, make any order which might have been made at the initial dispositional hearing.¹³⁶ If any person is found after a hearing to have willfully violated an order of protection, the court may commit him to jail for up to six months.¹³⁷

Effect of Proceedings

The Act declares that no adjudication under Article 7 can be called a conviction¹³⁸, that no person adjudicated a juvenile delinquent or a person in need of supervision can be called a criminal because of such adjudication¹³⁹, and that no adjudication under the Article can operate as a forfeiture of any right or privilege or disqualify a person from subsequently holding public office or obtaining a license from a public authority.¹⁴⁰ Neither the fact a person was previously before the Family Court for an Article 7 proceeding nor any confession or other statement made by him at any stage of the court proceeding is admissible against the person or his interests in any other court.¹⁴¹ However, another court, in imposing sentence on an adult after conviction, can consider the individual's Family Court record.¹⁴² All police records relating to the

¹³⁶FCA §§775,779

¹³⁷FCA §780

¹³⁸FCA §781

¹³⁹Id.

¹⁴⁰FCA §782

¹⁴¹FCA §783

¹⁴²FCA Id.

arrest and disposition of a person are, under the Act, supposed to be kept in files separate from those of adults.¹⁴³ The records are supposed to be withheld from public inspection but open to inspection (a) on good cause shown, by the parent, guardian, next friend or attorney of a person, upon the written order of a family court judge; or (b) if the person was subsequently convicted of a crime, by a judge of the court in which he was convicted.¹⁴⁴

Article 10 - Appeals

An appeal may be taken as of right from any order of disposition, and, in the discretion of the appropriate appellate division, from any other order under this Act.¹⁴⁵ The appeal is taken to the appellate division for the judicial department in which the family court whose order is appealed from is located.¹⁴⁶ The appeal must be taken no later than 30 days after the entry and service of the order appealed from¹⁴⁷; presumably this requirement is met simply by filing and serving notice of appeal within that time period. The notice of appeal is supposed to be served upon the judge of the family court who made the order appealed from, upon the appellee, and upon the Corporation Counsel if the appeal is from a court within New York City or the County Attorney if the appeal is from a court outside the City.¹⁴⁸

¹⁴³FCA §784

¹⁴⁴FCA Id.

¹⁴⁵FCA §1012

¹⁴⁶FCA §1011

¹⁴⁷FCA §1013

¹⁴⁸FCA §1015

II. THE PHYSICAL FACILITIES

A. The Courthouse

In New York County, the Juvenile Term is housed in a building located at 235 West 23rd Street, between 7th and 8th Avenues. The building, formerly used for commercial purposes, has been occupied by the court under a leasing arrangement for a number of years. Land has been acquired by the city for construction of a new Family Court building in the Foley Square vicinity, but construction has not yet started.

The present building is approximately 40 feet wide and 80 feet deep. Space within it is allocated roughly as follows:

Basement - Most of the basement area is taken up by heating equipment and storage space. The remaining small area is used for the Office of Probation's intake operation. The tiny waiting room has bench space sufficient to accommodate approximately 35 people; on a typical morning the benches will be fully occupied and an additional 30-50 people will be standing around waiting for their cases to be called. Adjacent to the waiting room, there is a reception clerk's office to which everyone involved in a case is initially directed. The intake supervisor and the six intake workers each have small private offices in which conferences are conducted. There is also a desk, located in the back of the reception clerk's office, which is used by a worker from the Puerto Rican Community Development Project.¹

¹The Puerto Rican Community Development Project, an anti-poverty agency, has undertaken a Juvenile Court Services Program in the New York County, Bronx County and Kings County Juvenile Terms. The basic idea of the project is to divert cases involving children from Puerto Rican families from the court process where possible and, where that is not possible, to assist the family in coping with the court proceedings. The program has been in operation in New York County for slightly over a year and has become an important part of the court system. Initially, the PRCDP workers were used principally as translators, but both the intake workers and judges have increasingly taken to asking them for their interpretation of the problems of cases and requesting them to take over direct supervision of the children. According to the director of the New York County program, its three workers have supervised over 500 cases during the past year and have had a very low rate of referrals back to court.

Main Floor - The offices of the Court Clerk, including a large record room, occupy about half of the total office space on the main floor. Also on this floor are offices used by the Catholic Big Sisters, the Protestant Big Sisters, the Jewish Board of Guardians, the New York County Society for the Prevention of Cruelty to Children, the police counsel, and the Law Guardians.²

Second Floor - This floor, on which the Part I and Part II courtrooms are located, is the principal center of activity in the building. Part I is the part to which all new cases, except PINS proceedings based on charges of truancy, are channeled. The judge sitting in Part I handles fact finding hearings, initial hearings on adjournments and detention, application for warrants, returns on warrants, and other miscellaneous matters. Part II is essentially a dispositional part; the judge sitting in this part will have been in Part I the preceding month and is supposed to handle principally cases in which he made findings of fact while sitting in Part I the previous month. The two courtrooms, each about 20'x 40', are adjacent to each other; they are surrounded by a U shaped waiting room which has bench space for approximately 100 people. Behind the courtrooms there is a narrow corridor leading to two tiny rooms used as chambers for the Part I and Part II judges. Along one side of the waiting room, there are three small offices, each of which is occupied by a petition clerk. In one corner of the waiting room area there is a desk which is used by the Law Guardians as a central meeting place and distribution point. The Law Guardians have no office space on this floor; they must attempt to interview their clients and prepare their cases in the noisy and often chaotic waiting room area.

²The Law Guardians' office is ridiculously small. It is a windowless room, about 8' x 14' which is crowded with a clothes locker, a bookcase, 5 desks, 7 chairs, and 3 file cabinets. It is supposed to serve a staff consisting of 6 lawyers, an investigator and a file clerk. Not surprisingly, it is seldom used by anyone except the file clerk--there is no place in the office to conduct a private interview, and the office itself is not convenient to the courtrooms.

Third Floor - The Part III courtroom is located on this floor, which also has a small waiting room area, five small offices (two used by petition clerks, two used by the Board of Education's Bureau of Attendance, and one shared by an attorney for the city's Social Services Department and a Board of Education court liaison officer), separate temporary detention facilities for boys and girls, a kitchen which is used to prepare food for the children in detention, a nursery, and a small room used as chambers for the Part III judge. Part III is also essentially a dispositional part; the judge sitting in this part will have been in Part II the previous month and is expected to handle the disposition of cases in which he initially made findings while sitting in Part I but was not able to dispose of while sitting in Part II. In addition, the Part III judge is supposed to handle all aspects of PINS cases brought by the Board of Education's Bureau of Attendance and to entertain applications from institutions for extensions of placements.

Fourth and Fifth Floors - The Office of Probation occupies virtually all of the space on these two floors, most of which is taken up by private offices used by individual probation officers who are doing investigating or supervisory work.

Sixth and Seventh Floors - The Court's Bureau of Mental Health Services is located on these two floors. The Bureau makes use of psychologists and psychiatrists who work on a part-time basis and are assigned individual private offices. These offices are unoccupied much of the time and there are some offices on the seventh floor which are completely vacant.

Eighth Floor - There are four fairly large chambers, assigned to senior judges of the Family Court, located on this floor. The floor also has a small courtroom which is used for adoption proceedings.

B. Shelters and Detention Facilities

The City operates two sets of facilities for children involved in Juvenile Term proceedings who must be removed from their homes during the pending of those proceedings.

Minors who are removed from their homes during neglect proceedings are housed at one of the three shelters run by the Department of Social Services. These facilities and their approximate capacities are as follows:

<u>Shelter</u>	<u>Location</u>	<u>Children Served</u>	<u>Capacity</u>
Callagy Hall	331 East 12th St. New York, N.Y.	Girls 6-16	128
Callagy Hall Annex	6200 Broad Channel Drive Arverne (Queens)N.Y.	Girls 6-13	70
Children's Center	1 East 104th St. New York, N.Y.	Girls & Boys 2-5 Boys 6-16	323
		Total capacity	<u>521</u>

Minors who are ordered detained during delinquency and PINS proceedings are confined in one of the four "juvenile centers" operated by the Office of Probation. These four institutions and their approximate capacities are as follows:

<u>Institution</u>	<u>Location</u>	<u>Security Classification</u>	<u>Capacity</u>
Riverview	Welfare Island, N.Y.	Open	44
Manida	765 Manida Ave. Bronx, N.Y.	Semi-Open	90
Zerega	1188 Zerega Ave. Bronx, N.Y.	Semi-Open	75
Spofford	1221 Spofford Ave. Bronx, N.Y.	Secure	300
		Total capacity	<u>509</u>

At the present time, Riverview is being used for boys under 12; Manida and Zerega for girls up to age 18, with the younger and more passive girls being sent to Zerega if possible; and Spofford for boys 12-16, boys under 12 who are thought to require secure custody, and girls who are thought to require secure custody.

Until recently, the four institutions which make up the Juvenile Center complex were known collectively as "Youth House" and were operated by a private non-profit agency (Youth House, Inc) headed by a board of directors consisting of 18 citizens. In the spring of 1967, however, investigations by a Bronx County Grand Jury and by the New York State Joint Legislative Committee on Penal Institutions resulted in charges of physical beating of children, inadequate separation of children by age groups and offenses, inadequate medical and professional staffing, severe overcrowding, rampant homosexuality, and other abuses at Youth House. Following publication of the reports of the Grand Jury and the Joint Legislative Committee, the Office of Probation took over full responsibility for running the four institutions, re-named them "Juvenile Centers" and began an overhaul of the staff and the operating procedures.

All of the facilities--shelter and juvenile centers alike--face severe operating problems. They are frequently overcrowded, a condition due in large measure to two factors--(1) the difficulty of finding suitable facilities in which to place children after an adjudication is made, a difficulty which results in some children remaining at one of these facilities (each of which is intended to be used only for short term stays) for many months; and (2) the frequency with which children are remanded to one of the facilities during the pendency of proceedings. It is difficult to attract capable staff--the pay is low and the work is demanding.

The shelter facilities are generally regarded, by people involved in juvenile court work in the city, as being considerably superior to the detention

facilities. Our limited observation of the two sets of facilities tend to confirm this view--the shelters are run on a more "open" basis (for example, children at the shelters go to public schools in the neighborhood, while children in detention attend special schools located within the facilities) and seem to have a more cheerful atmosphere.

Further descriptive material concerning the shelter and detention facilities is contain in Appendices A-I of this report.

III. THE SCREENING PROCESS

Every case which reaches the Juvenile Term has gone through a screening process. In most instances, the screening process has two stages--the first administered by the public or private agency which decides to refer the case to court, the second administered by the intake section of the Office of Probation.¹ Unfortunately, there is very little data on the way in which the screening process operates at either stage in New York.² The following represents an initial attempt to describe some aspects of the process.

A. Screening by the Referring Agencies

(1) The New York City Police Department

The New York City Police Department is the agency most frequently responsible for initiating delinquency proceedings in the Juvenile Term.³ It is also responsible for bringing some PINS and neglect cases to the attention of the court.⁴

¹There are two major exceptions to the two stage screening process--(1) PINS cases in which the parent, rather than an agency is the complaining party; and (2) neglect cases initiated by the New York County Society for the Prevention of Cruelty to Children (SPCC) which, when it decides to take a case to court, bypasses intake and goes directly to the petition clerks.

²For a general discussion of the operation of the screening process in delinquency cases throughout the county, see Note, Juvenile Delinquents: The Police, State Courts and Individualized Justice, 79 Harv. Law Rev. 775, 776-790 (1966).

³The 1968 Annual Report of the Judicial Conference states that the police (including police from agencies other than the City Police Department (e.g., Transit Police and Housing Authority Police), were the petitioners in 59% of the delinquency cases in the City in 1966-67. Outside of the City, police were the petitioners in 86% of the delinquency cases, a fact which suggests that in many cases the police in New York City persuade individual citizen complainants to become petitioners even though police officers could file petitions themselves. Observation at the New York County Juvenile Term indicates that a City police officer is involved, though not necessarily as the petitioner, in about 75% of all delinquency cases which reach the court.

⁴According to the 1968 Judicial Conference Annual Report (p. 370) police officers were petitioners in 11% of the PINS cases in the City in 1966-67. There are no figures available on the number or percentage of neglect cases in which the police were petitioners in the city; however, on a statewide basis, the police were petitioners in 5% of the neglect cases (1968 Judicial Conference Report p. 359).

The Department's own screening process may consist of one, two or three stages, depending upon the circumstances of the case. Participants in the decision-making process may include (a) the policeman on the beat; (b) the desk officer in the local precinct; and/or (c) a member of the Department's Youth Aid Division.

(a) The policeman on the beat

A Juvenile's initial contact with the police usually occurs when a patrolman observes him in the act of committing a violation of law or responds to the complaint of a citizen about his activities. In such cases, if the policeman is able to apprehend the juvenile, he has a variety of alternatives to consider:

- (1) he may release the juvenile, perhaps with a warning, without making an official record or taking any further action; or
- (2) he may release the juvenile but write up a brief report--a "Y.D.-1" form--describing the contact and referring the matter to the Department's Youth Aid Bureau for further investigation; or
- (3) he may turn the matter over to the desk officer for a decision as to whether to release the juvenile or formally charge him with juvenile delinquency and take him into custody; ⁵ or
- (4) he may formally charge the juvenile with delinquency and take him into custody.

The patrolman's choice of which alternative to follow is influenced by statutes and by Departmental regulations, but it is his own evaluation of the seriousness of the juvenile's infraction which is most likely to determine the action he takes. The police regulations (NYCPD Rules and Procedures, hereinafter cited as "R&P") are often of little help. For example, R&P 9/60.0 provides that:

"a member of the force shall take into custody a child under 16 charged with a violation which if committed by an adult would be a felony, unlawful assembly, or any of the misdemeanors specified in Sec. 552 C.C.P."

⁵See, for extensive discussion of the police officer's discretion, Skolnick, Justice Without Trial (1966); Goldstein, Police Discretion Not to Invoke the Criminal Process: Low Visibility Decisions in the Administration of Justice, 69 Yale L. J. 543 (1960); President's Crime Commission Report pp.81-82 01-07 (1967)

Far from providing a clear guideline, the regulation appears to make the patrolman's action contingent upon whether or not the juvenile has actually been charged with one of the named violations. The questions of whether to charge the juvenile at all, and of what to charge him with, are left to the individual patrolman. Where the patrolman observes a clear-cut case of law violation (i.e., a homicide or robbery), these questions are easy to resolve. Often, however, the case is not clear-cut, and the patrolman is left to choose for himself among the various alternatives, with little in the way of standards to guide him.

(b) The desk officer

When the policeman on the beat decides that a case is not so trivial that he should release the juvenile on the spot, yet not so serious as to clearly require him to formally charge the juvenile, he may pass the buck to the desk officer. Under Police Department regulations any case of a child under 16 who is accused of a violation of law, but who has not been formally taken into custody and charged with juvenile delinquency, is supposed to be brought to the attention of the desk officer.⁶ The desk officer then has discretion to either direct the preparation of a YD-1 form or direct that the child be formally charged with delinquency.⁷ In exercising his discretion in this regard, the desk officer is supposed to consider the manner in which the alleged offense was committed, the child's previous record as ascertained from the records of the precinct and the Youth Records Bureau, the recommendation of a Youth Aid Division member if one is present, "and any other pertinent facts and circumstances."

⁶NYCPD R&P 9/60.2 - 9/60.4

⁷Id.

⁸The regulations do not specify where the juvenile is to be brought while the desk officer considers these matters, perhaps because the clear thrust of FCA §724 is to keep juveniles out of police station houses. As a practical matter, however, juveniles are almost invariably brought to the station house for either (a) formal charging (booking), when the patrolman has definitely decided that the case should go to court; or (b) consideration by the desk officer as to whether the juvenile should be released or formally charged. As noted above (supra, p 19, note 87) the police apparently do not regard the period between the time a juvenile is apprehended and the time he is formally charged as a period when the juvenile is "in custody" within the meaning of FCA §724.

If the desk officer decides to formally charge the child with juvenile delinquency, he will enter the details on the precinct's arrest record and direct the preparation of a UF-4 form and of the other papers incident to the arrest.⁹ This, in police terms is the "taking into custody" referred to by the FCA. The desk officer will then attempt to notify the child's parents (either by telephone or by sending a patrolman to the parents' home) that the child has been taken into custody.¹⁰ In most cases, when making the notification, he will also inquire as to whether the parents will agree to take the child home and to sign a recognizance promising to produce him in court on the next day that court is in session.¹¹ However, if he cannot locate the parents, if the parents will not agree to sign the recognizance, or if the offense is a particularly serious one, the desk officer will direct that the child be taken to Spofford Juvenile Center for detention until the court opens.¹²

(c) The Youth Aid Division

When a patrolman or desk officer decides to release a juvenile rather than formally charge him with delinquency, he will ordinarily initiate an

⁹R & P 9/60.1 cf. FCA §724

¹⁰Id.

¹¹R & P 9/60.1; 9/60.2; 11/16.0; 11/16.4

¹²R & P 9/60.2. Police officers interviewed during the course of the study consistently expressed the view that, except in homicide cases (where release is prohibited under R&P 11/2,1 (j), juveniles were almost always released to their parents when the parents could be located.

investigation of the juvenile by the Youth Aid Division.¹³ This is done by filling out the front side of a 4" x 6" YD-1 form, which contains spaces for items of relevant information concerning the juvenile and the incident;¹⁴ the form is then routed through Departmental channels to the Youth Aid Unit which covers the area in which the juvenile resides.¹⁵ That unit then commences an investigation to determine whether the case should be referred to court or handled informally.

Investigations by the Police Department's Youth Aid Units may be initiated not only by members of the Department but also by individual citizens and by private or public agencies. Indeed, minor violations reported on YD-1 forms prepared by the New York City Transit police accounted for almost half the cases

¹³The Youth Aid Division has gone through several reorganizations during the past decade. For the past year, it has consisted of a central review and administration unit, a research and training unit, and 17 separate youth aid units. The 17 youth aid units, each of which is located in a station house and is responsible for covering 3-5 precincts, have two principal functions: (1) patrol, with special attention to areas of youth activities; and (2) investigation of incidents reported on YD-1 forms. The central review and administration unit and the research and training unit are located at 34 1/2 East 12th Street where central files containing present and past YD-1 cards are maintained. The Division is commanded by a Deputy Inspector who is himself directly responsible to the Chief of Patrol. The Division has 150 police officers, most of them selected within a few years of the time they come on the force. There are a few policewomen in the Division, and increasing use is being made of civilian employees. Almost all of the police officers in the Division have had some college training and many hold degrees in social work or related fields.

¹⁴See copy of YD-1 form in Appendix J.

¹⁵The YD-1 form is made out in an original and 3 carbon copies. One copy remains in the file of the precinct where the incident occurred, one goes to the Youth Records unit, one to the Department's Records and Statistics Bureau, and one to the Youth Aid Unit covering the area of the child's residence.

processed by the Police Department's Youth Aid Units during 1967.¹⁶ In addition to reports of minor law violations, complaints of incorrigibility, waywardness, truancy, neglect, etc. are also supposed to be reported on YD-1 forms.¹⁷

When a YD-1 form is received at one of the seventeen Youth Aid unit offices, the investigating officer will usually begin by checking the unit's files to determine whether there have been any prior YD-1 reports involving the same child. He may also check with the Social Service Exchange to determine whether the child or his family is already known to a social agency. From there on the course of the investigation will depend upon the seriousness of the complaint and the extent of the child's prior record. In some cases, the only action may be a precautionary letter to the child's parents.¹⁸ In other cases, the parents may be invited, by letter, to come to the unit's office for a conference concerning the child's misbehavior.¹⁹ In some cases, particularly where the parents do not

¹⁶The following table, extracted from the 1967 Annual Report of the New York City Police Department's Youth Unit (p 17) shows the sources of YD-1 reports processed by the Division during 1967:

<u>Source</u>	<u>Number</u>	<u>Percentage</u>
New York City Police Dept.	14,757	29%
Transit Police	23,319	46%
Other police organizations	1,047	2%
Individuals	8,401	17%
Schools	1,465	3%
Other	1,543	3%
	<u>50,532</u>	<u>100%</u>

¹⁷R & P 6/58.0

¹⁸See copy of form letter in Appendix J.

¹⁹See copy of form letter in Appendix J.

respond to an invitation to come to the unit's office for a conference, an investigating officer may make a visit to the child's home.²⁰ Occasionally the investigation may involve visits to friends, relatives and the child's school. The objective of the investigation, in most cases, is to put the child and family in touch with agencies which may be helpful to them.²¹ In addition, the investigation may help to increase police knowledge about potentially troublesome youths, for future reference. Some investigations, of course, result in referrals to court. The following table is a rough breakdown of YD-1 dispositions during 1967.²²

<u>Disposition</u>	<u>Number</u>	<u>Percentage</u>
Referral to court ²³	6,417	15%
Referral to agencies	13,908	28%
Precautionary letter	16,532	32%
No other services indicated	8,404	17%
Unable to locate or moved out of city	2,864	6%
Unsubstantiated	635	1%
Other closings	1,470	3%
	<u>50,230</u>	<u>100%</u>

²⁰ See copy of form used by investigating officers to report on results of home visit, Appendix J.

²¹ It is extremely difficult to have any idea of the thoroughness of these investigations or of the extent to which they are successful in putting the family in contact with social agencies which can be of help. The effectiveness varies with the dedication and interest of the individual officers and there is no attempt to follow up on the referrals--once a child is referred to an agency, the case is considered closed, at least until another YD-1 report is received on the same child.

²² Source: NYCPD Youth Records Unit Annual Report, p 5 (1968)

²³ Court referrals by the Youth Aid Division include PINS and neglect cases, as well as delinquency cases. Note that not all cases referred to court by the Division actually reach the fact finding stage--many are screened out by intake, although intake is reputedly less likely to attempt to adjust a case referred to court by the Youth Aid Division than one sent there directly by a beat patrolman or desk officer.

2. Other Referring Agencies

Among the other agencies which are frequently responsible for initiating Juvenile Term proceedings are the Transit Authority and Housing Authority police (in delinquency cases), the Board of Education (in delinquency cases involving school vandalism and teacher assaults and in PINS proceedings based on truancy), the New York County Society for the Prevention of Cruelty to Children (in neglect cases) and the City Department of Social Services (in neglect cases involving families receiving public assistance).

All of these agencies play significant roles in the City's juvenile justice system, yet very little is known about how the decision to initiate Juvenile Term proceedings is made by any of them. This is clearly an area in which more research should be done.

B. Screening by Probation's Intake Section

The Intake Section of the Office of Probation's New York County Juvenile Branch screens all delinquency and PINS cases which reach the court. It also screens all neglect cases other than those brought by the SPCC; that organization goes directly to a petition clerk when it wants to initiate a neglect petition.²⁴

Preliminary Processing

A policeman or representative of an agency seeking to initiate a Juvenile Term Proceeding will go first to the information window in the clerk's office on the main floor of the court building. There he will give the name of the juvenile to a clerk, who checks the court's files to determine whether the juvenile has a prior court record. If such a record is found, the clerk will

²⁴See p. 36 n 1, supra.

note the juvenile's name, the prior Probation file number, and the prior court docket number on a small "Intake Record Slip".²⁵ If there is no prior record, the clerk simply writes the word NONE on the slip. The policeman or agency representative then goes downstairs to the intake reception room, where he gives the slip to a receptionist. If a private citizen goes to the information window seeking to find out how to initiate a Juvenile Term proceeding, the clerk will tell him to go directly to the intake reception room and will not give any information about the child's past record.

The intake receptionist logs in each new case and begins filling out an orange colored 8 1/2"x14""Intake Face Sheet" which contains spaces for relevant information about all parties connected with the case.²⁶ If the receptionist is aware that the juvenile has had any prior contact with the court, she will call for the prior Probation file to be sent down.²⁷ The prior file, if any, will be placed in the mailbox of one of the six intake officers, together with the face sheet.²⁸ The cases are assigned to the intake officers in the order in which

²⁵See form in Appendix L.

²⁶See form in Appendix L.

²⁷If the complainant is the representative of an agency, this information will be noted on the intake record slip. If the complainant is not a representative of an agency, the receptionist will check with the clerk's office to find out if there is a prior record. Even if the clerk's office indicates no prior record, the receptionist may call the Probation Record Room, or the 4th floor of the court building to doublecheck or to see if there is a Probation file on any other member of the family.

²⁸Each intake officer has a box in the reception room, from which he picks up the material for each new case. In some cases where there is a past record, the intake officer may begin his interviews with only the face sheet before him, as it may take some time to locate the old Probation file on the juvenile and send it down.

they come in, except that if a child has seen a particular intake officer within the past three months, the new case will be assigned to the same officer. Where more than one child is involved in a case, the same officer will ordinarily interview all of them.

The Interviews

The intake officer will interview all parties who are present at the court.²⁹ He seeks first to find out the complainant's version of the facts, in order to make a preliminary determination as to whether the court has jurisdiction.³⁰ If it appears that the court does have jurisdiction, he then tries to find out as much as possible about the juvenile's family history, school record, physical and mental health, prior contact with the police, close associations, after school activities, problems relating to the rest of the family, and behavior at home. Relevant information is summarized on two orange colored 8 1/2"x14" forms--the Intake Face Sheet, described above, and the Intake Referral Sheet.³¹ The information on these forms provides

²⁹If all parties are not at the court (e.g., where a parent is seeking to initiate a PINS proceeding against his child), the intake officer will try to find out why the missing party (usually the potential respondent) is not present. The intake officer will then either try to arrange for the missing person to come in voluntarily or will send the complainant up to court (by way of the petition clerks) to get a warrant.

³⁰In a delinquency case, for example, the intake officer will begin by finding out from the policeman what section of the Penal Code the juvenile was booked under and checking on the juvenile's age. If he is in doubt as to whether the court has jurisdiction, he may check with the Counsel to the Office of Probation.

³¹See form in Appendix L.

basic background information for (1) the intake officer if he has future contacts with the child; (2) the recommendation of Probation's court reporting officer regarding custody pending further proceedings in cases which are referred to court; and (3) the work of Probation's investigation and service office officers.

Most intake investigations are completed within an hour, but they may take much longer. In addition to interviewing the parties who are at court and consulting past probation records, the intake officer may telephone the juvenile's school, employer, other members of the family, or other social agencies which have had contact with the family. He may also arrange for an emergency physical or mental examination if he feels that it is necessary and if the child and his parents consent. If the intake officer is unable to obtain necessary information during the day that the case first reaches court, he may keep the case open and schedule further interviews for a later date. Depending upon what information the intake officer subsequently acquires, the case may be either sent to court or "adjusted".

Adjustment

The law provides for a period of two months during which efforts at adjustment may be made, with this period being extendable for an additional 60 days with the leave of a Family Court judge.³² Before adjustment can even be attempted, however, the complainant must consent. If the complainant insists upon a court hearing, intake is statutorily barred from adjusting the case.³³

³²FCA §§333 (c) and 734 (c), Rules 3.4 and 7.3 (b)

³³FCA §§333 (b) and 734 (b), Rules 3.4 (a) and 7.3 (a)

In addition to the complainant's consent, some other elements must be present in order for the intake officer to divert the case from court. Most importantly, the case must not be too serious a one; there must be some admission of the charges by the potential respondent; and there must be some indication that the potential respondent can benefit by adjustment.³⁴

Adjustment can take any one of three basic forms: (1) an immediate closing of the case without any further action other than a verbal warning; (2) referral to a community agency; or (3) periodic conferences with the intake officer. The first alternative is followed only when a case appears relatively trivial and the home situation seems basically good. The second and third alternatives, which involve keeping a case open for up to four months, are known as "informal probation"; if developments during that period indicate to the intake worker that a child needs long term supervision, the case will be referred to court.³⁵

³⁴See the criteria set forth by the Office of Probation in a 1962 memorandum, reproduced in Appendix K. The requirement that a child admit the charges has been severely criticized by some observers, who note (a) that it puts pressure on an innocent child to admit charges in order to avoid going before a judge; and (b) that the effect, if a child subsequently comes before the court after an earlier adjustment, is to put him in the position of a "second offender".

³⁵For example, if a child failed to keep appointments with the intake officer or with an agency to which the case was referred during the adjustment period, the intake officer would be likely to refer the case to court. Although the statute and rules provide that an intake officer cannot compel a child to attend any conference (FCA §734 (c), Rule 7.3 (c)), the practical effect of the referral power is to provide a very strong incentive to the juvenile to comply with the intake officer's suggestions.

Unfortunately, there is little data to indicate the frequency with which any of these three alternatives are followed or to measure their success. The intake section prepares a monthly statistical report, but it gives only a rough indication of the flow of cases, and contains no information at all with respect to the extent of recidivism on the part of juveniles whose cases have been adjusted.³⁶

The limited data which is available does provide some useful information: Intake closed a total of 4,514 cases in 1967. Of this number, 1,181 (26.2%) were adjusted by intake--390 (8.7%) by referral to a community agency and 791 (17.5%) without such referral. Not all of the other cases went to court, however. In 366 cases (8.1%) the complainant either withdrew his complaint at intake or failed to appear at subsequent interviews after the case was left open at the time of the initial interviews. An additional 207 cases, all involving juveniles already under some kind of court supervision, were discharged to either the Office of Probation's service section (130 cases, or 2.9% of the total), or to a custodial agency (74 cases, or 1.6% of the total). Some 2,763 cases (61.2%) were referred to the petition clerks. The statistics also indicate that intake is more successful in diverting delinquency cases from court than it is in diverting other kinds of cases--only 58% of the delinquency cases which went through intake in 1967 were referred to the petition clerks, compared with 69% of the neglect cases and 64% of the PINS cases.³⁷

³⁶See sample report in Appendix

³⁷These statistics were extracted from the New York County Juvenile Term Intake Sections's monthly reports for 1967. Note that the 69% figure in neglect cases includes only those cases which went through intake. The figure does not reflect what happened in the great majority of neglect situations, most of which are handled by the SPCC with no involvement by intake.

When an intake officer decides that a case must be referred to court, he finishes filling out the face sheet and the referral sheet and completes a few items on a Judicial Conference Statistical Report form (Form JC-103). He then accompanies all of the parties up to the waiting room on the second floor and gives his case folder (containing the face sheet, intake referral sheet, JC-103 form, and any prior Probation files) to the chief petition clerk.

IV. THE ADJUDICATORY PROCESS

A. The Work of the Petition Clerks

The staff of the Clerk of the Juvenile Term, consisting of 33 persons in all, includes 5 assistant clerks--known as petition clerks--whose principal function is to draft and type petitions in delinquency, PINS and neglect proceedings. The main office, occupied by a supervising clerk, is located on the second floor and is adjoined by two other offices also occupied by petition clerks. A fourth office is located on the third floor.

After an intake officer drops off the file in a new case, it is picked up by one of the petition clerks. The clerk enters the name of the respondent in a docket book, makes up a court file envelope indicating the caption and docket number of the case, and commences a de novo interview of the parties.

The interview is conducted in one of the petition clerks' private offices. The clerk first interviews the juvenile's parent, primarily to doublecheck on facts such as names, addresses, ages, and relationships. He then interviews the complainant to get the allegations which constitute the basis for the petition.¹ After making notes on the complainant's allegations, the petition clerk will type several copies of the petition, using the court's official forms, and give them to the complainant to sign.² The signature is then verified by the petition clerk, and the complainant has become a petitioner in a Juvenile Term proceeding.

¹The complainant's allegations are supposed to have been noted by the intake officer on the Intake Referral Sheet which is in the Probation File picked up by the petition clerk. However, the petition clerks do not rely on the intake worker's summary, though they may use it as a basis for questioning the complainant.

²See Forms 3-6 (Neglect Petition), 7-6 (Juvenile Delinquency Petition) and 7-7 (PINS Petition). The original and one or two carbons are made on these printed 8"x14" forms. Additional copies are made on onionskin paper, on which only the words typed by the petition clerk appear. The original goes into the court file, one copy goes to the petitioner, another is for the respondent and, another goes into the Probation files. The petition clerk usually keeps two copies as extras.

After the petition has been typed and verified, the petition clerk will hand one copy to the petitioner, put the original into the Court File together with the JC-103 form, and take both the Court File and the Probation File into the Part I courtroom. There he will give the Court File to an assistant court clerk and leave the Probation File on the clerk's desk to be picked up by Probation's Court Reporting officer.

The task of preparing a petition obviously calls for some legal skill. In the case of a delinquency petition, for example, the draftsman must ascertain what, if any, violations of the Penal Law can be proved on the basis of the prospective petitioner's evidence. The petition clerks clearly have a sensitive and important job--the first impression that a judge has of a case comes from his reading of the petition, and the way it is worded can conceivably have a bearing on the ultimate outcome of a case. None of the petition clerks in the New York County Juvenile Term is a lawyer, although it is clear that they have picked up a good deal of relevant legal knowledge during the course of many years of working in the court. Where the petition clerks feel that there are difficult legal questions involved in the drafting of a petition they may call upon the Clerk of the Court, who is a lawyer, for assistance.³ There is, however, some current criticism of petitions on the ground that they are poorly drafted and often contain unnecessary allegations which are prejudicial to the respondent.⁴

³The petition clerks may also ask for the assistance of the attorney for the petitioner if there is one, but such help is seldom sought. The Administrative Judge has recently been granted a budget allowance for the hiring of four Law Assistants--one for each of the four larger counties--whose principal duties would be to advise intake officers and petition clerks on legal matters; at the present time, however, only one Law Assistant has been hired and he is working in the Bronx.

⁴For example, in cases where the Corporation Counsel is requested to appear as attorney for the petitioner, the Assistant Corporation Counsel who has the case almost invariably moves to amend the petition. In the Bronx, there have reportedly been several disagreements between the petition clerks and the newly-hired Law Assistant (see note 3, supra) with respect to the contents of the petition.

B. Calendar Practice

Part I of the New York County Juvenile Term has an "open calendar" system. Under this system, a fixed calendar for each date is made up in advance by the Clerk's office and includes all cases in which fact finding hearings have previously been adjourned to that date. Usually this calendar lists about 20 cases--all of them, theoretically, cases which should be ready for fact finding hearings. In addition, all cases in which petitions are drawn during the day are added to the calendar as soon as the petition clerk brings the new petition into the courtroom. These new cases may have a fact finding hearing the same day, if all parties are ready, or they may be adjourned after a brief hearing on the limited issue of interim custody. A variety of other kinds of matters--e.g., applications for warrants, applications for temporary custody of a child pending the filing of an Article 3 or Article 7 petition, etc.--may also come before the Part I judge during the course of the day.

Shortly before the court opens at 10 a.m., the calendar is called by one of the two uniformed court officers, or "bridgemen", who are assigned to the Part I courtroom. Despite the fact that at least 20 cases will ordinarily be on the calendar at this time, there are sometimes none which are ready to proceed to a hearing. One reason for this bottleneck is that in a fairly high percentage of cases one or more of the parties involved simply fails to show up.⁵

⁵The problem of getting all the parties to the court on the day set for the hearing is complicated by the fact that, in addition to the complainant and his witnesses, both a juvenile and his parents are necessary parties. The problem becomes especially difficult in multi-respondent delinquency cases, where the absence of one child or one parent may necessitate further adjournment of the case.

Another reason is that there are only two Legal Aid attorneys assigned to Part I; even if all parties to a case are present by 9:30 a.m., it may be considerable time before the attorneys--who seldom have an opportunity to prepare a case prior to the day it is on the calendar for a hearing--are ready to proceed. On several occasions, Vera observers have spent an entire morning in Part I without seeing a single fact finding hearing.

If a party to a case is not present when the calendar is first called, the case nevertheless remains on the calendar; if the party does turn up later in the day, the case may proceed to a hearing. The court's busiest hours are generally between 11 a.m. and 3 p.m.--by 11 o'clock, the day's calendar is beginning to be augmented by new cases which have been processed by the intake officer and the petition clerks during the morning. The bridgemen keep track of the cases, attempting to call each case as soon as the attorneys and parties are ready for either a fact finding hearing or a hearing on an adjournment.

If a full scale fact finding hearing cannot be held for one reason or another, the court must fix a date for the hearing, must decide who will have custody of the child until the date of the hearing, and may have to decide what kind of process should be used to bring missing parties before the court. The parties who are present will be called into the courtroom for consideration of these issues, with a member of the Law Guardians staff representing the child. In deciding on the interim custody of the child, the judge looks first to Probation's court reporting officer, who orally reports the intake officer's recommendations in this regard.

When Probation's recommendation is for remand to a juvenile center, it will almost invariably be opposed by the Law Guardian. The intensity of his opposition tends to vary depending upon the seriousness of the acts charged in the petition, the child's past court record, the expressed willingness of a parent or relative to keep the child at home, and the amount of favorable information which the Law Guardian may have been able to gather about the home environment in a brief interview.

The decision about the date for the fact finding hearing will usually depend on how the custody issue is resolved. If the juvenile is going to be in detention, the hearing will generally be set for a date within the next week or 10 days. If he is not going to be detained, the Law Guardian has no strong interest in pressing for an early date, and the date will be selected on the basis of (a) which future dates have the fewest adjourned cases already scheduled for hearings; and (b) the convenience of the parties and witnesses.

C. Preparation for the Part I Hearing

(1) The Law Guardian

In the year ending June 30, 1967, juvenile respondents were represented by counsel in 96% of all delinquency proceedings and 98% of all PINS proceedings, in New York City.⁶ Juveniles whose parents were named as respondents in neglect proceedings were represented by counsel in 98% of those proceedings during the same period.⁷ In almost all of these cases, counsel was provided under the law guardian system established by Article 2 of the Family Court Act, with the individual "Law Guardian" being provided by the Family Court branch of the New York Legal Aid Society.⁸

In the New York County Juvenile Term, the Law Guardians have a desk in one corner of the second floor waiting room, to which juveniles involved in new cases are directed by court officials.⁹ At the desk, an investigator on the Law

⁶1968 Judicial Conference Annual Report, p

⁷Id.

⁸Id.

⁹There is no set procedure for serving the petition and advising the juvenile and his parents of their rights. The petition clerk may do this himself or it may be done by one of the bridgemen. Either the petition clerk or the bridgeman will call the respondent's name in a loud voice; when the child and parent respond, the clerk or court officer will read or paraphrase the most relevant allegations of the petition to them and will advise them that they have a right to the assistance of counsel. In delinquency and PINS cases, the petition clerk or court officer will usually hand the petition to the parent and direct the parent and child over to the Law Guardian's desk. In neglect cases, if the juvenile is at the court, the petition clerk or a bridgeman will usually take him over to the Law Guardian's desk or else hand the petition to a member of the Law Guardian's staff.

Guardians' staff will review the petition and conduct a preliminary interview of the juvenile. Using a form sheet which he staples to the petition, the investigator will check the names and addresses of the child and his parents, inquire as to whether the child has had any prior court experience, get a summary of the juvenile's version of what has happened, and try to find out the names and whereabouts of any possible witnesses. The interview by the investigator is essentially for screening purposes; it is intended principally to make sure that the juvenile is eligible for Legal Aid assistance and to provide basic background information for the Law Guardian who gets the case.

Throughout the day, the two Law Guardians assigned to Part I are shuttling in and out of the courtroom; when one is involved in a hearing, the other tries to prepare himself for cases which will be heard later in the day. Preparations for an initial hearing usually consists of a quick reading of the petition and of the interview sheet, followed by a further interview of the juvenile and any witnesses who might be present. The interview is usually conducted on one of the benches in the waiting room adjacent to the Part I courtroom. It is a noisy, hectic atmosphere, in which there is no privacy. There is no alternative at the present time, however--the Law Guardians have no private office on the second floor and their tiny first floor office, besides being inconvenient to the courtroom, has no space for private conferences.

In addition to interviewing the juvenile, the Law Guardian will ordinarily want to talk to the child's parents and to other possible witnesses. If these persons are at the court building, it may be possible for the Law Guardian to interview them and to proceed to a hearing on the same day. If not, or if the case is complicated, the Law Guardian is likely to ask for an adjournment in

order to prepare more fully.¹⁰ Regardless of whether or not there is going to be an adjournment, however, the Law Guardian must ascertain as much as possible¹¹ about the child's personality, his prior court and school record, and his home environment--these factors are relevant to the issue of custody pending further proceedings, and a hearing will be held on this issue prior to the end of the day.

(2) The Police Counsel

Where the petitioner in a Juvenile Term proceeding is a member of the New York City Police Department (as is the situation in about 60-80% of the delinquency cases and in a small percentage of PINS cases in the New York County Juvenile Term), he is almost always represented by a lawyer from the Department's Legal Bureau.¹² Known as "the police counsel" this attorney has an office on the main floor of the building on West 23rd Street.

When a petition has been prepared by the petition clerk, the policeman will ordinarily take a copy of it directly to the office of the police counsel. After reading over the petition, the police counsel's first question is whether the respondent is present with a parent or guardian. If not, the case will be

¹⁰See supra, p. 54

¹¹Additional preparation by the Law Guardian almost always takes place at the court building on the day to which the hearing is adjourned. The attorney on the staff rarely has time to do investigations in the field or even in a law library, though such investigations are occasionally undertaken in cases regarded as particularly important (e.g., homicide cases. When a Law Guardian wants to talk to witnesses, he usually tries to have the juvenile or his parent serve the witnesses with subpoenas requiring their attendance at court on the adjourned date; the interviews will take place at that time.

¹²Five Police Department lawyers are regularly assigned to Juvenile Term work--two in Kings County, one in New York County, one in the Bronx, and one in Queens. A sixth is often assigned to help out in one of the Juvenile Terms which has heavy calendar of police cases on a particular day. In the past, all of these lawyers have been police officers themselves; however, the Department is presently attempting to recruit civilian lawyers, who would have civil service status, for these positions.

adjourned and the counsel will not go beyond finding what date or dates will be best for the officer to return to court. If the respondent and a parent or guardian are at the court, the police counsel will go on to a fairly detailed discussion of the case with the policeman and with any witnesses who are at the court.

During the course of his discussion with the police officer, the police counsel will ascertain whether the officer has any witnesses or evidence not present at the court; if so, the police counsel may have to seek an adjournment. After talking with the police officer and with any witnesses who are present, the police counsel will check with the Law Guardians to see whether they are ready to go ahead with a fact finding hearing. If the Law Guardians are prepared to proceed and if all his witnesses and evidence are present, the police counsel will decide on the order in which he will present his witnesses and may go over their testimony with them briefly. If the Law Guardians are prepared to proceed but a witness or piece of evidence important to petitioner's case is missing, the police counsel may attempt to find out (a) whether the respondent is prepared to admit the allegations of delinquency, or (b) whether the Law Guardians are willing to stipulate to facts which the petitioner would otherwise have to prove through testimony or tangible evidence not then available. If there is going to be an admission or stipulation, the police counsel will prepare his case accordingly; if not, he will have to seek an adjournment. If he is going to seek an adjournment, or if the Law Guardian indicates that he wants an adjournment, the police counsel will ascertain what date or dates are best for the police officer and other witnesses.

The police counsel never does any on-the-scene investigating himself, because he simply doesn't have the time. Occasionally he may ask the police officer who is the petitioner to do some more work on the case, but this is rare. The most thorough preparation in delinquency cases generally takes

place when the Corporation Counsel appears for the petitioner.

(3) The Corporation Counsel

In delinquency cases which involve particularly heinous acts, the Family Court sometimes asks the Corporation Counsel to appear as attorney for the petitioner.¹³ This does not happen frequently--rough statistics for the 14 month period from January 1, 1967 through February 28, 1968 indicate that the Corporation Counsel appeared in only 60 cases during that period. Twenty-nine of these involved homicide; twenty-one involved assault and/or robbery; and nine involved sex crimes, either rape or sodomy.

The Assistant Corporation Counsel's preparation in a homicide case--which is almost invariably contested--will ordinarily include, at a minimum, examination of the medical examiner's report and all police reports; interviews with the medical examiner, with police officers who have had some connection with the case, and with other possible witnesses; preparation of specific questions for use on direct and cross examination; and research on legal problems which can be anticipated. Depending on the complexity of a case, a single assistant may put in anywhere from several hours to several days preparing a homicide case. If he feels it is necessary, he may call upon the Police Department for further investigation.

The Corporation Counsel's office is also involved in neglect proceedings. The Counsel to the City's Department of Social Services (who is also the Chief of that Department's Legal Services Division) has been designated a Special Assistant Corporation Counsel, and attorneys for the Department of Social Services make appearances in the Juvenile Term in the name of the Corporation Counsel of the City of New York. One attorney from the Department of Social Services is assigned to the New York County Juvenile Term on a regular basis, and handles the preparation and presentation of neglect proceedings initiated the Department's caseworkers.

¹³ FCA §254. See supra pp 7-8

(4) Other Attorneys Working in the Court

At the present time, we have little knowledge of the practice of other attorneys working in the court. Two that are particularly worthy of further study, principally because their agencies are frequently responsible for initiating Juvenile Term proceedings, are the attorneys for the SPCC and the Board of Education. These attorneys' case preparation is substantially different from that of the police counsel and the Corporation Counsel in at least one significant respect--they are involved in the case prior to the time that it reaches the court building, and in fact have a role in deciding whether it comes to court in the first place. Also worthy of further study are the roles of private counsel and of the bar association volunteer attorneys who occasionally become involved in Juvenile Term proceedings. At the present time, we have no data at all on the practices of these lawyers.

(5) Preparation by Parites who are without the Assistance of Counsel

In somewhere between 25% and 40% of the delinquency cases, and in virtually all of the PINS cases, the individual petitioner does not have the assistance of a lawyer at any stage of the proceedings. The individual citizen who is the victim of a delinquent act, the policeman with the Housing Authority or Transit Authority, and the parent who cannot control his child--none of these persons is likely to be represented in a Juvenile Term proceeding.

In the cases where there is no attorney for the petitioner, he is simply on his own as far as preparation of the case is concerned. If a private citizen is the petitioner in a case where a police officer has become involved, the police officer or the police counsel may give the petitioner some suggestions about how to present his version of the facts, but that is a far cry from actual preparation of the case by an attorney. Without an attorney to aid him, the petitioner is frequently unable to cope with the situation--witnesses are often

missing, legal issues are ignored, and the facts are not marshalled for a coherent presentation.

D. The Part I Hearing

In New York County, fact finding hearings in delinquency cases generally take place in the Part I courtroom, on the second floor of the building. The courtroom itself is rather small (about 15'x30'), has a ceiling of ordinary height, and is well lit by overhead fluorescent lights. The judge sits behind a large desk at the head of the room. Behind him on his right is an American flag; except for a large calendar on one wall, it is the only decoration of any kind in the room. Behind the judge on his left sits the court stenographer. Directly in front of the judge's desk is a long table at which probation officers and counsel for both sides may be seated; together, the judge's desk and the table form a 'T'.

In the center of the room, a few feet to the rear of the counsel table, there are three or four chairs facing the judge; these are for the use of the parents of the respondent. The child himself is usually directed to stand behind his parent, although a judge may sometimes direct that he be seated next to his parent. On the side of the room to the left of the judge there are a few chairs for witnesses. One chair is located adjacent to the left front side of the judge's desk and is for the use of the witness who is testifying. On the side of the room to the right of the judge, slightly to the rear of the chairs reserved for the respondent and his family, there are two or three chairs reserved for the use of visitors who have special permission to view any juvenile term proceedings. Opposite the visitors' chairs are two desks used by court clerks who keep track of the calendar and of the judge's orders. There are always two uniformed court officers (the "bridgemen")

assigned to the courtroom, and at least one clerk is usually present. When the respondent is in detention, a probation officer on the Juvenile Center staff will also be in the courtroom to observe proceedings.

The small room, lack of spectators, and informal setting make for an atmosphere which is conducive to undisturbed concentration upon each case as it comes before the judge. Unfortunately, the effect is rarely achieved. The quiet of the courtroom is frequently broken by clerks coming in with new petitions, court officers going out to call new cases and find out whether others are ready, and other persons connected with the court going in and out on various errands. Every time the door opens, the din from the waiting room is heard; it is punctuated by the voices of the court officers and Law Guardians who, attempting to be heard above the noise, shout the names of the persons they are trying to locate.

When a child is represented by counsel at the start of a hearing, as is almost invariably the case in New York County, the judge will dispense with giving the advice regarding his right to silence and right to counsel. Rather, once it has been ascertained that all necessary parties are present (and unless the respondent chooses to admit some or all of the material allegations of the petition) the hearing will begin with petitioner's first witness taking the stand. There is seldom an opening statement by counsel for either side.

The course of the hearing from this point on depends to a great extent on whether or not there is an attorney for the petitioner. If there is, the hearing will ordinarily be conducted in the same manner as any trial held without a jury. The petitioner's case will be developed coherently, through questions asked of petitioner and his witnesses on direct examination by an attorney who knows what each witness can contribute to petitioner's case.

These witnesses will be subject to cross examination by respondent's attorney. The respondent's case, should he choose to put on witnesses in his defense, will go forward in the same manner, with petitioner's attorney conducting cross examination. The judge's role is generally limited to ruling on the admissibility of evidence and on defense motions, though he may occasionally ask a few questions to clear up some points.

The case proceeds very differently if there is no attorney for the petitioner. The judge in this situation must attempt to act simultaneously as investigator, prosecutor and judge. He has some idea of what the petitioner's case consists of by virtue of having read the petition, and will usually begin by asking the petitioner what happened at the time and place alleged in the petition. The kind of responses he gets will vary greatly; often the petitioner will begin in the middle of the story, will omit essential facts and include irrelevant material, and will start to testify to hearsay.

According to the statute, only evidence which is competent, material and relevant is supposed to be admitted in a fact finding hearing. Inevitably, however, much testimony which is inadmissible, some of which may be highly prejudicial even though ordered stricken from the record, comes out when the questioning of petitioner and his witnesses is done by a judge who does not have prior familiarity with the facts. Moreover, the absence of an attorney to prepare and present the petitioner's case means that many cases reach the hearing stage without necessary witnesses being present and that some others go before the judge where there is no possibility of establishing a prima facie case even with all witnesses present.

Most fact finding hearings are fairly brief. They will usually involve few witnesses and few issues, and there is seldom any extended argument or

summation. There are exceptions, of course (homicide cases, particularly, often take several hours or even days to complete), but most hearings are completed in less than an hour. Delinquency cases tend to be contested more frequently than other kinds of cases, and thus require more time for a hearing.

At the conclusion of the hearing, the judge will either dismiss the petition or make findings on the allegations. A substantial proportion of cases--approximately 30%--are dismissed at this stage, and the parties simply leave the courtroom. In the other cases, the parties turn to a consideration of when a dispositional hearing should be held and where the child should be housed during the interim.

In most cases, the dispositional hearing will be set for some time during the following month, when the same judge will be sitting in Part II, the dispositional part. The child's custody in the meantime is determined to a large extent by (a) the recommendation of Probation's court reporting officer; and (b) the availability of space in the detention and shelter facilities. In a delinquency or PINS case, the Law Guardian will almost invariably oppose a recommendation for remand but, unless the detention facilities are already overcrowded, the judge usually follows the Probation recommendation. Interestingly, the judges are apparently more prone to order children detained in PINS cases than in delinquency cases.¹⁴

¹⁴In New York City in 1966-67, 44% of the boys involved in PINS cases, but only 29% of the boys involved in delinquency cases, were ordered detained after the filing of a petition. The disparity was even greater among girls--55% of the girls involved in PINS cases, but only 18% of those involved in delinquency cases, were ordered detained. 1968 Judicial Conference Annual Report, pp 365, 366, 371.

V. THE DISPOSITIONAL PROCESS

A. Proceedings between the Fact Finding Hearing and the Dispositional Hearing

In most cases where findings have been made, the juvenile will be released in the custody of a parent or relative to await the dispositional hearing. In a PINS or delinquency case, the judge may accompany his grant of such a release with a warning to the child to stay out of trouble and obey his parents, and he may stipulate some conditions of parole such as regular school attendance or adherence to a curfew. In a neglect case, similar warnings and conditions may be directed to the adult respondents.

If a child is not released at the conclusion of a fact finding hearing he will generally be remanded either to one of the Juvenile Centers (in a delinquency or PINS proceedings) or to one of the childrens' shelters (in a neglect proceeding).¹ In recent years there has been considerable discussion about developing alternatives to these facilities,² but little has been done; in almost all cases, a judge has only two choices--release to the parents or remand.

Regardless of whether the juvenile is released or remanded, he will almost surely be the subject of a probation investigation and report (I&R) ordered by the judge at the conclusion of the fact finding hearing. Particularly if it appears that placement in an institution is a possible ultimate disposition, the judge may also order an examination of the child by the court's Bureau of Mental Health Services (EMHS).

¹The shelter and detention facilities are described above (supra, pp 33, 34, 35 and in Appendices A-I

²See Appendix G.

BMHS Studies

The Bureau of Mental Health Services conducts two types of examination. The first, known as a "consultation" consists principally of a 20-40 minute interview of the child by a psychiatrist or psychologist. The usual purpose of a consultation is to answer a specific question for the judge or for an intake officer, such as whether the child needs hospitalization or more extensive examination. The second, known as a "full BMHS study" is a somewhat more thorough diagnostic study, which usually includes interviews of the child and his parents by a psychiatrist, supplemented by the psychiatrist's evaluation of psychological reports. The Bureau does only diagnostic work, no treatment work. ³

Probation Investigation

When a judge orders a probation investigation and report (I&R), Probation's court reporting officer will assign the case to one of the 17 probation investigating officers who work at the New York County Juvenile Term. The court reporting officer notifies the juvenile and his parents of the name and phone number of the investigating officer, and asks them to call the officer the next day for an appointment. The court reporting officer then forwards the probation folder on the juvenile to the Probation Record Room for processing.

At the Probation Record Room, a clerk enters the name of the case in an assignment book, makes out a 5 x 8 index card on the case, registers and clears the name of the respondent and his family with the Social Service Exchange (SSE)

³ For a more complete discussion of the history and current problems relating to the Bureau of Mental Health Services, see Polier, A View from the Bench (1963), pp 47-55. The same problems noted by Judge Polier in 1963 are present today in even more exacerbated form. The Bureau is seriously understaffed, in part due to the low pay it offers, and the result of the understaffing is that children must wait for long periods before securing a BMHS examination. During the summer of 1968, the wait was two weeks for children on remand and two months for children who had been released to their parents. Little, if anything, can be done about disposition of the child's case until the BMHS examination is completed, since virtually all private placement institutions require a report of the examination before they will even consider accepting a child.

and makes out a form requesting the juvenile's school to send a report on the school record. The clerk then gives the folder to the investigating officer's supervisor. This supervisor reviews the file (which now contains any previous probation material, the intake referral sheet, and the face sheet) and may make some notes to guide the investigating officer.

The investigating officer will pick up the file the following morning and, when the parent calls, will set a date for the first appointment. The officer will generally interview the child and the parent(s), and may also interview other members of the family. The interviews almost always take place at the investigating officer's office in the West 23rd Street court building. Home visits are rare, except in neglect cases. If the child is on remand, the investigating officer will arrange for him to be brought to the court building on the day of the interview.

On the basis of the information and impressions he acquires during the interview, together with the material already in the folder and whatever information he may acquire from other agencies who have had contact with the child and family, the investigating officer will prepare a report. The investigating reports vary, as do the types of investigations, according to the individual styles of the investigating officers. At a minimum, the reports are supposed to contain basic facts about the case and the child's family situation, an analysis of apparent problems, and a recommendation for disposition. In addition to the report, a summary sheet entitled "Information for Court Reporting Officer" is filled out for each case which is scheduled for a disposition. The summary sheet indicates the current status of the case, the investigating officer's recommendations for future action, and the major reasons for the recommendation.

If an investigating officer decides to recommend placement, he will attempt to find an appropriate placement facility which is able and willing to accept the child. In many cases, this means sending the investigating report, the results

of a psychological test, and school reports to many different agencies; it may also involve arranging for the child to visit some of these facilities for further interviewing and testing. If a private agency will not accept the child, the investigating officer can only recommend a state training school.

Under the Family Court Act, the investigation process is supposed to be completed within 20 days after the conclusion of the fact finding hearing if the respondent is detained, unless there are special circumstances or unless the child's parent or attorney consents to a longer period. In practice, the process takes considerably longer than 20 days.

The Law Guardians' Preparation for the Dispositional Hearing

In contrast to Probation's 17 member investigating staff, the Law Guardians have virtually no assistance in preparing for the dispositional hearing. Preparation is generally left to the Law Guardian assigned to the dispositional part (either Part II or Part III) on the day the case is set for dispositional hearing, although occasionally a Law Guardian may follow a particular case throughout all the court proceedings.

Until recently, the Law Guardians in New York County had the services of an experienced social worker, who had a good knowledge of community agencies and placement facilities and who interviewed all respondents and parents prior to the dispositional hearing. Her summaries of family situations and recommendations regarding disposition were said to be of great assistance to the Law Guardians; however, she recently died and her place has not yet been filled.

Without the aid of a social worker, the Law Guardian working in a dispositional part seldom has time to explore alternatives for the child. Preparation for a dispositional hearing usually consists of a hurried conference with child and parent in the midst of the crowded waiting room or in the third floor

⁴ See e.g., Polier, A View From the Bench, pp 15-41

detention facilities. Occasionally the Law Guardian will make use of independent psychiatrists or psychologists in a particular case; however, the funds which are available for this purpose are apparently quite limited.

The task of the Law Guardians (and possibly of Probation) is complicated by the fact that there is very little communication between probation officers and Law Guardians during the period between the fact finding hearing and the dispositional hearing. The investigating officers rarely, if ever, consult with the child's attorney in preparing their reports. As a result, the probation officer and the Law Guardian come to court without knowing what the other is going to recommend.

B. The Dispositional Hearing

The courtroom setting for the dispositional hearings, which are held in Part II and Part III in New York County, is similar to the setting for the Part I hearings. However, perhaps because the rules of evidence are somewhat less stringent (evidence need only be relevant and material, not competent, thus permitting use of hearsay evidence), the proceedings are somewhat more informal. Nevertheless, the atmosphere can be high charged—indeed, it is often more highly charged at dispositional hearings than at fact finding hearings.

In addition to the judge, the parties present at the dispositional hearing generally include the juvenile himself, his lawyer (actually a Law Guardian), one or both parents, and Probation's Court Reporting Officer. Other interested parties are also sometimes present, such as Probation's investigation or service officer, a representative from the Puerto Rican Community Development Project, a Big Brother, or some other counselor who has been working with the child. The hearing ordinarily gets underway with the judge turning to Probation's Court Reporting Officer to get a summary of the Probation Report.

If Probation's report is ready, the Court Reporting Officer will give the recommendation for disposition; will outline the major reasons for the recommendation, and may ask the judge to read some relevant material in the report. Judges vary in their use of the Probation reports; they will usually read at least some portions of the psychological report, but generally rely on the Court Reporting Officer to summarize the investigation report.

Probation reports are deemed "confidential information" but at the disposition hearing the judge may disclose the reports in whole or in part to the Law Guardian. After hearing Probation's recommendations the Law Guardian may accept the probation report or may offer his objections and suggest alternative dispositions. To back up his recommendations the Law Guardian may present to the judge expert testimony of his own (e.g., private psychiatric reports) or may argue for a different interpretation of the facts, social material, and psychological studies than has been presented by Probation. The Law Guardian (or the judge) may also ask the child or the parent to speak on behalf of the child. For instance, if the recommendation is placement, the Law Guardian may ask the parent if he wants the child home, or ask the child if he is willing to go to school from now on if he can remain at home. If all else fails, the Law Guardian may make a plea to the judge to give the child another chance, on the basis of age, prior record, potential or mercy.

C. Institutionalization and Probation

The problems of disposition in delinquency, PINS and neglect cases must be considered together. In delinquency cases, the principal alternatives are commitment, placement, probation and suspension of judgment. PINS children are subject to the same range of dispositions except that they cannot be "committed"; however, there is really no practical difference since they can be "placed" in virtually all of the same institutions (including State training schools) as

delinquents. Neglected children cannot be "committed" and cannot be placed in State training schools, but many of the private institutions which accept neglected children also take PINS and delinquent children.⁵

The problems of delays in disposition and of inadequacies in institutional facilities cut across all these categories of cases. The problems are incredibly complex and need thorough study. It is beyond the scope of this paper to attempt to discuss them; we note, however, that the present system-- whereby private agencies and institutions which care for delinquent, PINS and neglected children are largely subsidized by public funds but have little or not accountability to the public and wholly control their own admission policies-- would seem to raise serious questions.⁶

For most children who are found to be delinquent or to be persons in need of supervision, the result is probation rather than institutionalization. The permissible terms and conditions of probation are set forth in Family Court Rule 7.6⁷, and are reproduced in full on a card, signed by the judge, which is

⁵For a brief discussion of the statutory provisions concerning disposition alternatives, see supra, pp 14, 25-27.

⁶For a discussion of present facilities, problems and programs, see Memorandum of Judy Rubenstein, Appendix P.

⁷Under Fam., Ct. Rule 7.6, a person on probation may be required-- apparently by dictum of either the judge or the probation officer -- to observe any one or more of the following conditions:

- a. obey the lawful commands of his parents or other person legally responsible for his care;
- b. keep all appointments with his probation officer;
- c. attend school regularly or be suitably employed;
- d. be home at night by the hour set by his parents or other person legally responsible for his care;
- e. Notify the probation officer immediately of any change in residence, school or employment;
- f. remain within the county of residence and obtain permission from the probation service of the court for any absence from the county in excess of two weeks;
- g. answer all reasonable inquiries on the part of the probation officer;

given to the child at the conclusion of the dispositional hearing. On the card, in a space for "other conditions", the judge may specify particular conditions which he wants to emphasize. For example, he may write in the hours by which the child is supposed to be home at night, he may specify cooperation with a particular psychiatric service or other community agency, or may designate participation in one of the State Division for Youth's experimental programs. The reverse side of the card contains a space for the name of the probation officer who will supervise the child during the period of probation and time for the first appointment with that office.

There are presently 15 supervising probation officers working with juveniles in New York County. They are assigned to cases according to the geographic area in which the child resides and the sex of the child. Male probation officers are assigned only to cases involving boys, but women officers may be assigned to cases involving either boys or girls. The supervising officers have an average caseload of 80-90 cases and are supposed to see each child at

⁷ cont'd.

- h. avoid known criminals and persons of known disreputable or harmful character;
- i. cooperate with the auxiliary service of the court, including the probation service, in seeking and accepting medical and/or psychiatric diagnosis and treatment, including family casework or child guidance;
- j. submit records and reports of earnings and expenses;
- k. contribute to his own support when financially able to do so;
- l. spend such part of the probation period as the court may direct in a Division of Youth facility, or other facility suitable and available to the court and authorized by law for such placement;
- m. attend a non-residential program of youth rehabilitation designated or approved by the court or by the probation service;
- n. take clinic or similar treatment for narcotic addiction at a hospital or other facility where such treatment is available if there is a record, report or other evidence satisfactory to the court that he is addicted to the use of drugs;
- o. refrain from driving a motor vehicle;
- p. abstain from the use of intoxicating liquors;
- q. make restitution, as determined by the court, for any damage done to property of another.

least twice a month for periods of at least an hour.

The probation officer newly assigned to a case will first study the accumulated probation file. Then, after meeting with the child and his family, he will attempt to establish goals such as improving the child's attitude toward school and family. He may suggest that the child live with a particular relative, may try to change the child's school or grade placement, or may try to arrange regular therapy at a community agency.

The statute provides that the maximum period of probation shall be two years in delinquency cases and one year in PINS cases; however, at the end of that time the court may continue probation for an additional year under "exceptional circumstances."⁸ At any time before the expiration of the maximum period, a child may be discharged from probation if the probation officer and the court find that he is no longer in need of court supervision. If, for instance, a probation officer has referred a child to a community agency for therapy, he may ask the court to discharge the child from probation if he has some evidence that the referral has been successful. Probation may also be terminated by revocation if a child violates probation. If any terms or conditions are violated, the probation officer may have a petition drawn up, alleging the acts which violated the terms of probation. At a fact finding hearing the judge will determine if probation has been violated. If so, probation may be revoked and the child placed or committed to an institution.

⁸FCA §757

APPENDICES

to

A Preliminary Study of the Juvenile Term

of the

Family Court, New York County

Vera Institute of Justice
30 East 39th Street
New York, N. Y.

December, 1968

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NEW YORK CITY DEPARTMENT OF WELFARE

BUREAU OF CHILD WELFARE

THE CHILDREN'S CENTER

1 East 10th Street
New York, N.Y. 10029
LEhigh 4-4900

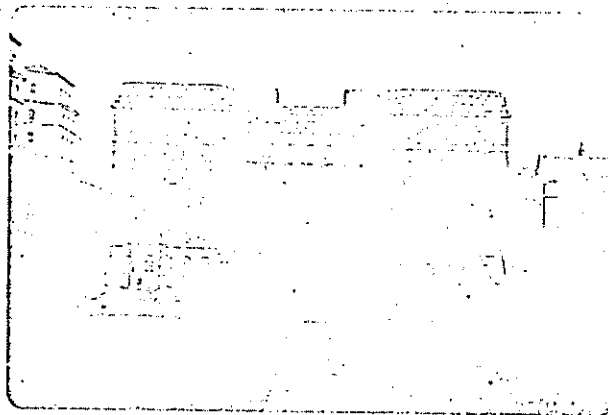
JACK R. GOLDBERG, Ed. D.
COMMISSIONER OF SOCIAL SERVICES

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Director, Bureau of Child Welfare

John J. Murphy
Executive Director, Children's Center

A-1

THE CHILD AT THE CENTER IS MADE TO FEEL THAT AFTER ALL THE REJECTION, THE FAILURES, THE TROUBLES WHICH HE HAS ENCOUNTERED, HE IS FINALLY ENTERING A PLACE THAT WILL NOT LET HIM DOWN.



We at Children's Center have an Open Door Policy for anyone genuinely interested in the welfare of children. This brochure is our way of saying

W E L C O M E

June 1, 1966

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CHILDREN'S CENTER

Bureau of Child Welfare
Department of Welfare
City of New York

HISTORY

The physical plant in which Children's Center is housed was built in 1921 by the philanthropist, August Heckscher. For a number of years it was operated by the Heckscher Foundation as a group work and recreation agency serving the local community which, at that time, was primarily a middle income neighborhood.

During the 1920's, the Heckscher Foundation sold the north half of the building to the New York Society for the Prevention of Cruelty to Children for use in sheltering delinquent, dependent and neglected children. In 1944, the New York Society for the Prevention of Cruelty to Children discontinued its temporary shelter care program and the Mayor of the City of New York then authorized the establishment of an interfaith group, "The Association for the Temporary Care of Children," to operate the shelter.

This Association operated the entire Heckscher building as a shelter for neglected and/or dependent children from April 16, 1945 until October 1, 1947, when the City of New York purchased the building and assumed operation of Children's Center under the Bureau of Child Welfare of the Department of Welfare, City of New York.

PLANT

Children's Center is a congregate group living facility, seven stories high, one block long and over one-half block deep. It is situated so that the building faces one of the most beautiful sections of Central Park, the Formal Gardens, patterned after the gardens of a famous European villa. Adjacent to the Formal Gardens is one of the well-known Central Park recreation areas. Directly behind Children's Center is the district known as Spanish Harlem, one of the most heavily populated areas in New York City.

Children's Center has demonstrated that the physical structure of a group living facility, be it congregate, cottage or apartment type, is not as important as its philosophy and program. The test of any group living program is - Are the children happy? The only way this question can be answered is by the observation of the Center children in their daily activities.

STATISTICS

During the 18 years which have passed under public auspices, a total of 33,181 children were cared for for varying periods, ranging from one day to more than four years. Approximately 19,676 children were true emergency cases, exclusively served by the Center, having been referred by the police during the night, early morning hours, Saturdays, Sundays and holidays. Approximately 13,505 children were admitted during the regular working hours of the Bureau of Child Welfare and the Family Court.

Two-thirds of the emergency admissions were from families residing in New York City which had been subject to the traumatic and oftentimes tragic circumstances requiring separation of children from their parents. A great many of these were the result of sudden and acute illness; others were due to deaths, oftentimes violent; arrests and incarcerations due to alcoholism, prostitution and drug addiction; and to a lesser extent, desertion and abandonment. One-third were lost, stranded and/or runaway children who remained, for the most part, only overnight. These children actually came from 40 of the 50 States.

In most instances, the daytime referrals were interim care cases admitted to the Center for purposes of study to determine whether or not the child should go to foster home care, group living, residential treatment, or whether or not existing community resources could be mobilized in support of the family so that the child could return home.

Although the Center has a rated capacity of 323 beds, for the greater part of the 18 year span, the daily census has been in excess of that figure. Although the definitive limit for temporary care is 90 days, a length of stay study covering the years 1948 through 1962 (attached) indicates that 26 percent of the children have remained at the Center in excess of that time.

INTAKE POLICY

The Center provides shelter care for 323 dependent and neglected children from all boroughs of New York City, boys and girls, ages 2 to 5 years, and boys only from 6 to 16 years, who require temporary care away from their own homes. Admissions are arranged through the Allocation Division of the Bureau of Child Welfare for children referred by the Department of Welfare or the Family Court during working hours. Children in need of emergency shelter after regular working hours may be admitted at any time of the day or night, weekends and holidays, upon direct referral through the police to Children's Center admission service. Whenever possible, partial or full payment for care is required after determination of the financial status of parents and other legally responsible relatives.

Children with physical disabilities are accepted, providing that the physical condition is such that it does not limit too greatly participation in a full and active institutional program, nor cause undue comment or conflict

in a normal group. Maladjusted and emotionally disturbed children are accepted. Study and diagnosis are undertaken to assist in making permanent arrangements for these children.

The allocation worker in the Bureau of Child Welfare alerts the Children's Center Intake worker by telephone when a child is being referred for placement. The allocation worker shares all the available information that is then known about the child and his family. When the referral is made on an emergency basis, information is frequently meagre and psycho-social summaries including reports of medical, psychiatric and psychological information are submitted subsequently.

FUNCTION

Approximately 18 percent of the children come from the Family Court. The Court Justices may legally and without consent of the parent remove the child from the parents, either on a temporary or permanent basis, by reason of parental neglect, inability or unwillingness to care for the child. The child is then remanded to the Center for shelter, pending further planning by the Court.

Approximately 22 percent of the children are placed through the Bureau of Child Welfare of the Department of Welfare. For serious, usually emergent reasons and only on a voluntary basis, it may happen that children are in need of shelter during a period when one or both parents are unable or unwilling to care for them. These children are then sent to the Center while plans are being made for them.

Approximately 60 percent are emergency admissions at nighttime, weekends and holidays. These include stranded, lost or runaway children over two years of age, other than delinquents, who are brought to the attention of the New York City Police Department and are sheltered at the Center until they can be returned to their homes or other plans are made for them. A social investigator is assigned full time to the task of arranging the return of these children.

In general, there are three possible ways by which a child is discharged from the Center: He may be returned to his own home or relatives; he may be placed in a foster home or in a permanent type of group living care. On infrequent occasions, the child may be brought into Family Court on a delinquency petition or admitted to a psychiatric hospital. An example of Length of Stay is attached.

ORGANIZATION

Children's Center is a Division in the Department of Welfare of the City of New York. There are 490 full-time paid employees comprising 50 different job titles at the Center which is operated 24 hours a day, seven days a week.

The Executive Director of Children's Center administers two main subdivisions referred to as Home Life Services and Institutional Services, each headed by an Assistant Director. Specialist staff report directly to the Executive Director. There are thirteen operating units under qualified Directors who, in turn, are responsible to one of the Assistant Directors. For the purpose of definition, the Home Life Service Units are those directly responsible for the child care program; the Institutional Service Units are charged with providing food, clothing, cleaning and clerical services, heat, repairs and renovations. In this brochure, specific references will be made to the Home Life Services only. However, it must be stated that the Institutional Services perform an indispensable function in the total program.

HOME LIFE

Home Life Services are comprised of the units which provide direct care to the children in living areas with groups ranging from 10 to 16 children. The children are under the leadership of Child Care Workers who perform the duties of substitute parents. The Home Life Units consist of Intake, Reception, Boys, and Nursery.

In each unit, dormitories are divided into sleeping and play areas in an attempt to approximate a home life situation. Due to the children's dependent and neglected background, the Child Care Worker must provide guidance in the most basic social and interpersonal relationships. Allied with the Social Service, Recreation, and Medical Units, the Child Care Worker forms part of the team work approach for the purpose of development and planning for each child.

PHILOSOPHY

The philosophy of care at Children's Center based upon a wholesome mental hygiene approach implemented through extensive in-service training of staff, is as follows: Children's Center attempts to be a haven of security to all its children. While continuing to develop the best specialized services available, these services are planned and merged into an atmosphere of acceptance, belonging, and guidance. The child at Children's Center is made to feel that after all the rejection, the failures, the troubles which he has encountered, he is finally entering a place that will not let him down. While he will not find a permanent home or parents, he will find the essential qualities that make for a home which are warmth, direction, consistency, and security.

In order to secure the kind of staff required, Children's Center strives to recruit personnel to whom the training and guidance of children is a vocation, not merely a job. It is not an easy task to find such people. However, in order to attract them, everything possible must be done to make their work and their life at the Center as pleasant and as happy as possible.

Compensation for staff is more than dollars and cents. It also requires that they have a sense of security, belonging, recognition, and achievement. The Center believes that positive progress in human relations at the child level is only possible when there is developed a well-defined agency policy, characterized by staff participation and acceptance. Like children, staff should represent widely divergent groups working together harmoniously.

The Center believes that the purposeful professional development of staff dealing directly with children can only be achieved through supervision - a training program with definite goals, established to help the staff members individually and collectively to become more efficient in their daily performance. It is recognized that the focus and intent of training differ according to the individual assignment of the staff member.

TRAINING

Staff training has two objectives: First, the dissemination of information required in any organizational setting; and, secondly, the purposeful development of staff to assure the fullest spiritual, emotional, intellectual, social and physical development of the child.

Administration has established, as of primary importance, the need for staff to share in the many phases of planning and developing programs as well as the basic principle that the delegation of responsibility must carry with it concomitant authority. In order to keep staff adequately apprised, information is disseminated through the usual channels, such as directives, procedures and informationals. The publication, examination and revision of operational manuals as a result of training experiments and workshops are essential in an operation as large as Children's Center.

The other tools which are used by Administration for the furthering of in-service training are: Conferences, such as the monthly Cabinet Meeting for Unit Heads; both individual and group meetings; seminars; institutes and, as often as possible, the attendance at outside conferences. An additional training program permits staff members to attend courses for Child Care Workers (Children's Counselors) and Child Care Supervisors (Senior Children's Counselors, Supervising Children's Counselors, and Principal Children's Counselors) at the colleges and universities featuring this instruction. To assist staff to gain professional growth on the job, the Children's Center maintains a Staff Library. In addition, an index of specialized professional reference material is kept current and available in a central library for all Department of Welfare staff.

Two general areas are embraced in the seminar training program; namely, the practical factors and the dynamics of child care. The former is concerned with the skills and the general body of knowledge incident to child care; in the latter, attitude and relationship receive the emphasis.

SOCIAL SERVICES

The Social Services at Children's Center include three types of Units: The Special Unit, the Resident Units, and the Family Unit.

The Special Unit was established in 1961 to expedite the return home of children who are admitted on an emergency basis, at night, on holidays and weekends. The Unit picks up on such cases rapidly - usually on the morning of the first working day following admission. The Special Unit makes field visits to ascertain the possibility of alternate plans, and obtains and follows through on leads regarding friends and relatives who might take the children during the period of emergency. If alternate plans are feasible, this Unit arranges for the discharge and transportation of the children. If one or both parents are still available after the emergency and able to take responsibility for the child, the Unit would provide preventive and supportive service and make referrals for such service as Public Assistance, Day Care, Homemaker Service, etc.

This service, although based at Children's Center, is available to Callagy Hall and the New York Foundling Hospital. The entire emphasis is on moving night and weekend admissions back home as rapidly as possible. If long-term care appears needed, the case is referred to the Division of Intake.

The Resident Units were established as part of Children's Center when the City undertook operation of the shelter. Their functions including acting as liaison between Children's Center and BCW Intake, BCW Allocation, the Juvenile Term of the Family Court and the Office of Probation. They also provide case work, and psychiatric and psychological service to those children who remain in care for an extended period of time. Reports on the adjustment of the children are forwarded to the Case Worker in the Division of Intake or the Probation Officer in Juvenile Term Court, so that sound planning to meet the children's needs can be expedited.

The Family Unit is responsible for the total planning for selected children and their families, including allocation to voluntary child-caring agencies. Appropriate field visits will be made to provide rehabilitative casework service to the families of these children. When long-term placement is unavailable, the Unit will explore alternate planning with the child and family. Each worker in the Family Unit will carry fifteen families with a minimum of fifteen children in the Center and will also be responsible for all siblings under care at any of the other shelter facilities, or at home. When the last child in a shelter is placed in foster care, the case will be transferred to the Division of Services to Families. Criteria for selection of cases for the Family Unit are designated as "difficult to place," viz: At least one child in the family is in Children's Center; Psycho-Social study has been completed by Intake; Child is in need of long-term care; and Child is not on court remand. Half the caseload is composed of new admissions to Children's Center where a recent Psycho-Social summary has been completed; the other half are children who have been in Children's Center over an extended period of time. Statistical controls to determine the extent to which objectives are achieved will be set up and periodically reviewed.

Psychiatric - Psychological Service. Intelligence, achievement, and mechanical aptitude tests - including Rorschach - are given on a selective basis by Psychologists assigned to the institution. Diagnostic and consultant services are provided as required by part-time psychiatrists.

EDUCATION

The Board of Education of the City of New York operates Public School 35, a special service school, on the second floor of Children's Center. Children from the first grade through the eighth grade attend this school. Currently, there are 17 regular classes, in which all common branch subjects are taught, and two special classes - general shop, including woodwork, metalwork and ceramics, and a Home Economics class. Special remedial programs in reading and mathematics are provided in all classes from the fourth grade up. The school also has a special program in reading. This program is conducted by Corrective Reading Teachers and implemented through Volunteer Tutors made available to the school by the Public Education Association. High School training is available in community schools on junior and senior levels.

Close liaison is maintained between the Public School teachers and Children's Center child care staff through regular visitation and consultation. School and Center staff participate in regularly scheduled meetings for the purpose of better understanding of mutual problems.

HEALTH

General medical care is provided through a contractual agreement between Flower and Fifth Avenue Hospitals - New York Medical College and the Department of Welfare. The Center maintains a 32 bed infirmary, a convalescent room for 25 nursery children, and a fully equipped clinic, staffed by a Chief Nurse, Registered and Practical Nurses. Under the terms of the agreement, an attending Pediatrician from Flower and Fifth Avenue Hospitals visits the Center daily, and one Resident Physician (a graduate student in Pediatrics) is on 24 hour call. Seriously ill children are hospitalized at Flower and Fifth Avenue Hospitals or City Hospitals equipped to handle special types of illnesses. Dental care is provided in the Dental Clinic, located on the fifth floor of Children's Center, and staffed by two dentists and a dental technician assigned by the Division of Dental Services of the Department of Welfare.

RECREATION PROGRAM

Recreation and leisure time program within the Center is conducted on three age levels, namely: Pre-school, 2 to 5 years; Juniors, 6 to 12 years; and Seniors, 12 to 16 years. Program includes arts and crafts, music, dancing, dramatics, swimming, high and low organized games. Provision is made for

participation in community activities; attendance at circus and rodeo, Major League baseball games, movies, sight-seeing, picnics and trips to beaches. Seven community groups participate in the joint use of Children's Center facilities with a view to integrating the children of the Center with the children of the community.

RELIGION

Religious instruction is provided on a sectarian basis under Catholic, Protestant, and Jewish auspices. Weekly religious instruction of 60 minute periods are conducted within the Center by the appropriate agency. Provisions are made for a regular attendance at Mass, Confession, and Communion for Catholic children; church services for Protestant children; and Synagogue services for Jewish children. No religious services are conducted within the Center itself. All children ages 6 to 16 attend religious services in the community.

VISITING

Visiting by parents and relatives is scheduled on Sundays from 1:00 P.M. to 3:00 P.M. for school-age children (6-16 yrs.), from 3:00 P.M. to 4:00 P.M. for pre-school children (2 to 5 yrs.), and by special arrangement at other times when necessary. Children are permitted to visit their families on weekends and holidays provided the referring agency approves this plan.

SUMMARY

This brochure briefly outlines the history, function, philosophy and service rendered by Children's Center of the New York City Department of Welfare. In summarizing our presentation, the one factor above all others that creates the climate of understanding and acceptance of the child is the concept of teamwork between all services. It is the utilization of each service individually, and of all of them together, all in their proper perspective and in proportion to the child's needs, that establishes the adequacy of the Center as a group living program.

A STUDY OF LENGTH OF STAY AT CHILDREN'S CENTER

1948 - 1965, BY YEAR

S U M M A R Y

<u>CALENDAR YEAR</u>	<u>ADMITTED & DISCHARGED WITHIN 90 DAYS</u>	<u>PERCENTAGE</u>	<u>ADMITTED & DISCHARGED</u>		<u>PERCENTAGE</u>	<u>TOTAL ADMISSIONS</u>
			<u>AFTER 90 DAYS</u>	<u>(AFTER 1 YEAR)</u>		
1948	894	73%	325	(42)	27%	1,219
1949	872	69%	386	(57)	31%	1,258
1950	942	71%	378	(87)	29%	1,320
1951	1,033	76%	334	(67)	24%	1,367
1952	1,201	78%	333	(51)	22%	1,534
1953	1,384	79%	359	(85)	21%	1,743
1954	1,265	78%	353	(109)	22%	1,618
1955	1,410	79%	374	(121)	21%	1,784
1956	1,622	79%	439	(103)	21%	2,051
1957	1,690	76%	534	(97)	24%	2,221**
1958	1,627	76%	512	(106)	24%	2,139**
1959	1,504	73%	542	(72)	27%	2,046
1960	1,566	74%	543	(117)	26%	2,109
1961	1,693	73%	629	(123)	27%	2,322
1962	1,736	79%	469	(148)	21%	2,205
1963	1,533	78%	434	(92)	22%	1,967
1964	1,668	77%	508	(93)	23%	2,176
1965	1,565	78%	445		22%	2,010

*Hillcrest established June 1956, capacity attained December 1957

**Callagy Hall, a shelter for school age dependent and neglected girls, established 9/11/58

Length of Stay	School Age			Total Number	Percentage
	Pre-School 2-5 yrs.	6-13 yrs.	14-16 yrs.		
Under 90 Days	827	677	124	1628	73.8
1 Day	175	229	54	458	20.8
2 Days	35	24	5	64	2.9
3 Days	49	29	1	79	3.6
4 Days	30	21	2	53	2.4
5 Days	40	22	2	64	2.9
6 Days	57	20	--	77	3.5
7 Days	37	15	--	52	2.3
Over 1 wk - 2 wks.	139	102	13	254	11.5
2 wks - 3 wks.	66	42	6	114	5.2
3 wks - 1 month	35	38	10	83	3.8
1 month - 2 months	95	77	12	184	8.3
2 months - 3 months	69	58	19	146	6.6
Over 90 Days	260	270	47	577	26.2
3 months - 4 months	37	33	6	76	3.4
4 months - 5 months	38	28	12	78	3.5
5 months - 6 months	32	24	7	63	2.9
6 months - 9 months	63	71	8	142	6.4
9 months - 12 months	33	34	5	72	3.3
12 months - 18 months	33	48	4	85	3.9
18 months - 24 months	11	16	3	30	1.4
24 months - 30 months	8	10	--	18	.8
30 months - 36 months	3	3	2	8	.4
Over 36 Months	2	3	--	5	.2
Total	1087	947	171	2205	100%

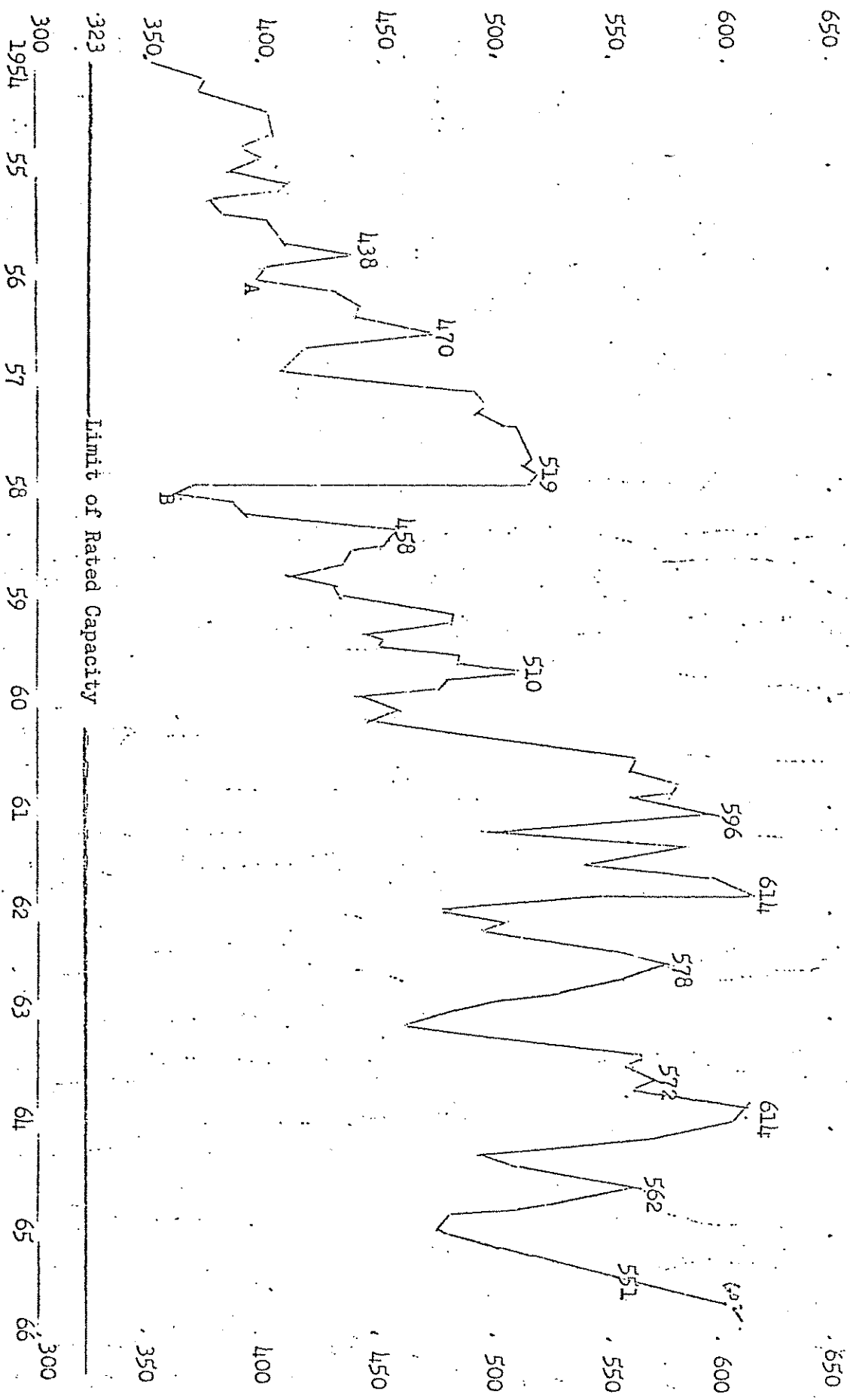
Note: Date of Study 11/30/65

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CHILDREN'S CENTER

CHART SHOWING COMPARISON OF HIGH CENSUS OCCUPANCY OF CHILDREN EXCEEDING RATED CAPACITY



NOTE: ESTABLISHMENT OF HILLCREST (A) AND CALLAGY HALL (B)

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AREA GUIDE

- PENTHOUSE: 6 Storerooms.
- ROOF: 5 Play Areas (Nursery Children and School Age Boys)
- SIXTH FLOOR: 3 Game Rooms*, Gymnasium Balcony, Swimming Pool and Showers, Snack Bar*, Arts & Crafts Room*
- FIFTH FLOOR: Gymnasium, Infirmary, (Offices of the decentralized Social Service), Director's Apartment, Dental Clinic Unit (Resident and Family Sections)
- FOURTH FLOOR: Boys Unit (8 Dorms), Boys Lounge, 3 Dining Rooms, Kitchen, and Butcher Shop
- THIRD FLOOR: Nursery Unit (13 Dorms), Music Room, Playroom, Play Roof
- SECOND FLOOR: P.S. 35. (12 Classrooms, Industrial Arts and Home Economics Unit), Principals Office, Health Clinic, Conference Room, 3 Classrooms*
- FIRST FLOOR: School Age Intake Unit, Night Allocation, Administrative, Social Service, and Clerical Offices, Visiting Room*, T.V. Room*, Conference Room, Switchboard, Theatre
- BASEMENT: Housekeeping Unit, Storekeeping Unit, Maintenance Unit, Engineering Unit, and Barber Shop

*Presently used as dormitory to accommodate over capacity.

NAME: CALLAGY HALL
NEW YORK CITY DEPARTMENT OF SOCIAL SERVICES

ADDRESS: 331 East 12th Street
New York, N.Y., 10003

TELEPHONE: Area Code 212
777-3500

DIRECTOR: Nellie W. Wright

Intake:
Daytime: Intake Worker
Night Allocation: 777-3509

PLANT: Congregate shelter care is provided for dependent and neglected girls between the ages of six and sixteen years in a ten-level brick structure located in the heart of what is known as the Lower East Side. The group living program embraces ten groups of children, twelve to fourteen children in a group, living on five floors of dormitories and single rooms as follows: A Reception dormitory on the main floor; two groups of children in three dormitories and two single rooms on the third floor; three groups of children in six dormitories and two single rooms on the fourth floor; and two floor - fifth and sixth - of twenty-five single rooms each. The facility also includes a swimming pool, a gymnasium, an auditorium, a tinker shop for hobby groups, a lounge area on each of the floors where children live, a combination lounge, music, sewing, and arts and crafts room on the seventh floor; a small caged-in roof area for outdoor play; a dining room, an eight-bed infirmary; and an elementary school.

CAPACITY: 128 girls, six to sixteen years of age.

INTAKE POLICIES: Girls from the five boroughs of the City of New York who require temporary care away from their own homes; children with physical disabilities may be accepted on an emergency basis, both length of stay will depend on child's ability to participate in a full and active institutional program; mal-adjusted and emotionally disturbed children are accepted; study and diagnosis are undertaken to assist the planning agency in effecting long-term placement for these children.

ADMISSION PROCEDURES: Children are admitted to the agency in the following ways: (1) During the hours of the working day, referrals are accepted from the Allocation Section of the Division of Services to Families of the Bureau of Child Welfare, whether the source of the request is from the Bureau of Child Welfare itself or from the Family Court - Juvenile Term on a neglected children's petition; and (2) During the night and on weekends and holidays, children in need of emergency shelter, are admitted through referrals by the Bureau of Child Welfare's After Hours Emergency Child Welfare Services Program (Telephone: Area Code 212 - 226-0550).

PROGRAM CASEWORK: Casework services to girls under care are provided by a Casework Supervisor, an Assistant Casework Supervisor and seven experienced caseworkers. The caseworkers are responsible for the casework services to the girls in residence, serve as liaison between the child and the planning agencies, receive and share with

appropriate staff, information regarding the child's previous background, family and social history, and the kind of planning that is indicated for her. These workers are, in addition, responsible for assembling all information on the child's adjustment in the agency and for reporting such information to the referral agencies who make long-term plans for the children. This information includes the child's behavior, adjustment, physical condition, medical needs, performance in school, psychological and psychiatric findings, etc., with recommendation relative to the long-term planning or the after care.

The agency has a position for a psychologist for giving intelligence, achievement, and mechanical aptitude tests, including Rorschach, on an as needed or selective basis; and a position for a part-time psychiatrist to give diagnostic and consultant services as required.

EDUCATION: The Board of Education of the City of New York operates Public School 35 Annex on the premises of Callagy Hall. Children from the first through the 6B grades attend this school. All common branch subjects are available in P. S. 35 Annex. The girls attend community schools for their junior high and high school education. There are special remedial programs conducted by teachers in all classes.

HEALTH: Daily medical care is provided by a staff including two part-time physicians - one a pediatrician - a Supervisor of Nurses and five registered nurses. The agency maintains an eight-bed infirmary and two clinic sessions daily. Seriously ill children are hospitalized at one of the City's hospitals equipped to handle special illnesses.

RECREATION: A full program of recreational activities including physical activities - high and low organized games, tumbling, work on the trampoline, and swimming; social activities - music, dancing, dramatics, parties, game-room activities; and creative arts and crafts are conducted by skilled recreation staff. Provision is made for participation in community activities, attendance at circus and rodeo, Major League baseball games, movies, sightseeing, picnics and trips to beaches.

RELIGIOUS: Religious instruction is provided on a sectarian basis through Catholic Charities, Protestant Federation and the Jewish Federation. Weekly religious instructions of 60 minutes are conducted within the agency by the appropriate agency. Provisions are made for regular attendance at Confession, Communion and Mass for Catholics, Church services for Protestant and Synagogue services for Jewish children. No religious services are conducted within the agency itself. All children ages six to sixteen attend religious services in the community.

VISITING ARRANGEMENTS: Visiting is scheduled on Sundays from 1:00 - 4:00 P.M. and by special arrangements at other times when necessary. Children are permitted to visit their families on weekends and holidays provided the referring agency approves this plan.

AFTER CARE: The agency does not provide after-care services but depends upon the referring agency - Family Court or the Bureau of Child Welfare - to arrange these services.

NAME: CALLAGY HALL ANNEX
NEW YORK CITY DEPARTMENT OF WELFARE
TELEPHONE: GRANITE 4-4040
ADDRESS: 6200 BEACH CHANNEL DRIVE
ARVERVE, N.Y., 11692
INTAKE:
Daytime: Transfers from Callagy
Hall and Children's
Center only.
DIRECTOR: NELLIE W. WRIGHT

PLANT: This facility is a branch of Callagy Hall located at 331 East 12th Street in Manhattan. Congregate shelter care is provided for dependent and neglected girls between the ages of six and thirteen years in a modern two-story brick, fire-proof structure in the Far Rockaway area of Queens. The building, the grounds and the facilities of the institution are well suited to the needs of a child care program. The living quarters on the second floor comprise eight modern, beautifully furnished dormitories accommodating eight children each, four lounges adjoining each of two dormitories, and a snack kitchen; on the first floor, one Reception dormitory accommodating six children. The facility also includes a music room on the second floor, with a game room, creative arts room, small Home Economics Unit and a large auditorium on the main floor. A modern stainless steel equipped kitchen is a part of the main level with the dining room set up in the rear of the auditorium. A six bed infirmary with office, examining and treatment facilities is located on the second floor.

CAPACITY: 70 girls, six to thirteen years of age.

INTAKE POLICIES: Girls from the five boroughs of the City of New York who require temporary care away from their own homes; children with physical disabilities may be accepted on an emergency basis, but length of stay will depend on child's ability to participate in a full and active institutional program; mal-adjusted and emotionally disturbed children are accepted; study and diagnosis are undertaken to assist the planning agency in effecting long-term placement for these children.

ADMISSION PROCEDURES: The children are admitted to the Annex by transfer from Callagy Hall or Children's Center, and are, for the most part, youngsters who are in interim care awaiting long-term placement. The shelter staff are working closely with the other two institutions, with the various divisions of the Bureau of Child Welfare, with the children's courts and the private child care agencies.

PROGRAM CASEWORK: Casework services are provided by an Assistant Supervisor, Child Welfare, qualified caseworkers, with participation of a Psychiatrist and a Psychologist - as we are able to fill budgetary lines. The caseworkers are responsible for the casework services to the girls in residence, serve as liaison between the child and the planning agencies, receive and share with appropriate staff information regarding child's previous background, family, and social history, and the kind of planning that is indicated for her. These workers are also responsible for assembling all

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information on the child's adjustment in the agency and for reporting such information to the referral agencies who make long-term plans for the children.

- EDUCATION:** All the children attend community schools - those in the elementary grades, Public School 42Q; those in Junior High School, Benjamin M. Cardozo Junior High School 198.
- HEALTH:** Daily medical care is provided by a staff including two part-time physicians, a supervisor of nurses, and three registered nurses. The agency maintains a six-bed infirmary and two clinic sessions daily. Seriously ill children are hospitalized at one of the City's hospitals equipped to handle special illnesses.
- RECREATION:** A full program of recreation, including physical activities - high and low organized games, tumbling, playground activities; social activities - music, dancing, dramatics, puppetry, game room and parties; creative arts - painting, sewing, weaving, basketry, etc., are conducted by skilled recreation staff. Provision is made for participation in community activities, attendance at circus and rodeos, movies, sightseeing trips, museums, picnics and trips to beaches. Numerous co-educational activities are carried on with the cooperation of Children's Center and community agencies; also joint activities such as picnics, parties, special events, etc., are carried out with Callagy Hall.
- RELIGIOUS:** Religious instruction is provided for the children at nearby Catholic, Protestant and Jewish houses of worship. Provisions are made for regular attendance at Confession, Communion and Mass for Catholics, church services for Protestants and synagogue services for Jewish children. No religious services are conducted in the agency itself.
- VISITING ARRANGEMENTS:** Visiting is scheduled on Sundays from 1:00 - 4:00 P.M. and by special arrangements at other times when necessary. Children are permitted to visit their families on weekends and holidays provided the referring agency approves this plan.
- AFTER CARE:** The agency does not provide after-care services but depends upon the referring agency - Children's Court or the Bureau of Child Welfare - to arrange these services.

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NAME: THE YOUTH HOUSE, INC.

ADDRESS: 1221 Spofford Avenue
Bronx, N.Y. 10474

TELEPHONE: Dayton 8-5000
Area Code 212

EXECUTIVE DIRECTOR: J. Martin Poland

PLANT: Four separate buildings: 1221 Spofford Avenue, Bronx - secure custody for boys and girls; 765 Manida Street, Bronx - semi-open setting for girls; 1188 Zeraga Avenue, Bronx - semi-open setting for younger and more passive boys; Welfare Island - open setting for girls.

INTAKE POLICIES: The Youth House, Inc. is a differential re-ward service providing temporary care and custody for boys, ages 7 to 16, and girls, ages 7 to 18, from the five boroughs of the City of New York who have been adjudicated delinquent or persons in need of supervision by the Family Court of the State of New York, pending disposition of their cases.

ADMISSION PROCEDURES: Admissions from the Family Court of the State of New York or the New York City Police Department.

PROGRAM IN GENERAL: A twenty-four hour residential program is provided all children. Programs are individualized but include recreation, school, playground activities, crafts and various group activities in addition to individual remedial work and individual scheduling of an activity when indicated. Emphasis is on providing a diversity of activities so that the child can be observed in a variety of situations for study purposes. While there are major program differences in each institution, they all provide residential care with varying degrees of secure custody.

EDUCATION: Children attend special "600" Schools of the New York City Board of Education located within the facilities.

CASEWORK: A staff of psychiatrists, psychologists and caseworkers serve the children in residence. Diagnostic and social studies are provided when requested by the court.

HEALTH: Infirmaries staffed by full-time nurses; daily visits by physicians, on call at all times; other specialized medical care provided by New York City hospitals.

RECREATION: Recreation includes playground activities, home life activity, gym, swimming, various sports, crafts, movies, outside trips, picnics, dances, art, etc., depending on the age, sex and custodial requirements of each child. The program combines a choice of activities with a formal scheduled program.

THE YOUTH HOUSE, INC.

The Youth House, Inc. provides a short term residential service for children adjudicated delinquent, or persons in need of supervision by the Family Court. Children are served after arrest and prior to a court hearing, prior to disposition by the Court and pending transfer to a State or private institution. Children are received from all five boroughs. Boys range from seven to sixteen and girls from seven to eighteen years of age.

The four objectives of our service are: secure custody, constructive and satisfying program, individual guidance through social casework and social groupwork and observation and study of the child.

In addition to assuring sound child care during a traumatic episode in the child's life and protecting the community when the child is a menace, these objectives, when fulfilled enable us to provide information to the Court that will help the Court determine the most appropriate treatment program.

The services are housed in four separate institutions as follows:

<u>NAME</u>	<u>SECURITY CLASSIFICATION</u>	<u>OPERATING CAPACITY BY SEX</u>	
		<u>BOYS</u>	<u>GIRLS</u>
Spofford House	Detention	<i>max</i> 225 (Maximum emergency expansion to 265)	<i>final</i> 75
Manida Hall	Semi-Open		90
Camp Zerega	Semi-Open	75	75
Welfare Island Y.H.	Shelter	<i>44 (under 12)</i>	44
	TOTAL	300	209

During the last four years Youth House has pioneered in the development of a means to serve these children in other than the traditional lock-up type institution. We have opened three of our four institutions to a significant degree, and emphasized community based programs in all our facilities. We have also experimented with day care in lieu of incarceration. Of our 1,500 boys taken into the community from Camp Zerega only five absconded. The experience at Youth House indicates that these newer methods represent sounder child care programs applicable to 90% of our children. Most of our children could be better served in small community based residential homes.

AVERAGE DAILY POPULATION - 1965

Boys	346.7
Girls	172.9
Total	519.6

ADMISSIONS - 1965

Boys	6,211
Girls	2,465
Total	8,676

LENGTH OF STAY - 1966

Boys 1 to 228 Days
Girls - 1 to 189 Days

AVERAGE LENGTH OF STAY

Boys 31.4
Girls 18.8

PROBLEMS

1. The most important problem at Youth House is our inability to protect our capacity as do State and private institutions. For many children subjected to over-crowding (70 children restricted to a unit built for 25, that by accepted standards should be limited to 15). The conditions at Youth House are at least as detrimental as those at home.

2. Two major groups of children are inappropriately detained at Youth House; those remanded because there is no appropriate service in the community and those committed to a training school for whom there are no vacancies.]

3. The group size as dictated by the building at Spofford is unworkably high according to any recognized standards, even when under capacity. (State Standards, National Council on Crime and Delinquency, Federal Department of Health, Education and Welfare).

4. We are unable to recruit and retain skilled personnel. As a result our services are often dangerously inadequate. We are also unable to develop skills of our existing personnel due to insufficient funds and the inflexibility of budget practice.

OPERATIONAL CRITERIA FOR CHILDREN REQUIRING SECURE CUSTODY

One of the primary duties of the reception social workers is to "place" children within the differential remand centers that comprise Youth House. This "placement" is done after interviewing the child and reviewing any available material. For girls we have three separate facilities; for boys, two. The main Youth House building, Spofford Avenue, where our admission and reception procedures are centrally located houses both boys and girls in separate wings. This facility which provides the traditional, secure custody, houses children of all ages. Welfare Island, our open setting and Manida Street, our semi-open setting, provide for girls of all ages in need of less secure custody. We try to send the youngest girls to Welfare Island, although this is not always possible. Camp Zeraga, a semi-open setting, is for boys up to the age of 14½ only. At the present time we are unable to provide less secure custody for boys over this age, all of them having to remain at Spofford Avenue:

Welfare Island has a capacity of 44; Manida Street, 90; and Camp Zeraga 75. Any over-crowding occurs at Spofford. Children who are eligible for transfer to less secure custody, but for whom there is no available bed space remain in secure custody at Spofford until there is room for them. Priority of movement is generally given to younger children.

*In 68 - Welfare Island (open) 12
Manida Street
Camp Zeraga
only girls*

Our Board of Directors has defined seven groups of children who require secure custody. In practice we have added an eighth group. These definitions apply to all girls and to boys up to age 14½. These are:

- (1) Children involved in serious crimes, e.g. homicide, manslaughter, felonious assault, attempted felonious assault, arson and other serious acts against persons such as rape, are held in secure custody.
- (2) Children who have been identified as psychotic or probably psychotic are also held in secure custody. There are three sub-groups within this category.

Firstly, there are the children with State Hospital histories, who are automatically held in secure custody.

Secondly, there are those children who have been observed in the psychiatric wards of our City Hospitals. These children are held in secure custody until the reception social worker can secure more material and the psychiatric diagnosis.

Lastly, there are those children who impress the reception social workers as possibly being psychotic. These children are held for further observation and psychiatric examination at Spofford. With psychiatric clearance they are allowed to proceed on to the more open settings.

- (3) Children who are material witnesses are held in secure custody. These cases usually involve adults and secure custody is provided for the child's protection, this being a major reason for detention in the first place.
- (4) Children who are involved in cases which have received a great deal of publicity or have caused a good deal of community concern are also held in secure custody.
- (5) Children involved with addictive drugs are held in secure custody. Marijuana smokers are not true addicts but may be held at Spofford if the worker feels that the child involved is on the road to becoming an addict. Glue-sniffers are eligible for transfer to the less secure settings unless there are medical complications. (see No. 7)

- (6) Children who have been in other institutions and who have run away from them are held in secure custody. The reception social workers try to establish whether the running away was an isolated incident or formed a pattern. If it was only an isolated incident the child may go to the less secure setting. Also in this group are children in Youth House on Petitions of Transfer from other child-caring institutions. Such a petition is usually indicative of running away or an extremely poor adjustment.
- (7) Boys requiring constant medical supervision are held at Spofford Avenue. Girls requiring such attention are held at Spofford if they can be treated as out-patients. In-patient treatment for girls (bed-rest) is provided at Manida Street. Pregnant girls are sent to Manida Street, unless they have to be held in secure custody for some other reason.
- (8) This grouping grew out of our early experience with screening children for the semi-open settings. It has several diverse sub-groups.

Firstly, there are the Training School Parole Violators. These children are held both as a courtesy to the Training Schools and because of the expectation that they are generally more difficult and angry children. Also, they usually leave Youth House rather quickly.

Secondly are those children who are held in Youth House pending return to another city. The reception social workers and Director of Social Service have the responsibility for working to get these children returned to their home communities as quickly as possible.

Likewise, children in Youth House for only a day or two prior to delivery to another institution are also held at Spofford to facilitate movement.

Thirdly are those children whom the reception social workers believe to be security risks. Category 6 and the above parts of this grouping may also be viewed as security risks, but in this instance we are speaking of those children who indicate that they will attempt to abscond.

Finally we have the group of severe behavior problems who require the close supervision and structure provided at Spofford Avenue. These children are identified from their previous records or because they create problems from the moment they enter Youth House by their infantile behavior, aggressive acting out, overt homosexual behavior, or by manipulating other children to act out.

These definitions are not mutually exclusive, there are many areas of over-lapping. A child may be held in secure custody for several reasons.

The task of screening the large number of children coming through Youth House sometimes means that errors are made. Some children have to be returned to secure custody. Others held here are later found to be eligible for transfer. Clearly we all want to do better. The need for a constant flow of communication and information is essential if we are to properly provide for these children.

At the present time the differential remand concept is new. The reception social workers have been applying the above criteria in a relatively conservative manner. Such application is necessary at the beginning of a program if we are to establish it on a permanent basis.

David Feldstein
Reception Social Worker

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Date?

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Committee Members

DR. GRACE McLEAN ABBATE
 MORRIS B. ABRAM
 MISS HENRIETTA ADDITON
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CITIZENS' COMMITTEE FOR CHILDREN
 OF NEW YORK, INC.

112 EAST 19th STREET NEW YORK, N. Y. 10003 SPRING 7-3800

November 28, 1966

CITIZENS' COMMITTEE FOR CHILDREN'S
 RECOMMENDATIONS ON JUVENILE DETENTION PROBLEMS
 IN NEW YORK CITY

Citizens' Committee for Children believes that planning juvenile detention care cannot be done in isolation.

Unfortunately, different public departments and agencies are responsible for the various phases of care and for different categories of children. The isolation in which each department carries out its share of the task -- the complete lack of joint planning -- have been and are major reasons for the inadequacy of all child care programs.

We have long believed that in order to eliminate this fragmentation, all City and State agencies which have the responsibility for children in need of placement -- for whatever reason -- must plan together for a coordinated, comprehensive child care program.

We, therefore, recommend that the Office of Probation, the Family Court, the Presiding Justices of the Appellate Divisions covering New York City, the New York City Department of Welfare, the City Administrator's Office, the Human Resources Administration, the State Department of Social Welfare and the State Division for Youth must start this joint planning at the earliest possible moment.

HISTORY OF PAST POLICIES RELATING TO YOUTH HOUSE

Having stated the framework in which we believe the detention problems must be solved, it may be helpful to sketch briefly the recent history of Youth House and detention policies before offering a number of recommendations.

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C-1

I. NEW BUILDINGS

A. The Spofford Avenue Facility -- Planned in the Early 1950's

There was much debate about the advisability of building what was known for years as Youth House for Boys, and is now known as the Spofford Avenue facility.

Sherwood Norman, of the National Council on Crime and Delinquency, an expert on detention, summarized the opinions of many who opposed this building when he wrote on April 10, 1953:

"The size of the plant necessarily prevents individual and small group handling essential to proper detention care; staffing will be expensive due to personnel necessary to move large groups of children about the corridors of the buildings and undesirable regimentation will become necessary. While the size and uniqueness of design is impressive, the very existence of the building will inhibit the development of good juvenile court, detention and probation practices as they are known elsewhere in the country for a long time to come."

Mr. Norman went on to note that certain undesirable detention practices were already in existence and should have been fought. He opposed planning for needs based on continued misuse of detention. However, the New York City Commission for the Foster Care of Children probably summarized the view in support of the building when it said "...it seemed necessary to adapt the planning to the land available and to the money appropriated to cover construction."

CCC opposed accepting such short-sighted planning. But, the Spofford Avenue facility was opened in 1956. By 1959, however, another detention crisis had developed.

B. Detention Crisis of the Late 1950's and Early 1960's

The 1959 problem was considerably more serious than the pre-Spofford Avenue problems of periodic shortages of space and backing up of committed children. By 1959, overcrowding at Youth House had led to many riots and continuously tense relations between youngsters and staff.

CCC once again cautioned against piecemeal remedies of the immediate crisis and stressed the need for revising practices and developing a long-range program. The importance of a court intake service, partly to help prevent detaining children who do not need detention, a plan often suggested by CCC over the years, began to win general acceptance.

CCC also suggested small detention residences in the youngster's neighborhood and near the courthouses run by the Department of Welfare, rather than more, large, secure detention facilities to be run by the

Youth House Board. CCC proposed special facilities for those under 12 and suggested that such very young children receive special treatment, taking into consideration the fact they are unlikely to need secure custody.

State training schools were urged to accept youngsters immediately upon placement by the court so that they need not sit in Youth House for a long time after being committed. In order to be able to accept children more rapidly, the State Department of Social Welfare started to build more training schools, but this method of solving the crisis did not work either. As the State had feared, training schools were filled as soon as they were built, without improving the Youth House situation in any major way. CCC, as well as others in the City, urged more coordination or integration of services between the City and State -- and a clarification of responsibility for detention.

It was difficult to know where to put pressure for improving detention because no one was clearly responsible for reforming detention policies and providing the right facilities. Many suggested that either the Youth House Board should be made responsible for providing enough space and given the necessary staff to render services required or (and to many this was far preferable) the over-all responsibility for detention should be assigned to a public agency. A compromise was also discussed whereby the over-all responsibility for detention programs would be assigned to a public agency while the present Youth House Board would remain in charge of whatever facilities then existed.

The Youth House Board did not have to carry financial responsibility for existing detention facilities or for developing additional ones. It nevertheless had great power and could and sometimes did close intake so that the court was unable to detain youngsters considered dangerous to the community.

While all these discussions were going on, detention facilities continued to be planned on the basis of guesses rather than careful projection of needs. No one analyzed in detail, or at least made public, the basis on which facilities should be planned and the need projected.

During this period, \$780,000 was spent for a "temporary 75-bed annex to Youth House for Girls to be used, in addition to the present facility, until such time as the permanent Youth House for Girls can be constructed." CCC had suggested that a study be undertaken before any additional facilities were built. Even without a study, it was suggested that smaller residences or group homes were far preferable to congregate facilities for 75.

II. ATTEMPTED SOLUTIONS IN 1962-64

For the few years after the Family Court Act went into effect, some new approaches seemed likely to help solve detention problems. In retrospect, these too seemed too narrow in scope and too little concerned with general child care problems to prove a real solution.

A. The Family Court Act

In September of 1962, a Family Court Act took effect which had a great effect on the use of detention -- at least in its first few years. Largely as a result of pressure from many in the State who believed that detention was misused, the power of judges to detain youngsters was limited considerably.

The Act requires that detention be used only for youngsters (1) who seem likely to commit what would be a crime if committed by an adult or (2) who are unlikely to return to court for the next court hearing if permitted to return to their homes. Of course, detention facilities can be used legally for those placed by the court in residential programs, prior to their physical transfer to a voluntary or public agency. The limitation of detention powers by law was intended to eliminate detention for the purpose of psychiatric study, to teach the child a lesson, or to satisfy complaining neighbors.

There was a dramatic decrease in the numbers detained during the first months the Family Court Act was in effect, but it did not last. Detention figures increased again and detention practices must be blamed for much of the increase since the Family Court caseload had not increased to a similar extent.

It should also be noted that the Family Court rules instituted an intake procedure so that many children who might have been detained previously did not even reach the courtroom after September, 1962. As yet, however, there is no 24-hour intake procedure to prevent detaining youngsters who get in trouble during the night or over the weekend.

B. Powers and Responsibilities for Detention Given to the Office of Probation

On February 23, 1964, Mayor Wagner issued an Executive Order assigning the Office of Probation "to represent the City of New York in its relationship with Youth House, Inc." and directing the Office of Probation to accept responsibility for supervising detention care while empowering it at the same time "to operate detention facilities or to contract for such services." This Executive Order, however, did not achieve the clarification of responsibility which was obviously its aim.

C. Differential Remand

Within the last two years the Youth House Board has instituted what is known as "differential remand." This means Youth House's facilities have different degrees of security depending upon the needs of the child.

The large Spofford Avenue building, formerly known as Youth House for Boys, is now used for girls who need secure detention, all

boys over 14½, and those boys under 14½ who are in need of secure detention. Doors to the outside and between sections are locked.

The Zerega Avenue facility (which was to be temporary at a cost of \$780,000) is a more open facility made up of quonset huts and is used for boys under 14½. The Manida Street facility, known for years as the Youth House for Girls, houses girls who can live in a semi-open building. These settings allow for some internal freedom of movement, but are surrounded by a wall or fence.

On Welfare Island there is a small residential facility for girls who are able to stay in what is called an open institution. An "open" institution depends on the self-discipline of the children and the staff to assure custody without actually locking doors. In other words, there is no real physical impediment to escape.

While we have been in favor of differential remand, we have questioned whether many of the youngsters who are able to stay in open settings should have been detained at all.

LATEST DEVELOPMENTS:

Detention planning has again become a burning issue because on October 28, 1966, the Office of Probation presented to the City Planning Commission a suggestion that a 250-bed facility, for both boys and girls, be built in Brooklyn on land near Kennedy Airport. Most of the land is now expected to be used for hospitals for the mentally retarded, and other kinds of mental health services, but about 15 acres would be available for the proposed facility. The request is admittedly based on "the number of children admitted to detention and the length of stay of those children." John Wallace, the Director of the Office of Probation, in presenting his request agreed that "New York has been confronted with, and continues to face, the question of whether it is to provide for more detention beds or whether it is going to find other means of taking care of children; means that would be more productive and less damaging to children."

RECOMMENDATIONS:

I. NO 250-BED DETENTION INSTITUTIONS AND NONE NEAR KENNEDY AIRPORT

CCC believes we must find means of providing detention care that are less damaging to children than those used now or proposed for the near future.

We oppose a 250-bed facility and we oppose any facility near Kennedy Airport.

We believe that:

- Detention planning must be done on the basis of the numbers of children who need detention, rather than on the basis of the numbers that are being detained now.

- Every detention facility should be in the vicinity of a courthouse. Having detention facilities far from the courthouse encourages both the court and detention staff to confuse their programs with those needed after a dispositional placement decision. Every detention building should be a temporary holding facility from which the child should be released within weeks, used only for those likely to commit a crime if released and for those unlikely to return to court for the next hearing.
- Only small detention facilities should be built; certainly no more than 125 should be cared for in any detention facility. No more than 125 can be housed in the same facility if we are to avoid a prison atmosphere. One means of guaranteeing this is through smallness with its resulting informality. Even a facility with 125 should be divided into cottages to make possible more individual living arrangements.

II. MANY DETAINED CHILDREN SHOULD BE IN SHELTER FACILITIES

Citizens' Committee for Children believes that planning detention care for youngsters who are before the court as alleged delinquents and persons in need of supervision cannot be separate from planning for shelter or foster care for children assigned to the Department of Welfare as dependent or neglected. One of the most urgent reasons for such joint planning is the fact that many children are in detention who do not need secure detention facilities.

Many children, for instance, are detained because they have no home. They are unlikely to return to court for the next hearing due to the fact that they have no family to take responsibility for their return. Shelters decentralized throughout the City for children who need care, should be available for such children as well as for neglected and dependent children. Such shelters should be the responsibility of the Department of Welfare.

III. THE YOUTH HOUSE BOARD SHOULD HAVE AN ADVISORY FUNCTION ONLY

The Youth House Board should be assigned a clearly advisory function and the Office of Probation must be held accountable for taking the lead in solving detention problems, and for all detention facilities. Although we know the Office of Probation has not proved able to fulfill all its responsibilities adequately in the past, we believe the funds must be made available to enable it to accept detention responsibilities.

Children have not been served well under the present system. As long as the probation officer's job stops at the detention facility door, the child has no continuity of care, and the probation officer considers the child's experience in detention outside his responsibility. On the other hand, the Youth House social worker has no responsibility to move the child through the court procedure as swiftly as possible. Once responsibility for detention rests with the Office of Probation and detention facilities are located in the vicinity of the courthouses less shifting from person to person would be necessary, and the child would feel more protected. It is logical to make

the Office of Probation accountable for (1) the individual child throughout the system; (2) community services which might prevent the need for detention; and (3) for the detention facilities.

IV. THERE SHOULD BE A SCREENING INTAKE SERVICE OPEN FOR POTENTIAL COURT CASES, 24-HOURS EACH DAY

At present, when youngsters are picked up on weekends or outside of court hours, the police may take them directly to Youth House without any screening whatsoever by the Probation Department concerning the need for detention. While statistics show that this practice is not responsible for a large number of detentions, it is certainly responsible for unnecessary detentions that help destroy the faith of our young in justice. There should be a screening intake service open for potential court cases, 24-hours each day.

In fact, there is good reason to believe the Family Court should have at least one part open 24-hours a day, not only to ensure that youngsters have their cases heard as swiftly as possible, but to ensure that the working people of the community are able to go to court at a time of day convenient for them.

The court system has been very anxious in recent years to protect the adult alleged to be a criminal from bail and unnecessary detention. The same consideration has not been shown for the child.

It is clear that the mere writing of limitations on detention powers into the Family Court Act has not solved the problem of misuse. Children are often detained because it may be easier to obtain a psychological study from Youth House than from other court or community services. Sometimes children are detained as a punitive measure. Sometimes the conclusion reached that the child may not return on the return date seems to be without sound foundation.

Presiding Justices of the Appellate Divisions covering New York City and all other members of the Administrative Board of the Judicial Conference must concern themselves with this problem and develop safeguards for the protection of the child. They must concern themselves also with the development of court resources to help and protect the child.

V. THE STATE DEPARTMENT OF SOCIAL WELFARE MUST ACCEPT RESPONSIBILITY TO TRANSFER CHILDREN TO TRAINING SCHOOLS AS SOON AS A COURT DECISION HAS BEEN REACHED

Much of the overcrowding of detention facilities is due to the fact that the State Department of Social Welfare does not accept children for care in training schools within a reasonable time after such placement has been ordered by the judge.

State welfare officials point out that the number of beds in training schools has been doubled in recent years and that simply adding institutional facilities will be an invitation to remove from the community children who could have been helped by preventive services or foster and group care in the

community itself if only these services had been made available in time. We agree, but we also believe that it must be the responsibility of the State Department of Social Welfare, not only that of local officials, to provide such services.

The State Department of Social Welfare accepts no responsibility at all for girls found to be persons in need of supervision who have reached the age of 16. As a matter of fact, it introduced legislation preventing the Family Court from placing such girls with the State Department. These girls who are not delinquent, but in need of help at a most vulnerable age, sit in detention for months on end.

The State Department of Social Welfare must face these unsolved problems so that our neglected children do not continue to live with the results of our inability to face the issues squarely and swiftly.

VI. DETENTION PROBLEMS SHOULD ALSO BE PRESENTED TO THE JOINT LEGISLATIVE COMMITTEE ON CHILD CARE NEEDS

The Joint Legislative Committee on Child Care Needs was established in June, 1965, "to proceed with a comprehensive study and investigation of all facets of all problems, programs, facilities and services relating to child care needs." As yet, that Committee has prepared only a preliminary report which summarizes the general knowledge available about child care needs today. However, that Committee, with its power to subpoena and ability to seriously consider new laws that would mandate needed services for children, can be very important in helping to determine exactly what services are now available, their worth, and the gaps they leave in filling the needs of children. This Committee should certainly be encouraged to recognize that our children's needs are diverse and complex, and should be expected to help develop plans that provide and ensure real care which recognizes the individual needs of each child.

N.Y. Post
May 23, 1962
2.87

'Freeze' Girls' Youth House After Riots

By STAN KOVEN

Commitments to the Bronx Youth House for Girls were temporarily halted today following a fourth riot there within 25 hours. One girl was hospitalized.

Officials called their decision a "stopgap measure" to relieve overcrowding and increasing violence at the institution, which has room for 165 teenage girls but currently houses 141.

Police have been instructed to hold newly-arrested girl delinquents at the station house overnight "with their mothers or a policewoman" pending the next day's court appearance, a Youth Squad officer told The Post.

Juvenile Court authorities

are reported studying alternative detention facilities for girls normally sent to Youth House while awaiting probation reports committing them to the state training school at Hudson or other state facilities.

Permanent alternatives are vitally needed, Youth House Executive Director J. Martin said yesterday.

"We need additional state facilities with direct commitment from the courts. We must speed up the flow from the courts to the proper institution or agency."

Some of the girls have spent three months or more in custody at the ancient, high-walled Youth House structure—originally built as an orphanage—

at 735 Manida St. in the East Bronx.

They sleep in seven dormitories with 16 beds to a dorm, Poland pointed out—and some sleep in cots in the corridors.

"I can very easily understand why they behave as they do," the director said. "I'd probably do the same myself."

But that was yesterday—before a fourth successive riot broke out at 7:20 p.m., following the pattern of an earlier demonstration in the morning and two more the previous day, with furniture being overturned and

This time, blood was shed. A windows smashed.

girl Poland described as a ring-leader in all four outbreaks slashed her wrists and throat

with a shard of glass.

The girl, identified by Poland as Jeanne Colon, 16, of 14 N. 7th St., Brooklyn, was treated at Lincoln Hospital, then transferred to Bellevue for psychiatric observation.

A second girl, described as "unstable," was sent to Bellevue's psychiatric ward following yesterday morning's riot, in which two other inmates were reported badly bruised.

A bus filled with bandaged demonstrators bound for a clinic and medical attention yesterday afternoon had to turn back after several girls smashed a rear window, jumped out of the bus, ran through nearby streets and were herded, howling, back to the Youth House.

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New York Post
May 24, 1962
2.87

Why the Girls Rioted at Bronx Youth House

By HOPE MACLEOD

Big problems at the Bronx Youth House for Girls set up the powder keg.

Minor ones light the fuse.

One girl brought in a lovely lace undergarment. Another, in a fit of envy, destroyed it.

Several fights started because, the teenage inmates explained, "we have no place to keep our own things."

Yesterday morning in the cafeteria, five jumped on one and tried to beat her up. They thought she was too stand-offish, and they didn't like her clothes.

"Had to Do Something"

A few days ago the loud crash of breaking glass brought the staff running. Three girls looked defiantly. "I just had to do something," one finally said, "so I broke a window." In the excite-

ment, two others followed suit.

Behind four riots within 25 hours this week was a natural born leader—bright, personable, vocal. She had remarked that "if you act up enough, they'll move you."

It worked, at least for her. Injured in Tuesday night's fracas, she was taken to Bellevue.

Troubles have been mounting in the old building at 765 Manhattan St., in the east Bronx, for the last month.

In institutional circles, the talk is that restlessness increases in the spring, and at Christmas time.

Source of Trouble

But, according to J. Martin Poland, the Youth House's executive director, the difficulties there started when the overcrowding began. Things were

pretty quiet through the winter. In the spring the cases began back-logging.

The little jealousies, the imagined slights, the petty feuds are only the surface reasons behind the sudden eruptions of violence, Poland points out.

Much more serious are the basic causes—overcrowding (141 girls where there's room for 105), not enough staff (only one psychiatrist, one psychologist and four case workers, for example), inadequate facilities (in a structure originally built as an orphanage with inmates crowded into dormitories instead of having separate rooms and some privacy), and the fact that most of them have been there too long.

The Youth House is supposed to be only a temporary stopping place, pending court appearance

or commitment to a state training school. Ideally, the youngsters would stay there, at most, from 14 to 21 days. But because of lack of room in state facilities and delays in the processing, some stay there three months or more.

Poland emphasized that court authorities and others involved in the cases are trying to cooperate to the fullest extent to speed the process. But it will take time.

"These youngsters are delinquents, not criminals," he added. "They've been incorrigible, or out of control of their parents, or runaways. The vast majority of their offenses would not be considered offenses if committed by adults.

"They find themselves frozen in a setting not intended for a long period, and they become angry and bitter."

New York World Telegram and Sun
June 11, 1962
2.84

Youth House

The Overcrowding Drives Detained Children to Riot, Toss Chairs, Slash Wrists

By MICHAEL MON
World-Telegram Staff Writer

"The other girls are making me nervous because they scratch and bite and break the windows . . ."

This complaint was received by J. Martin Poland, an intense young man who inherited the woes of Youth House Inc. last Jan. 1. He is executive director of the institution.

It was neatly written on lined paper by a 10-year-old who witnessed the recent riots at the Youth House for Girls which sent eight girls to the hospital. Two slashed their wrists during the three days of sporadic kicking, gouging and chair-hurling.

"I don't blame them for carrying on," said Mr. Poland, 33, who has four young children of his own. "They feel they've been shut away and forgotten and from their point of view they're absolutely right."

Troublemakers Cut

Long before the screaming had died away at the ramshackle girls' house at 765 Marida St., Bx., Mr. Poland was on the scene. With the aid of his staff he isolated the troublemakers, most of whom have already been transferred to other institutions.

The next step involved the cooperation of City Administrator Charles H. Tenney, who arranged for emergency bed space at Brooklyn's Coney Island Hospital. This decompression move was vital because when the rioting first broke out, the 60-year-old girls' house was jammed to almost double its 95-girl rated capacity.

Mr. Tenney has taken an active interest in Youth House Inc., a privately operated facility which provides the only detention quarters in the city for boys and girls between 7 and 16 years old.

Processing Delays

In a report to Mayor Robert F. Wagner recently made public, Mr. Tenney blasted overcrowding at the Youth House, which he said resulted from: Misuse of detention—many children are placed in detention who could be sent home under certain conditions.

Delays in processing children through Youth House.



J. MARTIN POLAND.

cilities—following the decision by the court to commit the child to a state institution.

"Upon detailed examination of the records," Mr. Tenney wrote, "we found that during the past two years, if the state had picked up its charges promptly, there would have been no overcrowding and no problem—on four days out of five."

The Tenney report stated that the length of time children spend at Youth House awaiting transfer to state training schools is "unconscionably excessive." Children often stay two months past the usual 30-day period, and in some cases have remained almost six months. Mr. Poland pointed out that Youth House is jointly financed by the city and the state, and intimated that responsibility for its present misfortunes must also be jointly shared.

The Youth House, Inc., which runs the institution, is a private agency composed of a board of directors from Protestant, Catholic and Jewish communities. The institution's

Records of 7 Kept With Real Delinquents

D-3



This antiquated building is the Youth House for girls, scene of recent rioting.

for girls and the house for determining proper disposition of disturbed little boy," he said bit

boys at 1221 Spofford Ave. each case. Mr. Poland is particularly

Exc. feel the pressure of staff shortages in the professional fields, because they cannot afford to pay competitive salaries for psychologists, therapists and psychiatric social workers. Case workshops therefore take a long time in preparation.

Another factor which forces children to stay in the Youth House for extended periods of time is shortage of court officers. Youngsters are in detention for months while the district court try to

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and pregnant girls. (The

the same law, Mr. Poland

feels, should specifically exclude from Youth Houses the epileptic Youth-Houses. After a 30 day

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By contrast, the Youth House for boys, built in 1953, is an ultra-modern plant

girls unit admits an average of thirty little boys," he said bit

A recent census disclosed that Youth House was sheltering 54 boys 12 years old or younger. The girls' house and its annexes had 28 in this category.

"I think laws must be passed to keep little children out of such places. There should be special facilities for them, with swings and flower gardens."

Mr. Poland also advocates expanded facilities for children in detention. The Tenney report advocates the establishment of such facilities, and suggests that the Youth Houses be used for diagnostic centers. Mr. Poland also advocates expanded facilities for children in detention. The Tenney report advocates the establishment of such facilities, and suggests that the Youth Houses be used for diagnostic centers. Mr. Poland also advocates expanded facilities for children in detention. The Tenney report advocates the establishment of such facilities, and suggests that the Youth Houses be used for diagnostic centers.

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YOUTH HOUSE ACTS

TO DROP JAIL BARS

NEW YORK TIMES

Directors Vote Unanimously
to Unlock Many Doors in
a Radical Policy Shift

2-YEAR TEST WAS HELD

Bars and Security Screens to
Come Down at 3 Out of
4 Detention Centers

By ROBERT DALEY

The board of directors of Youth House has voted unanimously to remove many of the locks, bars and security screens from three of its four juvenile detention centers. The institution is now virtually a jail, albeit a nonpunitive one, for juvenile offenders, some of whom are only 7 years old.

The dramatic switch in policy came Monday night. Locks, bars and security screens will come down gradually over the next several months.

Mrs. Joan Untermeyer Erdmann, president of the board of directors, said: "By opening up some of our buildings, we can minimize for many children the psychological damages of detention."

Children's Need

J. Martin Poland, executive director of Youth House, said: "In open buildings, youngsters can be given that degree of security which our experience has shown that they need."

Youth House, a private agency financed by city and state funds, holds juvenile offenders after arrest under the jurisdiction of the Family Court.

It is responsible for keeping the offender out of further trouble, and for seeing that he gets back in court for his hearing. Both the board and Mr. Poland feel that the likelihood of their being able to produce the offender in court is increased, not decreased, under the new policy, which is revolutionary in this country, but common in most of the rest of the world.

A form of it has been tested in the Youth House building on Welfare Island for two years. Girls were allowed free run of the building and on occasion even went out in large groups supervised by only a few staff members.

A Low Escape Rate

Of 700 girls handled in this manner, fewer than 1 per cent escaped. The normal escape rate, even in "secure" buildings, had been close to 5 per cent.

Juvenile offenders are in two categories: delinquents and those "in need of supervision." Almost all the girls and most boys under 12 are in the latter group. About 10 per cent of the boys locked up each year are between 7 and 12 years old.

Some offenders are dangerous, and there is no thought at this time of "opening" their buildings or areas.

Mrs. Erdmann said: "Youth House serves two masters: the community, whose safety it must protect, and the child, whose needs it must meet."

"Detention, the loss of freedom, is the moment of truth for most children. Since it is not the duration of an experience, but its intensity which determines its impact, the detention stay has a profound effect on every child. The moment of truth happens to the 8-year-old as well as the 16-year-old, and they react differently. But no child ever sees detention as anything favorable."

Mr. Poland said: "Detention, locking someone up, is the second most serious thing society can do to him. Just being locked up engenders aggressiveness in some of these kids, and some of them are here three months or more."

About 8,000 juveniles a year pass through Youth House. They include 7-year-olds who have run away and switchblade-carrying drug users. The average stay is 21 days, but some youngsters are there for months while authorities decide what to do with them. In such cases the court, unable to provide the treatment indicated, often sends the child home.

In the meantime, the child peers out at the world through steel window screens that can withstand 75 pounds of pressure per square inch.

The board of directors of Youth House (6 Protestants, 6 Catholics and 6 Jews) is appointed by the Mayor. About 350 juveniles are housed at a time, two-thirds of them boys, in four locations.

All the boys are at the center on Spofford Avenue in the Bronx, a prison-type building. Under the change, about 75 of the youngest and most passive will be moved to Zerega Avenue into eight Quonset-Hut-like buildings behind two fences, one of chain-link, and the other of

high, impenetrable sheet steel. Many locks will be removed.

On Manida Street, around the corner from Spofford Avenue, a rambling old building will continue to hold girls. The interior corridor doors will come down, and the steel screens will come off many of the windows.

In the future, every child will begin at Spofford Avenue, but it is hoped that the younger ones will be moved immediately into an open building. Dangerous offenders will remain at Spofford. These will include for the first time what Mr. Poland calls "aggressive" girls, who can easily be segregated.

In the open buildings, bars will be replaced by bigger staffs. The doors will be unlocked, but the children will be watched over, even more carefully than before.

The new policy grew out of trips by Mr. Poland and his assistant, Edward Daniels, to more than eight countries in the last three years: Mexico, Sweden, Germany, France, Switzerland, Denmark, the Netherlands, Spain and elsewhere.

Mr. Poland said yesterday: "Is our culture so different from everyone else's that we need to lock up tots? Are we the only society which lacks the ingenuity, the desire and the ability to provide service for 8-year-olds without locking them up?"

D-5

LEAP

44 E. 3rd ST., N.Y. 3./WA 4•3493

36 NEW YORK POST, TUESDAY, MARCH 7, 1967



Truth About Youth House (I)

JAMES A. WECHSLER

Not many hours ago I taped the first person narratives of two former residents of Youth House, that drab Dickensian trap where errant kids are temporarily removed from our sight and thereby banished from our consciousness—and conscience.

These two young voices reciting their reminiscences will haunt me for a long time. They are essentially "rehabilitated" now through their contact with Larry Cole's Lower East Side Action Project, an island of humanity in New York's adolescent jungle. There they are at LEAP's school and acquiring some of the education they somehow could not get before. All this happened during junior high school, but they haven't forgotten the nightmares.

This is Felix Navarro, a 17-year-old Puerto Rican youth speaking. The truant officer first caught up with him when he was 13, and Youth House—that macabre twilight zone between prison and children's centers—was his destination.

"When I got there they didn't even ask my name. They told me from now on you are going to respond to 'Ray Charles.' I said that's not my name. He (a supervisor) said 'so what, now it is.' So I kept on arguing and one of them got up and showed me his fist: 'What's your name?' I said 'okay, Ray Charles.'

"... Later they put us in a room—two in a room—and locked the door. They said if they hear a noise from anybody, they'll come over and knock us over the head...

"We went down to breakfast, everybody was down there, girls were there... They sit you in groups and tell you not to speak to any of the girls or look at them... So a friend of mine happened to look at a girl and say hello because he knew her. He (a supervisor) came over and he had this key—eight inches long—and smacked him over the head. He told him next time you look at the girl, I'm going to put my fist through your face.

"... We went to a class... The teacher got up and put the record player on, and says 'play records, fellas.' And he went back and started smoking a cigaret and reading newspapers for 45 minutes. Then he got up and took us to another class and that teacher put the TV on for us, for 45 minutes. The next one put the radio on. That was 'school'...

"Then after a while I was finding out that some of the people there were gay, like this guy in the kitchen. When I went down there he told me 'why don't you work in the kitchen?' So I think that will be nice, I'll go to the kitchen and I could eat more of what I want. So he started feeding me everything I wanted. Then he tells me why don't you and I get together in the back room?' And I look at him. He said 'come on, let's go in the back room?' I said 'no, I ain't going in the back room.'

"He said 'you don't come in the back room I'll say you are stealing, and I won't feed you any more.' I said 'don't feed me, I'm not going in the back room.'

"I went back upstairs, and told my supervisor what happened, and he started laughing and said 'he does that to every guy that comes here.' So I just look at him wondering whether he was crazy himself.

"Then, the day after, I didn't want to go to 'school' so I had to stay in the dormitory and clean the walls and sweep the floor. So somebody from the next dorm came over and started talking to my supervisor. And they arranged for three guys in my dorm to go to his dorm and sit down and let one of the faggots there choose one of us so we could have intercourse with him. And we sat down and he chose my friend.

"He said 'all right, I go with you in the back room.' Chester said 'I ain't going.' This guy said you better go in the back room, and he said no. So both supervisors got together and took him in the back room, beat him and he was forced to go into the room and have intercourse...

"They get a kick out of somebody going through it. They watch it, they make fun of him in front of everybody else."

"My friend and I had a habit in the morning—we would take each other's bed and turn it upside down, it was a joke between us. So he (a supervisor) caught us. He took my friend and punched him in the face and knocked him to the floor. And when he was on the floor, he took the heel of his foot and cut him right in his forehead, and then he started to give him knee drops in his chest. And then he came to me and told me 'Ray Charles, take your glasses off.' I said nope. He said if you don't take them off I'm going to knock you out with them on.

"I said 'you're going to have to knock me out'... Then he came over and hit me and my glasses fell. So he started stomping me and kicking me and punching me. Then he tells me: 'now the next time I'm going to kill you.'"

These are fragments from a long tape; a young girl's story will be cited on another day. The transcript is available to any legislative committee that cares to listen—and there is additional testimony available from recent inmates reluctant to be identified now.

The trouble with Youth House is not a matter of individual villainy. J. Martin Poland, its director, is a decent citizen who has waged a losing fight against a primitive, degrading detention system that he has publicly branded obsolete. The basic disease will be explored in another article.

D-6

LEAP

44 E. 3rd ST., N.Y. 3, /WA 4-3493

46 NEW YORK POST, WEDNESDAY, MARCH 8, 1967



Youth House (II)

JAMES A. WEGSLER

Liko Felix Navarro, whose story was told here yesterday, Patricia Shevak was 13 when the truant officer caught up with her and the judge sent her to Youth House. There is no dispute about her chronic absenteeism from school; the question is what conceivable purpose was served by weeks of exile in a penitentiary atmosphere. In her taped recollections she recalls witnessing only one beating, but homosexuality, sadism, overcrowding and neglect were the recurrent facts of life.

"One night I had what I think was the flu," she recalls. "I didn't know for sure what it was, but I was throwing up and I told the supervisor, but she didn't do anything about it. She said 'you wait until you get home and you tell your mother about it, and let her take you to the hospital.' For about three weeks, I was very sick. They didn't give me any medicine, just aspirin."

She had one interview with a psychiatrist who told her "I think there is something wrong with you' because I wanted to walk out of the room when he gave me all those lists of numbers." She has no remembrance of any serious help or teaching:

"We had to clean, scrub the floors, and after we finished all of that we watched television and sat around all day."

As in the Navarro case, it was neither Youth House nor public school that gave her any glimpse of dignity or desire; it was the Lower East Side Action Project (LEAP), Larry Cole's unconventional group adventure in the quest for self-respect.

* * *

Perhaps the sharpest indictment of Youth House (which is actually a complex of houses) was contained in an unheralded published paper written last December by the House's director, J. Martin Poland, for the National Council on Crime and Delinquency. Among other things he asked:

"Why are we among the few countries in the world not abandoning incarceration of their young and substituting constructive service for locks?"

"Why are we among the last countries in the world to retain 7 as the age of responsibility? (Yes, there have been 7-year-olds at Youth House, along with a hard-core of teenage prostitutes and street fighters.)"

"Are we refining, making more palatable and therefore entrenching a service that is a documented failure?"

"Is it justifiable to detain a child because a suitable home, foster care or placement is not immediately available? Does not each child have a right to be with his family or the fabric of the community?"

In an interview Poland elaborated some of these points. While contending some improvements have been wrought during his five-year tenure (such as a larger degree of "openness" in three of the four institutions), he offers no righteous apology for conditions there. And while maintaining that additional funds could raise the level of the staff and provide some light in this wasteland, he sees such steps as only transitional pending total revision of the system.

"I'm interested in fewer kids being locked up," he says.

Noting that only a small percentage of Youth House inmates are guilty of offenses deemed criminal among adults, Poland said 90 per cent could be aided "without being locked up." He added:

"Most of these kids are locked up simply because we don't have the services to help them—the runaways, the truants, the problem kids. In effect they are rebelling against intolerable conditions—and we just make conditions more intolerable. We don't give services or provide alternatives."

Other countries have found better answers. In Copenhagen—a city of 1,000,000—there are 86 small centers for troubled and troublecome kids; each houses no more than 50 children. (On the day I talked to Poland, Youth House had 576 inmates—although its official capacity is 250.)

Based on their own experiment at LEAP, Larry Cole and Frank Donnelly, in a memorandum transmitted to legislative and other officials, envision "a network of storefront operations in various neighborhoods, beginning with the highest-delinquency areas, that can begin to attract, as LEAP has, those kids most in need of supportive services and detention alternatives and who have not been served by more orthodox agencies or schools."

These centers would have medical, psychological, educational, recreational, legal and social services. They would also include the type of private school that LEAP, despite intermittent harassment by the Board of Education, has developed.

A key problem, of course, is whether sufficient dedicated personnel is available to duplicate the LEAP operation throughout the city. Cole and Donnelly believe it is

* * *

The issue is not academic. Despite the inevitable resistance of vested interests and simple minds to any serious reform, Deputy Mayor Costello's office, I learned yesterday, has been quietly exploring the sordid Youth House story in meetings with spokesmen for such critical groups as the Citizens Committee for Children; the Bronx District Attorney's office is also preparing a report. Costello is reported favorable to a large new beginning based on the ultimate dismantling of the present structure and the spread of the neighborhood pattern.

But so early miracle is likely unless legislative committees and other groups put the spotlight—and the heat—on Youth House where children grow old and rot in the name of reform.

D-7

3-20-67

Youth House Probe Opening

2.87

By JEAN CRAFTON

Youth House, the Bronx institution for wayward boys and girls, was being judged today by a joint legislative committee, and pre-investigation findings indicate it will be found wanting.

Assemblyman Podell (D-Eklyn), who spearheaded the investigation, was prepared to define for the Joint Committee on Penal Institutions his impression of Youth House's trouble after he went on a three-hour surprise tour of the facility March 10.

The big problem, he said, was the practice of putting children of all types and ages in the same quarters.

A "truant of 8 years old," he said, will be put in the same dormitory with a child who could be a homosexual, a prostitute, a narcotics addict or a burglar.

"And in three days, that child of eight becomes a grownup.

"The obvious problem is that Youth House is being used by society as a prison for the detention of children whose greatest crime may be nothing more than that they are poor, homeless and alone."

To back up his testimony, Podell expected to have former inmates testifying about brutality, homosexuality and overcrowding and former counselors corroborating their statements.

Youth House, whose twilight zone activities involving the correction of errant youth have bubbled close to the surface of public awareness on numerous occasions, was thrown into the spotlight again when narratives of two former inmates were printed this month in James Wechsler's column in the New York Post.

Powell arranged the tour and subsequently called for the investigation upon reading the stories of neglect, brutality and homosexuality.

Youth House was intended as a temporary shelter for children from 7 to 17 until the courts determine whether there is need for care in other private or public institutions.

The Bronx Youth House on Spofford Av. which Podell toured was designed for 250 children. It currently holds more than 420 boys and girls. Similar overcrowded conditions are reported at three other centers in the Bronx and on Welfare Island.

J. Martin Poland, Youth House director, summed up the conditions in a single statement:

"We're so overcrowded that if I were running a saloon instead of Youth House I wouldn't be allowed to operate. I'd be closed down as a menace to health and safety."

Poland and Mrs. Joan Erdman, chairman of the Youth House Board of Trustees, were also to testify before the committee today.

3-13-67

Podell Opens Investigation Of Youth House Condition

Charging that society "has, city and state funds, is so ter- created a prison for children ribly overcrowded according to whose sole crime is the fact Podell, that eight-year-olds that they are poor, friendless are "incarcerated" in dormi- or homeless," Assemblyman- tories with 13-year-olds where Bertram Podell, D-Eklyn, homosexuality is rife. today started an inquiry into: "We found," said Podell, Youth House, a Bronx deten- who made an unscheduled five- tion center for youngsters, and- hour tour of Youth House last similar institutions. Friday, "children who have been kept at the institution for as long as six months for no other reason than that they were truants."

Podell, chairman of the joint legislative committee on penal institutions, said that the investigation would encompass not only the "horrible" conditions he personally found at Youth House but the whole "frightening aspect of the state's entire penal system."

Youth House, a quasi-public agency operated with private, will testify. Public hearings will start here next Monday at the State Office Building, 270 Broadway. Podell said that former and present employees of Youth House plus former "inmates" will testify.

D-8

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2.87

City Times
3-20-67

SUBSTITUTE URGED FOR YOUTH HOUSE

More Homelike Care Sought for Troubled Children

By JOHN SIBLEY

A program to care for the city's troubled children in home-like surroundings rather than committing them to institutional confinement was announced yesterday by the Lindsay administration.

Deputy Mayor Timothy W. Costello disclosed plans to create a new city agency, probably in the Welfare Department, to analyze these youngsters' problems and determine what sort of care best for each.

"All of us recognize," Mr. Costello told a City Hall news conference, "that institutional detention, even at best, is an inadequate answer—sometimes a harmful one—for the child in trouble.

"What we need is a whole range of services, from supervised day care for those who need individualized care and concern to security facilities for those few hostile children who can damage themselves and others."

Alternative Is Sought

Among other things, the Deputy Mayor said, City Hall will press for legislation in Albany "to give judges an alternative to sending children in trouble to Youth House." He said the city would also seek a greater degree of control of Youth House.

Youth House, a private organization financed by the city and the state, runs four centers in the Bronx and on Welfare Island for girls under age 18 and boys under age 16.

Part of the new program, Mr. Costello explained, will be to re-examine the relationship between Youth House on the one hand, and the courts, the state and the city on the other.

"Although the Mayor appoints the [Youth House] board," Dr. Costello noted, "the sole administrative link between it and the city is the director of probation, who, as an agent of the courts, is a creature of the state."

The Deputy Mayor said the city must have more direct authority at Youth House "if it is to exercise full responsibility, as well as fiscal accountability, for its heavy support."

Plan to Rent Space

To get away from institutionalized treatment, Dr. Costello said, the Welfare Department has drafted bills that authorize it to rent space in public housing developments. These would be used, he said, for boarding youngsters "in a home-like" atmosphere. They would be used principally for the long-term care of homeless children, he said.

Dr. Costello added that the city was also pressing for legislation that would increase the state's share of the costs of day care and homemaker services from 50 per cent to 80 per cent.

The most immediate problem, the Deputy Mayor said, is to "reduce the critical overcrowding at Youth House by removing about 50 children to day-care centers."

He said the four Youth House facilities had a capacity of 548 but a current population of 600.

The announcement yesterday followed a series of discussions that began last fall among city officials, judges of the State Supreme Court and Family Court and representatives of Youth House.

Prior to the press conference, Dr. Costello met for three hours at City Hall yesterday with Welfare Commissioner Mitchell I. Ginsberg; Henry Cohen, deputy administrator of the Human Resources Administration; John Wallace, director of probation; Simon Golar, deputy city administrator, and Youth House officials.

Policeman Fatal...

D-9

Jury Bares 'Tortures' at Youth House

3-22-67

By AL SOFSCHEN and TED POSTON

A scathing denunciation of "brutal, sadistic and torturous practices" against the inmates of Youth House in The Bronx was handed up to Supreme Court Justice Sarafite today by a Bronx grand jury.

The presentment, accepted by Sarafite, was the result of a year-old grand jury investigation instigated by the homicidal death of Ralph Green, an inmate, last April 19.

The jurors found that the death resulted from a series of punches to Green's chest by a slayer who was later committed to a mental institution.

Charging that standards at the Bronx institution, located at Coster St. and Spofford Av., "fall woefully short" of guidelines established by the National Council on Crime and Delinquency, the report assails the inmate-counselor system and recommends that it be abolished.

Despite overcrowding and unsuitable physical facilities, the jurors said, "the utilization of inmate-counselors is a device inconsistent with Youth House and juvenile court objectives."

Pecking Order

The presentment said it "encourages domination by certain segments of the inmate population over the weaker detainees, causes an increase in the number of assaultive acts by detainees and an increase in incidents wherein children are preyed upon by aggressive homosexuals who should have been separated from the general population."

The report said the grand jury had also heard testimony about extensive homosexual activity by girls in their dormitory section on Spofford Av.

Ostensibly, the report said, the inmates are permitted to select, from among themselves, inmate-counselors, but that in actual practice, the "bullies" win election "by bribery in the forms of gifts of candy, cigars and chewing gum by threatening bodily violence."

Bullies Win

"These practices result in the election of the least rehabilitative types," the report added, "and often these youths were bullies who made other detainees obey their wishes by the

until the investigation opened, the report said, were "chesting," where an inmate must take repeated punches in the chest without resisting, and "necking," where the victim must tilt his neck forward and submit to numerous karate-type blows on the back of his neck. Any inmate refusing such an order from an inmate-counselor, the report said, immediately was subjected to a mass assault by other inmate-counselors.

Decrying the lack of adequate medical services and examination at Youth House, the report outlines the case of a young girl who was admitted late at night when no doctor was present.

Pregnancy Unnoticed

A supervisor who admitted the girl and watched her take a shower did not notice her pregnancy. During the night, the girl delivered her own baby, wrapped it in a raincoat and took it to court with her, where the episode was discovered.

Bronx District Attorney Dolinger said copies of the presentment would be sent to Gov. Rockefeller, Mayor Lindsay and to Assemblyman Podell, whose Joint Legislative Committee began its own investigation of Youth House as the result of revelations made by New York Post columnist James Wechsler.

The grand jury recommended that smaller and better regulated detention centers be established away from the slums, depressed areas, industrial sections and jail neighborhoods. It urged higher pay and in-service training for center supervisors and the maximum use of rehabilitative services, including more medical, psychiatric and psychological testing.

It also urged a foster home program and residential treat-

3/26/67

D-10



After a Hearing

JAMES A. WECHSLER

The hearing room was crowded with men and women of good intentions; after the long day's session of Assemblyman Podell's committee, it was hard to believe that so many worthy citizens had tolerated the hell-hole of Youth House's Spofford Av. center for so many years until two teenage victims finally shook up the city.

Time and again it came back to the ancient question of responsibility, or original sin, and each of the accused could tacitly point a finger at someone else. For hours one heard that the problem was overcrowding, the lack of adequate staff and funds, the diversity of agencies involved, the quasi-private corporate structure of Youth House, the backwardness of our laws, the limited options for judges, the complexity of life. . . .

Each point had some validity, and yet one left asking why no one of eminence and conscience who had long intimate knowledge—and there were many—had taken the course of dramatic public resignation to force an airing of the scandal.

* * *

In the closing moments late Monday afternoon, the committee heard the frank admission from Youth House's director that 7-year-old inmates were clustered indiscriminately during their "orientation" period with neophyte addicts and prostitutes twice their age or older. It was no secret to many people; surely this single fact—beyond all the testimony of sadism, homosexuality and neglect—should have been sufficient to provoke a public outcry long ago. But there had been only isolated, random protest until 17-year-old ex-inmates Felix Navarro and Patricia Shevak told their stories.

They did so because they had found a glimpse of salvation at Larry Cole's Lower East Side Action Project, long a gadfly to much of the uplift Establishment and one of the few places in town where one can see dead-end minority kids finding dignity and direction.

Cole brought them to my office and they taped their stories—without notes or rehearsal—and they repeated them at Podell's hearing; their chilling remembrances were supported by a more recent inmate, 15-year-old Kenneth Christie.

* * *

There were elders from Youth House and other involved institutions present who, while conceding that things were bad, preferred to believe that the recitals were "exaggerated." I must testify that there was no consequential discrepancy between the stories the kids told in my office and those they unfolded on the stand.

Those who sought solace in the notion of youthful fantasy might have been more comfortable if two former staff members of Youth House had not come forward as volunteer witnesses. They were 28-year-old Judith Andress and 26-year-old Elizabeth Annas. Neither could be called "disgruntled," except in the sense that both left their positions as specialists in recreation at the House after many months of futile effort to evoke even mild bureaucratic interest—or materials—for the creative projects they tried to foster.

Both testified with reluctance; they had no desire, as Miss Andress told me before she decided to appear, to name low-echelon individuals who might become scapegoats for the larger crime. Only when they were persuaded that their testimony would decisively fortify the teenage witnesses did they agree to speak out. Not everyone welcomed their gallantry.

Miss Andress said "what the children have said here is true . . . they are describing ordinary days at Youth House." In a subdued voice she recalled the spectacle of "a girl being forced to roll in her own urine by a supervisor." Miss Annas, an art teacher, remembered that she had once called for help from a supervisor when some of the kids became unruly; "I never called for help again after I saw the bashing that all the kids got at random—including ones who had caused no trouble."

These were the two who spoke up; others have called or written me anonymously to corroborate the essence of the teenager's stories and to explain in apologetic tones that they are still at Youth House or hold other positions which prevent them from speaking publicly. Moreover yesterday, in the aftermath of the hearing (mysteriously unreported in the Times but widely covered on TV and radio), I received two calls from middle-class women describing their encounters with victims of Youth House violence; one was the wife of a doctor who had just examined a kid a few hours after his release. How many other stories remain untold?

* * *

So let no one minimize the bestiality. It has been suggested that "sensational" evidence serves no constructive purpose. But there would have been no legislative hearing Monday if two teenagers had not broken the silence—and if LEAP did not exist.

Admittedly there had been prior concern about the problem; Deputy Mayor Costello's office has been alive to it, and deputy administrator Simeon Golar is working on it. Action has been initiated to give Mitchell Ginsberg's Welfare Dept. a major role in screening youths now arbitrarily sent to Youth House, and in finding—or establishing—alternate, non-detention services. This could be a beginning—but it is only a beginning; too often such programs have lapsed as the heat declined and vested political interests reasserted themselves.

Fortunately Golar is the kind of citizen who welcomes the heat; Ginsberg is a man of many gifts, and John Lindsey cares. But this battle has just started. One contemplates ruefully how late in the day it has come, and how many more lives will be scarred before real reforms are achieved, and—among other things—the spirit of LEAP spreads through the city.

D-11

3-23-67

Youth Home Panel Reports Brutality

By EDWARD C. BURKS

A Bronx grand jury investigating city-supported Youth Houses, detention homes for boys and girls, has found brutality, aggressive homosexuality, overcrowding and poor care.

Children charged with such minor offenses as truancy were frequently mixed with youths addicted to narcotics or guilty of serious crimes, the jury said.

Its report, released yesterday, tells how sadistic inmates, serving as "counselors," compelled obedience by punching youngsters repeatedly on the chest or by delivering karate-style blows to the neck.

The investigation, lasting more than eight months, was of Youth House, Inc., a charitable

Continued on Page 24, Column C

1967

Jury Finds Brutality in Youth Houses

Continued From Page 1, Col. 8
organization charged with the detention of boys 7 through 16 and of girls 7 through 18.

Youth House operates four facilities for youths referred to it by Family Court from all parts of the city. It is financed almost entirely by city budget appropriations. For the current fiscal year the appropriation totals \$4,331,000.

Inmate-counselors were selected as a device "to give the kids some way of communicating with the staff," Whitman Knapp, counsel to Youth House, Inc., said yesterday.

The grand jury report, while agreeing that the facilities were woefully understaffed, said that often the toughest of the youths were "elected" counselors after bribing and threatening smaller youngsters.

Spofford House, a 10-year-old, eight-story building at Spofford and Hunts Point Avenues in the Bronx, is the largest facility, equipped to accommodate 75 girls and 225 boys. Yesterday it had a census of 329.

Two other facilities in the Bronx, although they serve the entire city, are Manida Hall, for "less disturbed, less aggressive girls" (83 yesterday), and Camp Zeraga, mainly for younger boys (74 yesterday). The fourth facility is the Welfare Island Youth House (43 girls yesterday).

The census at Spofford has run as high as 554, or 254 over capacity, and living units designed for 25 have been occu-

piated by as many as 84 children. No figures on the capacity of the other facilities were available.

Investigators learned from inmates that inmate-counselors used such terms as "chesting" and "give me some chest" in referring to the tactic of raining punches on a victim's body. Similarly the command "give me neck" referred to a tactic called "necking" during which an inmate had to tilt his head forward and absorb a karate blow to the neck.

Burton B. Roberts, chief assistant district attorney for the Bronx, reported that admission examinations showed that a number of the youngest children still believed in Santa Claus. "But they sure couldn't have walked out of there still believing in Santa," Mr. Roberts said.

Long Stays Questioned
The grand jury, while urging a wide range of reforms, also questioned whether children of "extremely tender years"—7 to 10—should be detained at all in Youth House facilities. The average stay is 60 days, according to the report, but some are there as long as six to nine months.

Mrs. Albert J. Erdman Jr., president of Youth House, Inc., said yesterday that she welcomed the investigation "because this may bring about changes that we have wanted and could not accomplish ourselves."

In stressing the lack of medi-

cal attention the report said that a girl on the night of her arrival at Youth House "delivered her own baby, and in the morning, took the newly born infant, wrapped in a raincoat, with her to breakfast."

There are just two part-time physicians and two registered nurses plus 14 practical nurses to serve the four Youth Houses.

Inquiry Follows Death

The grand jury investigation followed the death of 14-year-old Ralph Green on April 19, 1966, at Spofford House after he had been subjected to "chesting" by a 15-year-old inmate counselor. The investigation showed there had been a delay in getting a nurse and doctor to examine the boy.

The inmate-counselor has been sent to a mental institution.

The investigators reported "an increase in the number of assaultive acts" and an increase in attacks on children "by aggressive homosexuals" because of the lack of supervisors.

Recommendations of the jury include living quarters in new buildings limited to 15 children a dormitory; proper grouping on the basis of age and offense; adequate recreational and school facilities; a speed-up in moving inmates to corrective institutions; rehabilitative services, including medical and psychiatric examinations; a residential treatment center to protect the very young; use of college students as volunteers, and in-service staff training.

D-12

Rocky Will Study Jury's Youth House Denunciation

Rally

NEW YORK POST, THURSDAY, MARCH 23, 1967

By AL SOSTCHIN

Gov. Rockefeller's office today promised "careful attention" to a report charging sadism, homosexuality and brutality among Youth House boys and girls.

The Governor has not yet seen the 24-page report, the result of a year-long investigation instigated by the homicidal death of Ralph Green, 14, an inmate of Spofford House, one of the four Youth House units, last April, a Rockefeller spokesman said.

A Bronx grand jury yesterday found that the death resulted from a series of punches to Green's chest by a 15-year-old inmate-counselor.

Bronx DA Dollinger said copies of the presentment, handed up to Supreme Court Justice Sarafite yesterday, had been forwarded to the Governor, Mayor Lindsay and Assemblyman Podell (D-Bronx).

The Assemblyman's Joint Legislative Committee has begun its own investigation of Youth House activities as the result of disclosures by New York Post columnist James Wechsler.

City Financed

Youth House, Inc., is a charitable group charged with the care and detention of boys 7 through 16, girls 7 through 18. Financed almost entirely through city appropriations, it operates four facilities for juveniles sent there by Family Court. Three of the facilities are in the Bronx, the fourth on Welfare Island.

Common practices at Spofford House at Coster St. and Spofford Av., the principal Youth House facility, were described by the report as "chesting" and "necking."

These were incidents where inmate-counselors ordered victims struck repeatedly in the chest, or forced them to undergo numerous karate-chops to the back of the neck.

Other inmate-counselors won elections by bribing younger children with chewing gum or cigarettes, according to the report.

Speaking for officials of Youth House, Mrs. Albert Erdmann, Jr., president of its board of directors, sought to minimize the cruelty imposed by the inmate-counselor system.

But she stressed that unmarried, pregnant girls should not be admitted into segments of the inmate population less liable

to be rehabilitated.

Decrying the lack of adequate medical services and overcrowding at Youth House facilities, Mrs. Erdmann said pregnant girls should have separate facilities, preferably near hospitals that offer pre-natal care.

Grand Jurors yesterday heard the case history of a young girl admitted late at night when no doctor was present. Her pregnancy somehow went unnoticed by supervisors until during the night, when the girl delivered her own baby and wrapped it in a raincoat.

"We welcome this report," said Mrs. Erdman, adding that she had taken the grand jurors on a tour of the institution last year. She said many recommendations in the report, charging that Youth House standards "fell woefully short" of national guidelines, were along the lines of complaints Youth House of-

ficials themselves had made in the past.

"There has been talk for many years against conditions, but no meaningful results have been obtained," she said, appealing for better supervisory training and an improved physical plant.

"We hope that as a result of present interest in the situation we will meet with more success than we have in trying to remedy past evils."

Soviet Wine-Maker Dies at 62

Moscow, March 23 (AP)—Georgi G. Agabalyants, who put Soviet champagne into mass production, died Monday at the age of 62, Pravda reported today. A scientist, wine grower and educator, he won a Lenin Prize in 1961 for developing a new method of producing champagne.

D-13

MARCH 25, 1967

2 Tell of Youth House Assaults Assemblyman Calls for Reforms

By KATHLEEN TELTSCH

A timid 10-year-old boy nervously told Assemblyman Bertram L. Podell yesterday that he had been "clobbered in the head" by a staff counselor at a city-supported detention home in the Bronx.

A pretty 15-year-old girl showed a scratched neck and said that a supervisor had rescued her from an attack by two girls but that "she came very slowly."

The youngsters told of the incidents during a visit to the Youth House facilities at Spofford House, Spofford and Hunts Point Avenues, made by Mr. Podell and Deputy City Administrator Simeon Golar.

Both officials said they had come away convinced that there was "an excessive use of force" by staff members and would recommend sweeping reforms.

Mr. Podell, a Brooklyn Democrat who is chairman of the Joint Legislative Committee on Penal Institutions, said he would ask Mayor Lindsay to appropriate \$900,000 so that 100 of the youngest children could be moved at once to child-care centers or settlement houses.

Mr. Podell said many children were sent to Youth House not because they had committed a crime but because they were "friendless, homeless or neglected."

Mr. Podell and Mr. Golar agreed that one of the most critical conditions at the detention home was that children in the 7-to-11 age group and teen-agers were housed in the same facilities, which they described as "prison like."

Administrators and staff members were quick to agree that conditions at Youth House were not as good as they should be, mainly because of overcrowding and understaffing.

The acting executive director, Paul Kirschner, also said an inquiry could be beneficial if it awakened government and the community to a situation in which "everybody is at fault."

He mentioned the problem of finding enough qualified workers at an annual salary of \$5,150 and the difficulties in

handling 500 youngsters in an institution equipped for 300.

The census yesterday was below 300, partly because youngsters had been returned to their homes for the Easter holiday, but there still were beds in the dormitory corridor that were used last week for the overflow.

Yesterday's visit was an outgrowth of testimony given Tuesday at a public hearing held by the joint legislative committee. Mr. Podell said a staff member had sought to persuade him that a billy club carried by a 10-year-old was either something made in a carpentry class or a drumstick used by the band.

After talking privately with the 10-year-old boy, Mr. Podell and Mr. Golar reported that they were satisfied with the boy's story that the stick was used to beat youngsters by one of the counselors.

Although the tour yesterday was concerned mainly with the inquiry made by Mr. Podell, there was also evidence that youngsters were getting sympathetic attention from staff members.

One young worker related with pride that one of her girls was writing poetry. She plainly was moved that one poem contained the line, "I cannot find my nook."

The appearance of another staff member was welcomed by teen-age boys, who hailed the man, Frank Sawchuck, as "Chuck" and responded to his offer to talk about Youth House. "Not bad" was the phrase used by a number of them.

Youth House operates four facilities, the largest of which is Spofford House, and cares for youths referred to it by Family Court but also sent to the institute temporarily by the police or even by parents.

The operating costs are shared evenly by the state and city. Both Mr. Podell and Mr. Golar said the city should have more direct authority over policy and administrative matters, which are now handled by an 18-member board without direct accountability to government officials.

D-14

3-27-67

B. Day

CITY OFFERS PLAN ON YOUTH HOUSES

Special Center Will Provide Alternative to Detention

By JOHN KIFNER

The city announced plans yesterday to set up a center that would be open 24 hours a day where troubled children could be sent instead of to Youth Houses.

The plan for the center, to be run by the Department of Welfare in order to provide an alternative for detention of troubled children, came after a week of charges of overcrowding and maltreatment in the Youth Houses.

Courts could refer the children to the center. Social workers there would decide which of a range of services, such as sending a trained homemaker into the child's home to strengthen his family life or putting him in the care of foster parents, would be of the most benefit.

If none of these seemed suitable, the child could still be sent to one of the four detention homes.

'No Alternatives' Now

"The trouble with the present system is that judges have no alternatives," Deputy Mayor Timothy W. Costello said yesterday. "They must either let a child go or put him in detention. This plan gets to the very roots of the problem."

The plan was announced in a joint news conference held by Dr. Costello and Assemblyman Bertram L. Podell in the Deputy Mayor's office, 250 Broadway.

Mr. Podell is chairman of the Joint Legislative Committee on Penal Institutions, which has been holding hearings on the Youth Houses that have turned

up charges of beatings, homosexuality, overcrowding, lack of medical treatment and poor care. A Bronx grand jury report, released last Wednesday, made similar charges.

Dr. Costello also announced yesterday that the "inmate-counselor" system, under which some children were elected by others to positions of authority, would be ended Wednesday.

Many of the charges of brutality stemmed from the actions of the inmate-counselors, some of whom reportedly gained their positions by threats or bribes and who were said to have used such tactics as "chesting"—delivering a rain of blows to a victim's chest.

Doctors to Be Assigned

Dr. Costello said full-time city doctors would be placed in the four institutions on Monday. Investigations had cited a lack of medical care, including the case of a young girl who had delivered her own baby and brought it to breakfast wrapped in a raincoat.

Youth House, Inc., a private institution, operates four detention homes for boys 7 through 16 and girls 7 through 18. It is supported on an equal basis by the city and state; its current budget is \$4,351,000.

In the last week, Dr. Costello said, the population of the Youth House has been reduced from 603 to 459, mainly "by sending children home—where they should have been in the first place."

The four institutions were built to hold 548 children, Dr. Costello said.

The reduction at the Youth Houses began about a week and a half ago when officials there informed the courts they were overcrowded and could not accept any more children until their census got back down to 548.

Since the Youth House is a detention home where children are held until court cases are decided—which may mean being released, placed on parole

or held until a place is found in a state or voluntary home or training program—many left in the normal course of events. Others were released because of the holiday season, or because their cases were re-examined.

The plan for the new center must be approved by Judge Florence M. Kelley, administrative judge of the Family Court. However, Mr. Costello said she had expressed agreement with the plan in preliminary meetings. He also said that he planned to meet with the 18-member board of directors of Youth House on Tuesday.

The plan for the new center is built on a project the Welfare Department hopes to have in operation in about a month to provide 24-hour-a-day homemaker service for abandoned children who would otherwise have been put in child shelters.

Welfare officials noted, however, that there was no indication of where money to operate the new program would come from.

Recommendations Planned

Mr. Podell, a Brooklyn Democrat, said he was "satisfied that the right steps are being taken," but added that "I shall return to make sure they're carried out."

Mr. Podell announced the following series of recommendations that he said his committee would make on the basis of its investigation:

That Judge Kelley review the records of all children in Youth Houses between the ages of 7 and 12 to determine if they could be released or transferred to other means of care.

That a board of visitors be established to regularly inspect the Youth Houses.

That the Governor appoint a task force to investigate the penal care of juveniles.

That the Family Court Act be amended so that children could not be kept in a Youth House more than 25 days. The average stay is now 60 days.

D-15

Transfer of Young Children From Center Asked

By KATHLEEN TELUSCH

Assemblyman Bertram L. Podell called yesterday for an immediate review of the cases of 7- to 12-year-old children who he said did not belong in the "prison-like" Youth House in the Bronx.

In a letter to Judge Florence M. Kelley of Family Court, he asked that youngsters who should not be in the "high-security prison" be returned to their homes or sent to other shelters.

Mr. Podell, a Brooklyn Democrat, is chairman of the Joint Legislative Committee on Penal Institutions. The committee has been receiving testimony charging brutality by staff members against youngsters at the detention center at Spofford and Hunts Point Avenues.

Committee hearings also turned up complaints of indiscriminate mingling of new arrivals in reception dormitories, where young children might be grouped with prostitutes, homosexuals or narcotics addicts.

The Spofford Youth House is the largest of four Youth Houses supported by city and state and the only one that is a "locked facility" — where keys are needed for all doors.

Outside, a High Wall

Outwardly, the white-brick building erected 10 years ago may be a neighborhood school or plant for light industry, except for the high wall surrounding it.

Inside, youngsters move in single file in the corridors, the boys wearing faded blue dungarees and polo shirts. Girls are allowed three changes of clothing; most wear skirts and blouses and the high white socks favored by teen-agers.

Heavy four-inch keys are needed to unlock the corridor doors leading from the dormitories. According to testimony at the hearings, the keys are occasionally used by a staff counselor to punish a youngster with a blow on the head.

Staff members and acting director Paul Kirschner admit that there has been violence at the institution. There have been acts of brutality by counselors against inmates, by inmates against other inmates and by groups of youngsters against members of the staff.

Most of the youngsters at Spofford House have been sent there while their cases are decided by family court. But some are brought in by the police who find them roaming the street and some are brought in by parents who cannot or will not handle them.

So Comment by the Young

A 15-year-old girl said confidently that she had done "nothing wrong," but that she was there because her mother wanted a weekend to go away with a boy friend. A social worker who knows the case agreed that that more than likely was true, but there was

tion room grinned when asked why he was there and moved his hands as though driving an automobile. He drew laughs from the other boys when he volunteered, with bravado, that he had been in Spofford House twice before the incident of the stolen car.

On another floor a 15-year-old Negro girl leaned against a wall and cried: "I want to go home, all I want to do is go home." She brushed aside words of reassurance from Rebecca Rosenblatt, a social welfare counselor who tried to reason with her and told her she was going to the New York State Training School at Hudson.

The teen-ager wept. "I ain't going," she wailed. "They'll have to drag me and beat me. I ain't no homosexual."

Homosexual behavior is a problem admitted by officials

and staff workers, but they add with an air of resignation that it exists outside the walls of Spofford House and is bound to persist inside, where boys and girls live in separate quarters and with restrictions on their freedom.

They assert, however, that the boys and girls are permitted occasional supervised meetings. Because of the Easter holidays there were no school classes, but a dance for teen-agers was held in the gymnasium. Only a few couples were on the floor and many youngsters lounged along the walls watching without enthusiasm.

Code for Problem Cases

Admission officials observe newcomers carefully and a coded system identifies problem cases: S—sex; D—drugs; SOS—potential suicide.

Staff members at the deten-

tion center do not disagree with Assemblyman Podell's assertion that many of the youngsters—there were 297 yesterday—are there because they are "homeless, neglected and friendless" rather than lawbreakers. But the center also gets cases involving brutal attacks. In a year, officials say, there may be five or six who have killed.

A fatal beating of a 14-year-old last year prompted a grand old at the center last year prompted a grand jury investigation. It brought testimony that the boy had been subjected to "chesting"—the raining of punches on the victim. In that instance, the blows came from a 15-year-old inmate counselor. The counselor system under which some youngsters were allowed to have authority over others has been ordered stopped.

TUESDAY, MARCH 28, 1957

D-16

Times April 19, 1967

April 19, 1967

CITY PLANS TO RUN ALL YOUTH HOUSES

Other Reforms Announced for 4 Detention Centers

By KATHLEEN TELTSCH

The city plans to take over and run the four detention homes of Youth House, where it has been charged, youngsters have been subjected to mistreatment.

Deputy Mayor Timothy W. Costello disclosed yesterday that talks were under way with the private board of 18 members that now supervises the homes. The board will play a "continuing role" when the city assumes control, Dr. Costello said.

Although privately run, Youth House is government-financed, with the city and state equally sharing the current budget of \$1,351,000.

Youth House operates four detention facilities where children are sent pending disposition of their cases by Family Court. Three of the centers are in Bronx. Spofford House at Spofford and Hunts Points Ave; Manida Hall at 765 Mar Street, and Camp Zeroga at 1188 Zeroga Avenue. The fourth is the Welfare Island Youth House.

The facilities have been used for boys from 7 to 16 years and for girls from 7 through 16. The average stay is about 30 days.

After an eight-month inquiry resulting from charges of abuse in the centers, a grand jury reported last month that it had found instances of brutality, aggressive homosexuality, poor care and overcrowded and understaffed facilities.

Dr. Costello said the remedial measures had been ordered by the city and that the removal of nine staff members had been demanded after a further inquiry showed that some had criminal records, including convictions for assaults and sex offenses.

One of the immediate reforms ordered by the city last month included the abolition of the practice of giving some youngsters authority to serve as inmate-counselors. The grand jury inquiry came after a 14-year-old died as a result of being subjected to "chesting"—being severely punched — by an inmate-counselor. Another reform measure was to transfer youths in the 7 to 11 age group to other facilities such as child-care centers or paroled.

Dr. Costello and Deputy City Administrator Simeon Golar said yesterday they had ordered other changes. For example, at Spofford House, which accommodates 350 and is the largest of the four centers, windows will be opened that have been sealed since the building was constructed 10 years ago.

Also, door locks will be removed at Spofford, which is the only one of the four where prison-like security has been maintained. Only one section of the building will remain a "locked facility" for youngsters charged with serious offenses.

Assemblyman Bertram L. Podell, Brooklyn Democrat who has pressed for reforms at Youth House, said he was very pleased by the city's decision "because lack of governmental responsibility" had been one of the big problems. He said "the Board of Youth House included dedicated people but also was hamstrung by the lack of governmental authority."

D-17

YOUTH HOUSE SAYS CITY NEGLECTED IT

Times Page 3, 11-7
Board Charges: Pleas for
Aid Were Ignored

By KATHLEEN TELTSCH

Members of the board of directors of Youth House, Inc., accused city authorities yesterday of neglecting unsatisfactory conditions in the privately run detention institute.

The charges of laxity were made at an "emergency" news conference at which board members displayed unanswered letters to city officials going back months and years. The members also cited unmet pleas for improved facilities.

Replying to the accusations, Deputy City Administrator Simeon Golar declared "letters asking more money or services" would not solve long-standing mismanagement at Youth House. He added that the city would not have a free hand for reforms until after it takes over the administration of Youth House as planned, on July 1.

Mr. Golar said the city wanted cooperation and not a quarrel with board members, but insisted that Youth House could not remain in private hands.

Three facilities in the Bronx and one on Welfare Island are run by Youth House. They care for youngsters whose cases are being decided by Family Court. The \$4.5-million budget is met by state and city funds but operations have been controlled by the 18-member board that is chosen by the Mayor from the Protestant, Catholic and Jewish faith.

Charges Criticized

The board called its news conference at 400 Madison Avenue, near 47th Street, to answer what it called "grossly exaggerated" criticisms directed at Youth House and particularly at Spofford House at Spofford and Hunts Point Avenues in the Bronx.

In March, a grand jury investigation at Spofford reported instances of brutality, aggressive homosexuality, poor care and overcrowding. City officials demanded the dismissal of nine staff members who had criminal records.

Defending the 20-year record of Youth House, the board members maintained that day and night custodial and profession-

al care was maintained by a staff of more than 500 persons that showed "exceptional patience, restraint and understanding in dealing with seriously disturbed and often aggressive children" and that over the years intensive investigation turned up "less than 13 questionable employees."

Acting Director Paul Kirschner said he faced a crisis in staff morale at the institution because of the damaging image given.

"We do not have a staff of homosexuals, perverts and convicts," he maintained, "but a dedicated staff which has been underpaid and overworked for years."

Mr. Kirschner, who insisted that he was interested only in operating Youth House and not in leveling charges, said that the notoriety given the investigations was leading some youngsters to make wild charges or to "act out for the television cameras."

D-18

2.87

YOUTH:

Youth House

New York Times, June 29, 1967

14 LEAVE BOARD FOR YOUTH HOUSE

See No Reason to Remain Till City Takes Over

Fourteen of the 17 directors of Youth House, Inc., resigned yesterday, saying there was "no useful purpose" in their serving as an advisory panel when the city takes over control of the detention facilities.

The resignations were submitted in a letter to Mayor Lindsay that upheld the efforts of the board of directors to run the child care institutions.

Although privately run, Youth House's budget of \$4.5-million is financed equally by the city and state.

Whitman Knapp, the president of the board, and two other officers held back their resignations to permit orderly transfer of operations and fiscal control to the city.

Differ on Jurisdiction

The Office of Probation had been expected to assume full jurisdiction of Youth House by July 1 but this will be delayed until legislative action is taken by the city. The state will still share in the cost of the program.

The letter to the Mayor did not go into the details of the controversy triggered last spring by charges that youngsters were mistreated and that conditions at Spofford House in the Bronx were overcrowded and prisonlike. Inquiries led to the city's decision to assume jurisdiction.

Youth House facilities include two other centers in the Bronx, Manida Hall and Camp Zarega, and a fourth on Welfare Island.

All serve children whose cases are pending in Family Court.

The letter mentioned, however, that there was wide difference of opinion as to whether Youth House should be a publicly controlled facility or remain as it has been for 20 years with the citizen member board chosen by the Mayor from members of three religious faiths—Jewish, Protestant and Catholic.

It urged the Mayor to press for a solution of overcrowding and other problems and adhere to the objectives of the board for nonpunitive and constructive care.

Deputy Administrator Simeon Golar said a number of remedial measures already had been taken. To cope with overcrowding, a single interdenominational chapel will replace the three chapels and the saved space will be used for dormitories.

Medical care will be improved through a new arrangement with Montefiore Hospital. A management survey is under way to improve personnel practices.

D-19

Lindsay Names a New Director To Revise Youth House Policy

By KATHLEEN TELTSCH

Wallace Nottage, a 39-year-old-specialist in youth and delinquency problems has been selected by Mayor Lindsay as the director of the much-criticized Youth House detention facilities.

The appointment, which is expected to be announced soon, is a part of the city's attempts to overhaul policy and programs in the four detention centers.

The efforts date from a report by a joint legislative committee last March that found conditions of overcrowding and brutality. The committee's investigation stemmed from charges in February by youthful inmates and some former counselors of mistreatment.

In the latest Youth House incident, 12 boys wriggled through an open window and escaped last Wednesday. Seven of the boys, who had complained that they had been struck by Youth House workers and feared to return to the institution, were returned to Family Court Friday by Linda Cusamano, a city Summer Youth Council worker who had hidden them for a day and a half.

The court action came after a 2:30 A.M. meeting on Friday between Miss Cusamano, who had driven the boys away from a predawn meeting with Deputy City Administrator Simeon Golar the previous day, and aides to the Mayor.

City Action Assailed

Charles P. Kirschner, the acting director of Youth House, yesterday criticized the city's handling of the incident as a "circus" and said it had demoralized his staff.

"I don't know what the point is in letting this woman abduct these kids," he said. "Now any person has license to drive up to Youth House and take the kids out."

The city took over administration of the institution on June 30. Although financed by the city and state, it had been privately run by a board of directors of six representatives of the Jewish, Catholic and Protestant faiths. Three members of the board are still functioning as caretakers; the rest have resigned.

The four detention centers—three in the Bronx and one on Welfare Island—are used to hold children who have been accused of juvenile crimes or who cannot be managed by their families. The youths are detained while awaiting court hearings and eventual placement in state training schools, private institutions or with foster parents, a process that often takes months.

Mr. Nottage joined the State

directed the state's first adolescent rehabilitation training center for short-term treatment of youths. He also has served as a consultant for Harlem Youth Opportunities and has worked on Haryou-Act programs on drug addiction and delinquency. Mr. Nottage is a Negro.

The new appointee is currently program coordinator for the New York State Division of Youth, which supervises residence centers for delinquents and conducts rehabilitation and school-aid programs.

The city's planned reforms for Youth House have been handled by Simeon Golar, deputy city administrator. He said in an interview last week that the city wants a "fresh start" and that the plan is to make sweeping reforms—even changing the name of Youth House.

In a news conference held Thursday to discuss the Cusamano incident, Mr. Golar said that a number of employes had been dismissed following the legislative hearings as "undesirables," but added that "employes have rights under the union contract and we can't just dismiss them."

Like most institutions, Youth House has difficulty in attracting trained, qualified personnel because of low salaries. Even with a recent raise salaries for professional positions begin at less than \$6,000. The city hopes to improve the quality of the staff by putting the positions under the Civil Service.

New Medical Services

Arrangements have been completed for a new medical care program to be undertaken by Montefiore Hospital which would include diagnostic and therapeutic services—and, for the first time, dental as well as medical care. The legislative inquiry last March found that medical services were inadequate at Youth House.

Mr. Golar said that supervision of the institutions by the city's Office of Probations would enable officials to arrange for more children to be returned to their homes or placed in child-care facilities more suitable for their needs.

In the first few weeks after the city's take-over, arrangements were made with Family Court for 48 youngsters to be returned home under the daily supervision of parole officers. Overcrowding at Spofford Center has been partially resolved, Mr. Golar said, by utilizing space that had been occupied by three interdenominational chapels.

With the cooperation of the interdenominational committee of religious leaders, a single

→ Salary

→ diagnostic
Medical services

D-20

City Acting to Reform Its Youth Detention Facilities

By KATHLEEN TELTSCH

When the city took control of Youth House detention facilities 13 months ago, Wallace Nottage, the new head, put out a penalty box and fined officials 25 cents for lapsing and using the old name instead of the new title: "Juvenile Center."

The gesture was tacit admission that Youth House had achieved notoriety: There had been charges of brutality by staff and young inmates. A teen-ager had died after a beating. A legislative investigation uncovered conditions of neglect and overcrowding at the installation at 1221 Spofford Avenue in the Bronx—the largest of the four Youth House shelters.

These developments came at a time when Mayor Lindsay had directed a high-level committee to examine all of the city's services for handling children in trouble. One of the committee's recommendations was to replace the private citizens' board that was running Youth House and have the city do the job.

Mr. Nottage, who is a deputy director of the city's Office of Probation, was picked to head the program because of long experience in the State Welfare Department dealing with juveniles. He believes that more than a name has been changed. "It's too early to claim sweeping reforms, but a start has been made," says the 40-year-old administrator who says he once was a member of one of Harlem's toughest teen-age gangs.

Temporary Facilities

Juvenile Center facilities are used for boys and girls whose cases are pending in Family Court or who are waiting for transfer, usually, to upstate training schools. The youngsters range from 7 to 16 years of age from truants and runaways to car thieves and burglars. They are supposed to stay only temporarily at the detention facilities but some remain for weeks or months before they are settled elsewhere.

Three of the shelters are in the Bronx — Spofford and an adjacent building for girls only on Manida Avenue and Camp Zarega, a small facility for younger children. A small fourth shelter is maintained on Welfare Island.

Spofford, the target of last year's charges, was built 12 years ago, cost \$5-million and outwardly resembles a modern factory or—with flag flying from the roof—a local post office.

But there is a high wall surrounding the white brick building, a guarded gate and security screens on the windows. Inside, heavy doors are locked by three-inch keys and there is additional security and supervision on the D-1 dormitory used for boys accused of seri-

ous offenses, including murder. Frequently there are a dozen boys in the wing, and at times 20 or more.

Mr. Nottage has tried to reduce overcrowding by screening and sending home on parole those who have committed minor infractions. The procedure has brought down the census from more than 400 to below the shelter's capacity of 300. However, those who remain are more difficult to control, he says, and this means a bigger burden for the already overworked counselor and supervisory staff.

A more positive accomplishment, he points out, has been the start of a comprehensive medical care program with round-the-clock nursing at Spofford. It was at the old Youth House, that shocked authorities discovered that a teen-ager came to the dining room one morning carrying a newborn infant wrapped in a raincoat. She had delivered the baby herself during the night.

Now all inmates get a medical examination, which frequently is their first since infancy. Immunization shots and medical treatment are given and dental care will begin.

The health program was initiated under contract with Montefiore Hospital and is directed by Dr. Iris Litt, a 27-year-old brunette who meets patients with a soft-spoken greeting and a disarming smile. She says she intends to make the Spofford clinic as good as the one for adolescents at Montefiore.

There are other changes, less tangible ones, involving relations with staff and inmates, Mr. Nottage says, and he mentions the Five Percenter.

The youths are members of a group of several hundred in the city who have their own rules and rituals and follow the leadership of Clarence 13X, a former Black Muslim whom they call "Allah."

A few years back, the Five Percenter, who kept aloof from the 95 per cent of the black population, were regarded by the police as a militant, antiwhite group and were held responsible for muggings and possible some homicides. But their style has changed, according to Barry Gottschler who heads Mayor Lindsay's Urban Task Force and who meets regularly with the group's leaders. He says they are encouraged by Allah to avoid violence and interracial conflict and urged to study.

Mr. Nottage agreed to the Five Percenter's request that they be allowed to hold meetings or parliaments on Sunday when other youths attended religious services. He also permitted Allah to visit the boys. He talked to them on the bull-pen field one Sunday and he has been invited back.

"If the boys in this group being made in staff policy since do not want to eat pork, we the city took over. Some counselors were dismissed because they get along on bread and they felt they were unfit to milk for a meal," says Mr. Nottage.

The reaction to these approaches from Five Percenter varies: A 14-year-old youth who uses the Arabic name of Salik spoke freely about himself and the society. He said he had broken his parole and stayed out at night and that he was "accepting the punishment without complaint."

Of the center, he remarked "This place is all right now that they give us some kind of consideration so we can keep our rules."

In the opinion of both Mr. Nottage and Arthur Cole, who directs Spofford, a slow but probably far-reaching reform is

Mr. Nottage finds it difficult to find qualified counselors and even more difficult to keep them. The center, which operates on a \$4,500,000 budget shared by the state and city, pays counselors a \$6,000 starting salary, which both administrators regard as inadequate. But poor pay is not the only problem, they say.

"When we have dedicated people, we tend to overwork and abuse them because we are chronically understaffed," Mr. Nottage says. "A man who has worked 16 hours at a stretch cannot perform efficiently. We exploit our people and we admit it."

NY Times

Sunday, Sept. 22, 1968

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Statement of
John A. Wallace
Director

Office of Probation
for the
Courts of New York City

To: New York State Joint Legislative Committee on Penal Institutions
at Public Hearing on March 20, 1967

I appreciate the opportunity to appear before this Joint Legislative Committee. I can well understand the concerns which prompted this hearing. I know your concerns are shared by those of us who work toward the best interest of our child population, whether we be identified as probation officers, child welfare workers, judges, lawyers, members of the Youth House Board or staff.

The Office of Probation has several roles with respect to detention. Under an order, issued jointly by the Appellate Divisions, First and Second Judicial Departments, we exercise continuing supervision of the facilities operated by Youth House, Inc. Under Executive Order of the Mayor, we are assigned responsibility, subject to the supervisory authority of the Administrative Board of the Judicial Conference and the aforesaid Appellate Divisions to represent the City of New York in its relationship with Youth House, Inc. We have had this role since March 1, 1964. Another role is to provide information to the judges of the Family Court to assist them in deciding what to do, including the use of detention. A third role is to advocate changes in a continuing effort to effect the attaining of the best possible solution to the total problem. It is in this frame of reference I speak today, as I have on other occasions and in other places.

The problems you saw in Youth House or have heard described today have

many facets. There is no single panacea or easy solution to deal with all sides of the problem. I shall direct my remarks directly toward three of several areas of possible focus. The three focal points I have selected are: 1) our manner of planning for children who need our attention; 2) the role of the Family Court and the services allied with the courts - probation, detention, etc; 3) the expenditures of funds allotted to care for children in trouble.

Planning for children in trouble seems to have become an upside down process. In our effort to help, we seem to have built a series of boxes, each labeled with categories such as "delinquent," "PINS," and "neglect." Once we have given the child a category we provide a service to match the label. How much more satisfactory for all concerned if services were available and the criteria for eligibility for service were the needs of a particular child - minus label, minus category.

Expectations for the Family Court seem to vary according to the speakers' vantage point from tribunal of law, to social agency, to protector of children, to protector of the community, etc. The highest expectations, the ideal envisioned by those responsible for the establishment of the Family Court, indeed the juvenile courts across the country, have not been fully realized because - as stated in The Challenge of Crime in a Free Society, A Report by the President's Commission on Law Enforcement and the Administration of Justice (p.80), "the communities continued unwillingness to provide the resources - the people and facilities and concern - necessary to permit them (such courts) to realize their potential."

The President's Crime Commission indicated that the problem is further

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complicated because while we speak of an emphasis on rehabilitation treatment, the same purposes involved in dealing with the adult offender are utilized in dealing with the juvenile, namely deterrence, retribution, condemnation and incapacitation. Quoting again from their report "the difficulty is not that this compromise with the rehabilitative idea has occurred but that it has not been acknowledged". (p.81).

Probation could best serve children before the Family Court, if, instead of acting in isolation as we are apt to do, our responsibility was shared by others such as the members of staff of this Joint Legislative Committee, indeed the citizenry of this state. I hope the kind of dialogue and discussion started today will be continued, for then we will work jointly instead of in isolation on these problems.

The spending of funds allotted to this problem is of tremendous importance. It is my conviction that we could make these funds do the most good if a larger share were available for community based programs, geared to keep children out of institutions.

The choices of dispositions or programs for children made available to the Family Court are those set down by state statutes. However, the local communities have too often been asked to underwrite the funding of the programs. An example is probation. The use of probation is authorized by state law. Prior to 1956, the local community funded all probation services. To encourage communities to strengthen their probation services, the state began reimbursing local communities for positions established after 1956. That continued until 1965 when the state began reimbursing local communities for 50% of all probation services. The effect of this has been beneficial to the Family Court because local communities must now meet state standards to be eligible for that reimbursement. I believe

the state must go beyond what it is doing today and assume a greater share of the cost of underwriting the services needed by the Family Court as well as all other courts of this state.

Having mentioned those three factors, I am turning to recommendations because I know this is what you are seeking. What can be done and why should it be done?

- 1) I recommend that your committee not look at this issue as solely one of the correctional field. The work of this committee must be related to the work of the Joint Legislative Committee on Child Care Needs.
- 2) I recommend that consideration be given to revising the statute so that children become eligible for service because of their needs rather than because of labels of delinquent, PINS, or neglect.
- 3) I recommend that you look at the laws governing detention of children. The capacity of detention facilities is governed by the number of admissions and the length of stay. The latter is often the more important factor; it is in New York City. We can cut back the detention capacity required if the statutes arbitrarily limited the maximum stay in detention to 30 days. This proposal is controversial. It would undoubtedly draw opposition because it brings into focus more clearly the issue of protecting the child versus protecting the community. I would favor a maximum limit on the period of any detention stay.

I recommend further that you look at the laws governing detention for children in light of the laws governing detention of adults. We are not consistent. We expect an adult to produce proof why he should be released and that proof is usually in the form of bail. We expect the court to release a child to its parents unless there is cause that the child should be held. On the other hand, we can use preventive detention for a child but, not for an adult.

4) I recommend support of legislation now being considered that would permit the development of a wider range of child care services. The child before the Family Court would be eligible for such services in the same manner as a child being helped by the Department of Welfare.

5) I recommend that the state provide a greater share of funds for the resources needed by the Family Court. The funds should be not only the monies for the detention facilities and shelter facilities but for other needed services such as probation and clinical services.

6) I recommend that the state make available to local communities funds for experimenting in new programs that would provide alternates to detention. I speak here of funds for trying such projects as day care or reporting center programs and the development of group home facilities to house small groups of children who could continue in their schools during the day while residing in the group home at night. Such homes could accept children on remand or on referral with such referral accepted by both the child and family. Both types could be tried to see what is workable.

7) I recommend that you consider legislation before Congress, specifically S917 and HR6162. The proposal has been made that Federal money become available on an ongoing basis to states and local communities for law enforcement and the administration of justice.

Realization of an ideal is tenuous at the best but if we believe in ideals, we should strive to achieve them. That is the challenge that faces you just as it does me or anyone in the field of probation. I know you want to see children out of detention. We might reduce the number temporarily but unless we make long range commitments, we will find our institutions crowded again next year, the next year, the next year and so on. This is a continuing problem we must acknowledge otherwise we only apply band aids to a festering sore.

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Legislative Document (1967)

No.

STATE OF NEW YORK

JOINT LEGISLATIVE COMMITTEE

ON

PENAL INSTITUTIONS

REPORT ON YOUTH HOUSE, NEW YORK CITY

TO THE

1967 SESSION OF

NEW YORK STATE LEGISLATURE

March 1967

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REPORT AND RECOMMENDATION REGARDING
YOUTH HOUSE IN THE CITY OF NEW YORK

Based upon statements made to him by two former residents of Youth House in The Bronx, in the City of New York, James A. Wechsler published a series of two articles in the New York Post on March 7 and 8, 1967, which in essence detailed evidence of mistreatment of children committed to Youth House.

In response to the request of the Chairman of the Joint Legislative Committee on Penal Institutions, James Wechsler forwarded to the Committee a transcript of the statements made to him by the two former residents of Youth House. On Friday, March 10, 1967, the Chairman of the Committee visited Youth House, and as a result of his observations called for public hearings by the Committee which were duly held in the City of New York on Monday, March 20, 1967.

Witnesses before the Committee included Hon. Florence Kelley, Administrative Judge of the Family Court, Hon. Joseph A. Loucheim, Commissioner of the State Department of Social Welfare, Hon. Joseph A. Wallace, Director of the Office of Probation, Mrs. Albert J. Erdmann, Jr., President of Youth House, Inc., Trude Lash, Executive Director of the Citizens Committee for Children, Lawrence S. Cole, Executive Director of the Lower Eastside Action Program, Inc., three former residents of Youth House, and two former and one present staff member of Youth House.

Youth House, Inc., is a privately operated, publicly supported short term residential facility for children. With the exception of some children held over-night or until the next session of Court, children are admitted by authorization of the Family Court as delinquent or as persons in need of supervision (PINS), pending disposition or transfer to another institution or agency.

The agency was established in 1944 by a group of citizens to provide juvenile detention services, and operates under a charter of a membership corporation approved by the State Board of Social Welfare. The annual operating budget amounting to approximately \$5,000,000 is provided by the City of New York, with fifty percent reimbursed by the State of New York. In addition, the Board of Education maintains a Public School for the exclusive use of Youth House children.

With minor restrictions, internal policy is established by the Board of Directors of Youth House, Inc. The Board of Directors is composed of eighteen private citizens appointed by the Mayor on the recommendations of and equally distributed among Catholic Charities, Federation of Jewish Philanthropies, and Federation of Protestant Welfare Agencies.

Youth House has a capacity for 548 children and an operating staff which ranges from 550 to 650 persons. Approximately 9,000 children admitted into the institution annually.

Testimony before the Committee disclosed that the ages of the residents of Youth House ranged from eight to eighteen, with a group of approximately 50

children between the ages of eight to ten, committed to Youth House generally for truancy. The evidence before the Committee developed the fact that these younger children were indiscriminately mixed with older residents charged with narcotics addiction, prostitution, and with acts of criminal violence.

Evidence presented by former residents of Youth House and by former employees of the institution revealed the existence at the institution of cadres of "councilors" selected from among the older residents to assist the employed staff members in maintaining order and discipline at Youth House. Given some responsibility over the younger residents, these "councilors" enforced discipline by systematic beatings of the youngsters entrusted in their charge. This testimony was coupled with other evidence disclosing occasional beatings administered by staff employees, who were dismissed for such infractions. Testimony was further offered respecting the existence of homosexual practices at Youth House.

Because of salary limitations, Youth House was unable to employ physicians and provided but limited nursing service. Based on uncontroverted evidence presented before the Committee, the conclusion is inevitable that medical services are virtually non-existent at Youth House, and a sick child in the infirmary can expect no more than an aspirin and to have his temperature taken. There is no routine procedure for a medical examination given to each child upon his admission to Youth House.

The Board of Education maintains a Public School for Youth House children. However, space at the school is so limited in relation to Youth House occupancy, that approximately half the children at Youth House cannot be admitted to the

school. Many of the children at Youth House are from broken homes, where they have not experienced the daily discipline of a father going to work every morning and consequently have not developed the disciplinary habit which deters truancy. It is indeed ironic that many of those in Youth House for truancy are obliged to continue playing the truant while at Youth House because of inadequate facilities.

Two days after the public hearings held by the Committee, a Bronx Grand Jury, on March 22, 1967, handed up a presentment to Supreme Court Justice Joseph A. Sarafite, after an eight month investigation of Youth House, charging physical beatings of children, inadequate separation of children by age groups and by offenses, inadequate medical and professional staffing, homosexual practices, and other serious inadequacies at Youth House. The Grand Jury presentment confirmed the evidence produced at the public hearings of the Joint Legislative Committee on Penal Institutions.

The Family Court Act of 1962 limited the power of Family Court Judges to detain only those children who are (1) unlikely to return to Court on the adjourned day for a hearing if permitted to return to their homes or (2) are likely to commit an act defined as a crime if committed by an adult. Detention facilities manifestly may be used for those placed by the courts in residential programs while awaiting transfer to such residential facilities.

Within the last three years, Youth House instituted a procedure of "differential remand", designed theoretically to ensure assignment of children to facilities having varying degrees of security. Under that program, the Spofford Avenue building is used for girls requiring secure detention, for boys under 14 1/2 requiring secure detention, and for all boys over 14 1/2. In this building, doors to the streets and between sections are locked.

The Zarega Avenue facility for boys under 14 1/2 and the Manida Street facility for girls are semi-open facilities surrounded by walls but permitting internal freedom of movement. An open institution is maintained on Welfare Island for girls.

While segregation of residents along the lines prescribed in the "differential remand" program is indeed desirable, the Joint Legislative Committee on Penal Institutions and The Bronx Grand Jury found many shortcomings in implementation of the program.

Both the Committee and the Grand Jury found the average stay of a resident at 60 days, with many children remaining there for periods approaching a year, even though the mission of Youth House is to provide shelter for short term detention periods pending adjudication by the Family Court. As a consequence, Youth House has no long range, comprehensive treatment program for those remaining in its custody for extended periods.

Despite the dedication and concern for the children committed to their custody among the Board of Directors of Youth House, Inc., difficulties have beset the operations of the institution from its early beginning, deriving from its size, location and the hybrid character of its organization as a membership corporation, entirely publicly financed, exercising a delicate governmental responsibility for involuntary detention of people.

From its very inception Youth House was opposed by child care experts and civic groups, notably among them the Citizens Committee for Children, for

fear that the size of the institution would militate against individual and small group handling essential to proper detention care and that its remote location from the courts would make the children at Youth House invisible and forgotten.

A similar point of view was expressed by the Jewish Board of Guardians in a letter dated March 20, 1967, to the Committee from its President, Solomon Litt. In that letter Mr. Litt asserted: "Our agency has always felt concerned about the overcrowding of Youth House by large numbers of children which makes sensitive individual attention almost impossible".

As in the case of all other institutions of this character maintained by voluntary agencies, Youth House has always been subject to inspectional and visitation rights of the State Department of Social Welfare. However, in practice the exercise of these rights has been sporadic and ineffectual. The Department made its last inspectional tour in 1964, although since then it had received numerous complaints about conditions at Youth House. The infrequency of such inspections was ascribed by Commissioner Joseph Loucheim of the State Department of Social Welfare to Departmental personnel shortages.

Part of the gap in official supervision over the administration of Youth House was attempted to be bridged by an Executive Order issued by Mayor Robert F. Wagner on February 28, 1964, vesting responsibility in the Office of Probation for supervising detention care programs. The Executive Order, however, did not fully achieve its objective to clarify and pinpoint responsibility for the operations of Youth House. In the absence of firm, public supervisory control over Youth House, conditions there deteriorated to the point where the Commission for the Foster Care of Children, in a letter dated February 16, 1967, to City Budget Director Frederick Hayes and made available to this Committee, concluded: "Despite the conscientious efforts of the Board and administrators, of (Youth House),

the reality is that, instead of providing the haven and help that these children require, the limitations of the programs often tend to compound rather than to mitigate the problems of the children in their care".

The City Administration under Mayor John V. Lindsay had been aware of shortcomings at Youth House and had been working since January of this year towards a solution with Youth House Directors and officers, the Citizens Committee for Children and other interested civic groups.

On Saturday, March 25, 1967, the Chairman of the Committee conferred with Deputy Mayor Timothy Costello, Commissioner Mitchell I. Ginsberg of the City Department of Welfare, and John A. Wallace, Director of the Office of Probation. As a result of this conference, the City Officials and the Committee Chairman were in a position to make public the following programs of progress:

1. During the period from March 20, the date of the Committee's hearings, to March 25, a total of 149 children were removed from Youth House and restored to their homes, and closer examination will be continued over all children in Youth House to determine whether there is any need for their continued detention.
2. Full scale medical services will be provided for the children at Youth House, effective Monday, March 27, 1967, by assignment of doctors, nurses, and other professional personnel as needed by assignment from the Department of Health and the Department of Hospitals.
3. The Department of Welfare and the Office of Probation have been directed jointly to exercise greater supervision and control over programs and activities of Youth House.

4. The Department of Welfare will within a month open up a 24 hour intake service for all children in need whether labelled as neglected or as PINS.

5. The City Administration is in the process of working out a program, in cooperation with and under the guidance of Hon. Bernard Botein, Presiding Justice of the Appellate Division of the First Department, Hon. George Beldock, Presiding Justice of the Appellate Division of the Second Department, and Hon. Florence Kelly, Administrative Judge of the Family Court, under which Family Court Judges will commit children to the custody of the Welfare Department instead of to Youth House.

Commitment of children to the custody of the Welfare Department will permit greater flexibility in treating the child based upon his needs rather than have treatment strait-jacketed by labelling the child as neglected or as a PINS. Under the new program, the Department will retain the right to assign children to Youth House where in its discretion such assignment is desirable. However, it will also be able to assign children to Day Care program, to residential centers maintained by the Department or voluntary agencies, or by assigning a homemaker to the family of the child to help tide over a temporary family crisis which may be the underlying cause for child neglect.

There is reason to believe that Family Court Judges are at times guided by a humanitarian impulse to find that a child before them is unlikely to appear in Court on the date set for a hearing as the legal basis for his commitment to Youth House primarily to make sure that the child will be provided what is described in Youth House vernacular as "three hots and a cot, "--three meals and a bed, a necessity which unfortunately for some children in Youth House is

the supreme luxury. Under the new procedure, such consideration will become the responsibility of the Department of Welfare with its more flexible tools for meeting such responsibilities.

6. The system of creating "councillors" among children sheltered at Youth House as assistants in the enforcement of discipline will be abandoned.

In order to avoid recurrence of conditions which plagued the children and the administration of Youth House, the Chairman of the Committee simultaneously made public a series of recommendations he will submit for consideration by the Joint Legislative Committee, by the Legislature and by the Governor, the following program of action:

1. That a Board of Visitors be established, including at least one Judge of the Family Court, which shall have the responsibility for visiting annually every institution in the State for the detention of children and to file a report of its findings with the Governor and the State Legislature.

2. Legislation mandating annual inspections by the State Department of Social Welfare of all institutions with respect to which it is vested with inspectional and visitation rights and to file reports of its findings with the Governor and the State Legislature.

3. An amendment to the Family Court Act prohibiting the temporary detention of children in residential facilities for a period not to exceed 25 days.

4. A request to the Governor that he establish a task force on child care needs, similar to the present Executive Committee on Criminal Offenders, to plan for a comprehensive and coordinated program to meeting the needs of children.

to replace existing fragmented procedures. Such a committee should include representatives of the State Department of Social Welfare, the Youth Division, City and County Welfare Departments, the Chairman of the Joint Legislative Committees on Child Care, Child Retardation, and Penal Institutions, the Chairman of the appropriate Senate and Assembly standing committees, and public representatives.

The Chairman of the Committee further joined with Hon. Mitchell I. Ginsberg, Commissioner of the Welfare Department of the City of New York, in urging Legislative and public support for a series of four bills introduced in the Legislature and recommended by the Joint Legislative Committee on Child Care Needs. These bills, described by Assemblyman Stanley Steingut, Chairman of that Committee, as a "Mission of Mercy", would accomplish the following:

1. Permit Local Welfare Departments to establish and maintain residential treatment centers for children.
2. Permit Local Welfare Departments to lease apartments for use as children's residential centers , provide a home setting for such children in a manner successfully pioneered by the State Division of Youth.
3. Provide 80 percent State reimbursement for homemaker services, instead of the present 50 percent.

In conclusion, the Chairman wishes to confirm his publicly expressed opinion that progress towards elimination of the evils at Youth House is substantially underway and that the Committee will remain abreast of all matters embraced within this report. Finally the Chairman wishes to express his appreciation to Committee members and staff, New York City officials, members of the Judiciary and private citizens all of whom have worked in harmony towards the common

objective of providing better services for children in trouble and for troubled children.

April 21, 1967

To: Simeon Golar, Chairman, Task Force on Detention
 From: Subcommittee of the Task Force on Detention
 Subject: Alternatives to Detention

A large proportion of children brought to the attention of the Family Court may be safely released to the custody of their parents or other responsible relatives pending action by the Court. A much smaller percentage of the children referred to Court meet the statutory criteria for detention and must be confined in Youth House. There is, in addition, a third group. It consists of children who require care and supervision which their families are unable or unwilling to give yet who do not require the degree of control inherent in detention. Many of these children, however, now are remanded to Youth House to await court action.

This memorandum outlines a number of possible ways of caring for this third group of children other than by detaining them. These alternatives to detention are based on the principle that children alleged or adjudged to be delinquent or in need of supervision should be cared for in accordance with their individual needs and problems rather than in terms of the legal category into which they may fit. Because such children awaiting action

by the court come from families with varying capacities to care and supervise them and because the children themselves need different kinds of attention during this period no single alternative to detention is appropriate. Instead, a range of alternatives is required. Practical considerations of cost, availability of staff and other resources also argue for a differential allocation of such resources rather than their application to a single alternative to detention which may be either unnecessarily elaborate for some children or provide insufficient care for others.

The following programs are suggested as possible ways of caring for children who do not require secure custody but who otherwise would be detained under current practices.

A. Return Child to Own Home and Strengthen Child's Family

a. Homemaker Services. These would consist of a homemaker who would assist the mother to function more effectively in routine housekeeping tasks of budgeting, cooking, cleaning, etc. pending action by the Court in her child's case. While the homemaker may help the mother in caring for her children, including the child referred to court, she would be neither a baby sitter nor a substitute parent. Although the homemaker would have received special training to enable her to deal with unstable family situations she would not counsel the mother in how

to handle her children's behavior problems. The case worker who would be part of the homemaker service team would be responsible for counselling the mother.

b. Emergency Family Services. Under present practices a child charged with a delinquent act whose parents cannot be located may be detained in Youth House. As an alternative to these procedures a trained adult would be assigned to the child's home to care for him and other children in the home until his parents returned or he was taken to court. In contrast to the Homemaker Services the Emergency Family Services would be moved into a home on short notice and would remain for a relatively brief period of time.

B. Return Child to Own Home and Provide Additional Supervision Over, and Assistance to, Child

a. Supervision by Probation Officers. Probation officers with limited caseloads would supervise selected children who are awaiting court action and who otherwise might be detained. In the case of children whose fact finding hearing has been continued the supervision would not also involve intensive diagnostic efforts. However, once the child was found to be within the court's jurisdiction the supervision would be combined with social study.

b. Supervision by an Investigator or Probation Aide. A person with less skills than a probation officer but capable of

dealing fairly and firmly with children would be used under this alternative. He would check regularly with the child's parents, teachers, and others to insure that he was staying out of trouble, obeying whatever conditions have been set, and that he and his parents return to court when required.

✓ c. Supervision by a Neighborhood Worker. A neighborhood worker attached to an anti-poverty program might also perform the same functions as an investigator or probation aide. Some special training and supervision by probation staff would be necessary.

✓ d. Involvement in Youth Programs. Neighborhood volunteers working with an anti-poverty program might also be used. Such volunteers might function primarily as connectors to youth programs run by the community progress center. This function could also be performed by the Neighborhood Worker as an alternative to the role described in c. Other youths already participating in the program might serve in this recruiting capacity as well.

C. Day Centers

✓ The object of day center service is to occupy the child constructively during the day after school and then allow him to return to his own home at night. It is particularly appropriate for children whose parents work during the day and can be at home at night. Such a program would include education, recreation and other activities. Weekend operation of the program would be necessary. The center may be publicly operated or run by a private agency under contract.

G. H.

D. Foster Family Home Care and Group Home Care

The conventional model of the foster home does not serve as a substitute for detention because it is designed for long-term care. Special facilities to provide foster family care for limited periods of time are worthy of exploration, however.

a. Temporary Foster-Family Home Care. One possibility is to recruit families with residences large enough to accept up to 6 children at one time for temporary foster care. Such families would be carefully selected and would receive training as well as on-going counseling support. So far as possible the children residing with such families would continue to attend their regular school while awaiting court act.

b. Temporary-Group Home Care. From 7 - 12 children would be placed temporarily in group homes in lieu of detention. The core staff might be a married couple and to this extent the facility would resemble a foster home. On the other hand, a female housekeeper or an adult male plus housekeeper could be used, depending on the age, sex and other characteristics of the children to be lodged there. Supplementary staff may include counseling consultants, volunteers to assist in recreation and academic remediation and case aides. Group homes may be operated either by a public agency or by private agencies under contract to it.

c. Special Facilities. Special facilities for girls who are pregnant, or children who are retarded or addicted or

who otherwise present unusual problems which cannot be handled by existing community facilities are needed. Special arrangements would have to be made with the Health Department, private hospitals or other private agencies to enable them to accept such children.

E. Limitations on Detention

While not strictly an alternative to detention the problem of how to strengthen the limitations on the use of detention is a relevant consideration. There are several possibilities.

✓ a. Develop a fuller statement of the criteria governing the detention of children than is contained in the language the Family Court Act. This statement would include a listing of factually verifiable conditions which are deemed to indicate that the child meets the two statutory criteria for detention. It would be used by the judges of the Family Court as a guide to determining detention. Its use would tend to reduce the subjective element in the interpretation of the vaguely worded detention standards contained in the Family Court Act.

7 b. Develop a predictive instrument, which could be used as a guide to determining whether the child is likely to commit a subsequent delinquent act within a short period of time. Ideally it would require information readily available to the police, intake or other service for allocating children to the community programs in lieu of detention.

✓ c. Establish a limitation on the maximum number of days a child can be detained. This would be coupled with a requirement that the child automatically be released at the expiration of

of this period. While a statutory amendment would be preferable, the possibility of incorporating this limitation in an administrative rule should be explored.

d. Develop procedures for systematic review of detention cases so that they are automatically calendared for judicial consideration. This will facilitate the release from detention of those children who are found to no longer requires such stringent control.

F. Twenty-Four Hour Screening and Allocation

The use of the alternatives described above assumes the existence of a screening and allocation service dependent upon a coordinated relationship between the governmental agencies responsible for the care of children awaiting court action. These will include the Family Court, the Office of Probation and the Welfare Department. It will operate during the evenings and weekends as well as during court hours.



OFFICE OF PROBATION
FOR THE
COURTS OF NEW YORK CITY
2 LAFAYETTE STREET
NEW YORK, N. Y. 10007
TELEPHONE 533-

Bury

MARION M. BRENNAN
DEPUTY DIRECTOR OF PROBATION
C. ROYD MCDIVITT
DEPUTY DIRECTOR OF PROBATION
WALLACE NOTTAGE
DEPUTY DIRECTOR OF PROBATION
WILLIAM DOCTOR
DEPUTY DIRECTOR FOR ADMINISTRATION

JOHN A. WALLACE
DIRECTOR OF PROBATION

January 10, 1968

As of December 30, 1967 as a result of action by the Mayor, Board of Estimate and City Council, the operation of detention facilities for children in the City of New York was transferred from Youth House, Inc. to the Office of Probation for the Courts of New York City. Within the Office of Probation these facilities will become part of the Division of Institutional Services. The name "Youth House" as it referred to the detention facilities will no longer be used and has been replaced by the name "Juvenile Centers". The four existing facilities will henceforth be known as:

- Spofford Juvenile Center
- Manida Juvenile Center
- Zerega Juvenile Center
- River View Juvenile Center

In connection with the transfer of administration to the Office of Probation the position of the Executive Director of Youth House has been eliminated.

Mr. Wallace Nottage, Deputy Director of Probation, heads the Division of Institutional Service of the Office of Probation. Correspondence to Mr. Nottage may be addressed to him at either:

Office of Probation
Room 503
2 Lafayette Street
New York, N.Y. 10007

or

Office of Probation
Division of Institutional
Services
1221 Spofford Avenue
Bronx, New York 10459

John Wallace
John A. Wallace
Director of Probation

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JOHN A. WALLACE
DIRECTOR OF PROBATION

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DEPUTY DIRECTOR OF PROBATION
WILLIAM DOCTOR
DEPUTY DIRECTOR FOR ADMINISTRATION

August 15, 1968

To: Honorable Bernard Botwin
Honorable George J. Beldock
Honorable Edward R. Dudley
Honorable Florence M. Kelley

From: John A. Wallace

QUARTERLY REPORT

Work Volume

The following statistics for the period of April 1st through June 30th 1968 reflect part of our workload and indicate what we did in the similar period a year ago:

	<u>1968</u>	<u>1967</u>
Number of Investigations for ROR	✓ 16,333	13,851
Number of Youthful Offender Eligibility Investigations	1,841	1,739
Number of Predisposition Investigations (Criminal and Juvenile)	✓ 3,624	✓ 4,058
✓ Number of Cases Received at Intake in Juvenile Branches	7,082	6,456
Number of Cases Received at Intake in Support Branches	4,330	4,959
Number of Cases Received at Intake in Family Offenses Branch	1,578	1,366
✓ Number of Cases on Probation and Under Supervision in Juvenile Branches as of June 30th	4,924	5,161
Number of Cases on Probation from the Criminal Court as of June 30th	4,153	4,633
Number of Children Admitted to Detention in the Juvenile Centers	2,941	2,509
Amount of Support Monies Received and Disbursed	\$8,429,535.18	\$8,460,398.73

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Day Center Program

In the last Quarterly Report we reported that in conjunction with Public School 188 at Spofford Juvenile Center we had opened two Day Centers in March. These Day Centers provided an alternative to detention for children with school related problems, usually delinquency or adjustment problems at the schools. One Day Center was located in the Bronx and the other in Manhattan. The staff at each consisted of a probation officer, two teachers, and a part-time Juvenile Center Counselor. The capacity for each center was 15. Free lunches and transportation were provided for the children who were at the Day Center during the day and returned to their homes at night.

We operated the two centers through June 28, 1968, closing them down then until school reopens in the fall. During this time a total of 30 children were in the program for varying lengths of time; 17 in the Bronx and 13 in Manhattan. Based on the comments of the children and the staff and the fact that there was regular attendance by the children, we believe that the program was successful.

For the last six weeks the attendance was perfect every day; many children came even when they had sore throats, toothaches, colds, etc., and sometimes had to be sent home. The attendance record is particularly noteworthy since many children have had extensive truancy records dating back several years.

We were able to provide intensive services in this program not only to the children but to their families and were able to utilize community resources. As examples, the two probation officers were in constant contact with the Department of Social Services to make sure that families receiving public assistance had obtained adequate allowances for clothing. In Manhattan, the probation officer was able to arrange, through the Stanley Friedman Association, to accompany the children for free medical checkups, dental work, eyeglasses and related services.

In the school setting all the children showed progress. Sixteen made sufficient gains to enable them to return to their regular schools. Seven, the staff felt, should continue in the program for a longer period of time; although they had shown some progress, it was believed that they had not shown sufficient progress to be able to cope with the regular school situation. Seven of the thirty were dropped; three because they continued to truant; two because the parents insisted that they be placed in institutions as the children continued to keep late hours and were disrespectful; one was a disturbing influence in the classroom and the other one was placed at the New York State Training School on another petition.

We believe that many gains were made and that our experience should be helpful in developing an even stronger program for the next school year. Our Manhattan Day Center will be moving to Hudson Guild in September.

Juvenile Detention

The comment was aptly made in the second quarter of this year that whatever illusions or hopes we had of the problems facing the Juvenile Centers lessening or disappearing were rather dramatically squashed. This was well illustrated by two examples. One

was the continuation of the chronic and seemingly never ending problem of over-population. Another was the increase in the number of youngsters coming into the Juvenile Centers with a history of drug usage.

During the past quarter, all records to date for admissions were broken. In fact, twice during the quarter we had over 1,000 admissions in a single month. Among the population, we are seeing many more serious offenders among the boys. Fortunately, however, we have not seen many indications that these more serious offenders have brought problems in terms of behavior in the institutions.

The capacity of a detention facility is governed by the number of admissions and the length of stay. The latter is the more crucial factor for New York City. The reason is illustrated time and time again when we watch how long some children remain with us. We still have with us a young girl who ran away from her foster home, came into the Family Court on a PINS petition and was admitted to the Juvenile Center before Christmas in 1967. The Family Court has sought unsuccessfully to locate a private agency that would accept her. Referrals were made to five private agencies and efforts were made to see if she could be placed with relatives in another State. After seven months of these unsuccessful efforts, the outcome was a decision to place her at the New York State Training School for Girls. She has aptly made the comment to us "after seven months in one institution, why do I have to go upstate to another institution for another seven months?" Frankly, we cannot answer her question. Meanwhile we know the desired average length of stay should be twenty days and she has been with us for over 200 days. This excessive length of stay is one cause for overcrowding.

Overcrowding has many effects as we well know. The effects are seen in such areas as increased lateness and absence as well as lack of patience and tolerance for the kind of behavior that we ordinarily see from our youngsters in detention. The increase in lateness and absence results in an already overworked staff working double or extended shifts; this has both an impact on staff morale and complicates the problem of handling children in an overcrowded situation.

One problem that has been a matter of concern has been the desire to work out a plan that would equitably permit staff to have some Sundays off. As it was, newer staff members were working weekends and only those with a great deal of seniority were having Sundays off. The goal was two Sundays a month off for all personnel. The employees' union, a local of District Council #37, was particularly helpful in developing plans. As a result, as of July 1st all staff will be able to secure two Sundays off a month.

During this quarter we were able to complete the negotiations for a contract by which Montefiore Hospital and Medical Center will provide comprehensive medical services for the Juvenile Centers as of July 1st. Trained pediatricians on an around-the-clock basis will then be directing and providing the medical services. We anticipate that there will be problems, particularly since we will be closing our medical units at Manida and Zerega and transferring the nurses to Spofford. However, we believe those problems can be resolved. The medical services will be using the present infirmary at Spofford but another dormitory will be remodeled to provide for infirmary space, increased in-patient care and complete dental services. This contract has been negotiation for over a year and the City Administrator's Office is taking the lead in working through the details of the contract.

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For years we have been taking youngsters into the community on trips to the baseball games, the circus, the aquarium, the zoo, etc. Traditionally, these trips have been made by youngsters from River View and Zerega Juvenile Centers. This past quarter we began including those children from Manida and Spofford. When staff started discussing this, questions were raised because these older and more aggressive youngsters had not previously been included and there was concern about what would happen. However, when we began to screen youngsters from Manida and Spofford for trips into the community we found that with few exceptions these youngsters were indistinguishable from those at Zerega and River View who had already been found eligible for trips to the aquarium, zoo, circus, etc.

In screening for the trips we exclude youngsters being detained for such offenses as homicide, serious assaults, robberies, those held for other jurisdictions, or who have demonstrated by their behavior in the institution that they are high security risks. We have had very few runaways on these trips and this has been encouraging both to those planning the trips and those actually going with the youngsters. In fact, of the few runaways, almost all have either returned of their own volition or through their parents intervention and have come back within a day or two.

Personnel

During the past year we have been making gains in the area of employing and retaining probation officers. These gains are reflected by the number of vacancies that we now have in the title of Probation Officer (18 vacancies) as against what we had January 1, 1968 (30 vacancies). Our personnel records show that in the past six months we have hired 33 probation officers while losing by resignation, retirement, etc., a total of 10.

The turnover in the title of Probation Officer Trainee is greater, as we would expect with people who are younger and taking their first jobs after leaving college. However, more individuals are available and qualified for the position of Probation Officer Trainee and consequently we are able to keep the vacancies here at a minimum. We currently have a total of 60 positions slotted for Probation Officer Trainees and have, at this time, only 3 vacancies.

While we made progress in finding and retaining people in probation titles there are two clouds on the horizon which could have an impact. One is the potential retirement under the new pension plans. The retirement potential is greater for personnel in promotional titles but it must be remembered that the filling of a promotion results in a vacancy at the level of probation officer. The other factor that could have an impact is the negotiations for a new salary for the probation positions as of July 1, 1968. If those negotiations drag on, the possibility exists that a number of our people will start looking for other positions that already have higher salaries.

The problem of employing personnel for the institutions has another set of dimensions. In the first six months, we hired a total of 113 personnel which represented 17% of our total complement in the Juvenile Centers. We hired them at a time when we

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had essential and critical shortages that did not afford us the time to provide these people with a great deal of orientation to their jobs. As we look back, we wonder how many people left us as a result of being placed in situations that could have been overwhelming to them, where they had to draw on their limited knowledge which could have led to mistakes in judgment. There is no question that we terminated some of these new people because they were not doing what we expected and yet we had not equipped them to do the job, or they resigned believing themselves incapable of doing the job.

Placement

In the last Quarterly Report, I indicated that we had established a Placement Unit, consisting of one supervising probation officer and five probation officers, because of our concerns about placement of children. As its major goal, the unit selected facilitating the placement process, and as secondary goals, creating a placement or resource manual for the agency, examining existing resources and helping community agencies understand the needs of court connected clients, plus increasing or urging the development of services to meet the needs of that group.

In their first six months the staff of the unit visited and conferred with approximately 96 to 100 agencies, private and public. By early May they had visited all the volunteer agencies and completed the descriptive material on those agencies for the resource manual. As a result of visiting the ten New York State Training Schools, the staff is convinced that the New York State Training Schools should be the first recommendation for some children rather than the "shopping around" process that has prevailed to date. They found a variety of programs being operated by the State and, interestingly enough, noted some children doing very well in these State facilities who had previously been placed with volunteer agencies and had failed there.

Parenthetically, I should like to note that our views on the quality of the programs offered by the State institutions are not shared by a number of the law guardians. The latter seem to believe that a private facility, per se, will be much better for a child than a publicly operated institution.

The Placement Unit began accepting some referrals of children early in March. The criteria selected initially was designed to try moving children who had been in shelters. One of the first cases referred to them, early in April, took nearly four months before placement was effected. The Placement Unit staff comments that "this was a boy who to all intents and purposes should be easily placeable." The process of getting a decision made in these placement matters is costly, in terms of money, time and, probably most important, the impact on the child who waits week after week to know his destiny.

The introduction of a Placement Unit is one matter; the acceptance and utilization of that Placement Unit by our own staff is another matter. This was seen most clearly in the lack of referrals to the Placement Unit from the branches. A series of meetings with the branch chiefs had a limited impact. Meetings with the staff in the branches working with juveniles was more effective and resulted in more referrals.

This Placement Unit has been creative in the way in which they have approached their assignment and should be a helpful resource to us, the Judges of the Family Court, as well as to anyone interested in good child welfare programs.

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New Branches in Bronx and Queens

By the end of the year we expect to open two new branches; one in the Tremont area of the Bronx and the other in the Long Island City area of Queens. These branches will be in neighborhoods in which a number of our clients reside. The spring of 1967 found us so overcrowded in our present quarters that the need to secure additional space became pressing. This gave us the opportunity to consider a different approach in providing services for our clientele. Our belief that we can be more effective with those whom we directly serve, as well as the community, by establishing offices in the neighborhoods where they reside, could effect the consideration of sites for additional office space.

The planning of these new branches has been an interesting process to observe. Responsibility was placed on the staff of a given borough to plan for the new offices. The assistant deputy directors met with the branch chiefs and selected staff in their respective boroughs. Discussion centered around the following questions: What is the present geographic distribution of our total probation caseload including juvenile delinquents, adult offenders, support and conciliation and family offenses in each of the boroughs and what are the core areas? How does the present client distribution compare to that of the recent past, anticipated for the near future? What kinds of services will be offered at the new offices? Should they comprise the full range of probation case activity consisting of intake, investigations and supervision of Criminal Court and Family Court cases or should there be specialization? What will determine whether a case should fall within the province of the neighborhood office or of the present branch? What changes in program and methods for providing services may be anticipated? What additional training will staff require and how is this to be provided? How large should an office be? What are the space needs and how do we go about finding and acquiring the necessary space?

From each of those meetings came minutes which enabled each borough to know what the others were considering and thus insuring that each group was considering the essential elements in their planning. In addition, representatives from the borough groups met with representatives of various community groups, public agency, civil groups, etc. for the purpose of getting ideas of community expectations of us while giving some interpretation as to our reasons for planning new branches.

The request for leasing space went forward to the Department of Real Estate which has the responsibility for examining available property and negotiating the leases for us. As the property was located, the requirements of planning space allocation followed. Considerations of differences from current space arrangements were made. Traditionally our branches have consisted of private offices for the probation staff and working space for our clerical personnel. In these two new branches we have arranged space that can serve as a large meeting room for use by community groups or may be subdivided into smaller areas for smaller group meetings or used for tutoring programs in addition to the customary function of containing staff meetings. Essentially we want to make these branches a truly integral part of the community life rather than just a place where an individual probationer comes to see an individual probation officer.

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THE YOUTH HOUSE, INC.

1221 SPOFFORD AVE.
BRONX, N. Y. 10474

TELEPHONE DAYTON 8-5000

J. MARTIN POLAND
EXECUTIVE DIRECTOR
EDWARD DANIELS
ASSISTANT EXECUTIVE DIRECTOR

April 4, 1967

Mrs. Elizabeth Troubh
Vera Institute of Justice
30 East 39th Street
New York, New York

Dear Mrs. Troubh:

I Am submitting to you five tables of statistical data which you were interested in having from us. I am sorry for the delay in sending it, but I am sure you must have some idea of how busy we were in view of our recent publicity.

If there is any further information you desire, please feel free to contact us and we shall be glad to furnish you with same.

Sincerely,

Violeta Donaldson
(Mrs.) Violeta P. Donaldson
Chief Statistics & Records

VPD/rt

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TABLE I
TOTAL ADMISSIONS TO YOUTH HOUSE

1966

	<u>BOYS</u>	<u>GIRLS</u>	<u>TOTAL</u>
January	485	219	704
February	491	230	721
March	555	267	822
April	521	245	766
May	570	277	847
June	496	277	773
July	461	178	639
August	446	182	628
September	489	178	667
October	579	232	811
November	504	216	720
December	<u>161</u>	<u>219</u>	<u>683</u>
	6,061	2,720	8,781

TABLE II

BOYS ADMITTED FROM BOROUGH MANHATTAN

1966

<u>Month</u>	<u>On Week Days From Court</u>	<u>Police Arrests Week Days</u>	<u>Police Arrests Week-Ends & Holidays</u>
January	69	27	16
February	110	26	10
March	101	52	9
April	82	31	25
May	95	32	26
June	78	25	21
July	75	45	15
August	53	35	19
September	71	36	31
October	69	39	18
November	91	19	14
December	<u>75</u>	<u>28</u>	<u>18</u>
TOTAL	969	395	222

Average Police Arrests
on week days 2

Average Police Arrests
on Weekends & Holidays 1.6

TABLE III

GIRLS ADMITTED FROM BOROUGH MANHATTAN1966

<u>Month</u>	<u>On Week Days From Court</u>	<u>Police Arrests Week Days</u>	<u>Police Arrests Week-Ends & Holidays</u>
January	42	11	5
February	44	16	14
March	63	16	1
April	45	15	4
May	46	17	10
June	49	17	5
July	41	10	10
August	18	14	12
September	32	16	11
October	44	16	15
November	41	18	7
December	<u>40</u>	<u>16</u>	<u>9</u>
TOTAL	505	182	103

Average Police Arrests
on Week Days .9

Average Police Arrests
on Week-Ends & Holidays .7

TABLE IV

1966

BOYS

Average Length of Stay 15.8 Days
Pre-Disposition

GIRLS

Average Length of Stay
Pre-Disposition 22.1 Days

TABLE V

1966

BOYS

Average Daily Admissions 17

GIRLS

Average Daily Admissions 7

RETURN TO -
SAMUEL M. REHRIG
INTAKE

OFFICE OF PROBATION
FOR THE
COURTS OF NEW YORK CITY

July 25, 1962

To: Family Court Division
From: Director of Probation
Re: Intake

The following material is presented as a working paper for developing and implementing intake in the Family Court. The paper contains some concepts, principles, and guides for use in the intake process. This is primary to the development of procedures that will be used at intake. It is hoped and expected that staff will offer criticism, suggestions, revisions, and additions which could be incorporated into a circular concerning this subject.

INTAKE

Definition and Purpose

Under the statute creating the Family Court of the State of New York, preliminary procedure or intake may be authorized under the rules of the court under: Article 3, Neglect Proceedings; Article 4, Support Proceedings; Article 7, Proceedings Concerning Juvenile Delinquency, and Whether a Person is in Need of Supervision; Article 8, Family Offense Proceedings; and Article 9, Conciliation Proceedings.

Intake, in the Family Court, is a process of examining and evaluating the circumstances of any case which a person desires to bring to the attention of the court, and ascertaining which cases require no action, which require referral to other agencies, which can be benefited and adjusted by treatment without judicial action, and which require judicial action.

General Principles Governing Intake

The principles establishing the process of intake are derived either from statutory provision or from the standards that have been developed by such agencies as the New York State Division of Probation, Children's Bureau, Department of Health, Education and Welfare, National Council of Juvenile Court Judges, and National Council on Crime and Delinquency.

Under the intake process, any person desiring to bring a matter to the attention of the court is referred to intake. The probation officer will confer with that person, the potential respondent, and other interested persons concerning the advisability of filing a petition, and attempt to adjust suitable cases before a petition is filed on a matter over which the court apparently would have jurisdiction. If the facts presented do not appear to place the matter

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within the court's jurisdiction, the person bringing the matter to the attention of the court should be so informed. If that person still desires to bring the matter to the attention of the court, an opinion should be sought from the judge as to the filing of a petition. If the matter does appear to be within the court's jurisdiction and there appears to be a basis for being able to adjust the case without the filing of a petition, the person bringing the matter to the attention of the court should be advised that he may nevertheless file a petition if he so desires. This principle is derived from the statutory provision that the probation service "may not prevent any person who wishes to file a petition under this article from having access to the court for that purpose."

If the matter appears to be within the court's jurisdiction and there is a basis for believing that the matter may be adjusted suitably without the filing of a petition, the consent of all interested persons should be obtained, including the consent of a minor, if he is of the age of thirteen years or over. The service performed by intake in adjusting suitable cases without the filing of a petition rests upon the voluntary acceptance of this disposition by all parties involved, including the family and the child. This means that in cases being handled without judicial action, the intake worker must first determine that the facts alleged are not disputed, and that the family or parents must be aware of the fact that they have a right to a judicial hearing if they so desire.

The statute provides a time limitation on the service performed at intake; this time limitation is a period of two months which may be extended by a judge of the court for another period of time, depending upon the Article and the nature of the proceedings involved.

The statute provides that the probation service at intake may not compel any person to appear at any conference, produce any papers, or visit any place. This means that if a psychological, psychiatric, or physical examination is deemed advisable for the purpose of recommending an appropriate course of action, the consent of the individuals involved must be secured.

The statute further provides that no statements made during the preliminary conference at intake may be admitted into evidence at any adjudicatory hearing, under this act or in any criminal court at any time prior to conviction. While the statute provides this protection for statements made at intake, this protection does not apply to the same statements made elsewhere.

Basic Decisions Made at Intake

The first decision that must be made at intake is to determine whether the facts presented appear to place the matter within the court's jurisdiction. If the facts do not appear to place the matter within the court's jurisdiction, the person bringing

the matter to the attention of the court should be so informed, and other appropriate courses of action that may be desirable should be suggested.

If the facts presented appear to place the matter within the court's jurisdiction, the worker at intake has to decide whether: a) there be no further proceedings, b) the matter be referred to a public or voluntary agency, c) an attempt be made on a short-term, voluntary basis to make an adjustment without the filing of a petition, d) a petition be filed.

After reaching the appropriate decision, the intake worker should, if the decision is (a), (b), or (c), make that recommendation to the parties involved. If the decision is (d), the intake worker will prepare the prescribed form with the necessary data to be given to petition clerk for preparing a petition at filing of same.

If the decision is (d), namely, that a petition be filed in cases of neglect, delinquency, or the child in need of supervision, the intake worker will make a recommendation to the court whether a child should be released to the custody of parents, legal guardian, custodian, or other persons legally responsible pending the court hearing, or whether the child should be detained or temporarily removed from the home.

Criteria for Decisions at Intake

Some criteria for selecting cases which should be handled judicially are common to all matters that are handled at intake. These criteria are:

- 1) cases in which there is a dispute as to the allegations and it is necessary to make a judicial determination.
- 2) cases in which either party indicates a desire to appear before the judge.
- 3) cases in which the parents, family members, and/or the child refuse normal cooperation.
- 4) cases which have a serious impact on the community.

In cases of neglect, delinquency, or the child in need of supervision, the following criteria are suggested as additional guides in determining which should be handled judicially:

- 1) cases involving neglect or delinquency where the child or children were temporarily removed and have not been returned or where the child or children were detained before petition was filed.
- 2) cases in which a recommendation for temporary removal or detention is indicated.
- 3) cases likely to involve placement or commitment of child or children.
- 4) cases in which two or more children are involved in the same delinquent act and it has already been determined that one or more of them are to be

handled judicially.

In cases involving support or family offense, the following criteria are suggested as additional guides in determining which should be handled judicially:

- 1) cases involving emergency.
- 2) cases in which it appears that the safety of the petitioner or other person is in danger.
- 3) cases in which there is reason to believe the respondent is about to leave the jurisdiction.

Two criteria for selecting cases which should be handled without the filing of a petition are common to all matters that are handled at intake. These criteria are:

- 1) cases in which the problem presented indicates a need for a relatively short period of service.
- 2) cases in which the matter has not had a serious impact on the community or does not present an emergency situation.

The following additional criterion is suggested as a guide in determining which cases involving neglect, delinquency, or child in need of supervision might be handled without the filing of a petition:

- 1) cases in which the child and parents cooperate in a disposition not involving placement.

Criteria for Recommending Detention or Temporary Removal From Home.

All children have a right to be at home with their own parents and it is anticipated that such recommendation would be made in most instances. This principle is enunciated in the statute establishing the Family Court.

Article 7 relating to delinquency and the child in need of supervision provides that the child shall be released to the custody of his parent or other person legally responsible for his care unless: a) there is a substantial probability that he will not appear in court on the return date; or b) there is a serious risk that he may before the return date do an act which if committed by an adult would constitute a crime.

Article 3 relating to neglect provides that a child will be temporarily removed from the home only if his continuing in the home presents an imminent danger to the child's life or health.

Assessing the Situation and Sources of Information

The probation officer at intake must make an assessment of the strengths and weaknesses of the family, including their willingness and ability to make use of the services offered, the problems presented, including duration, intensity, and efforts that have been made previously to resolve those problems.

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The worker at intake has available several sources of information that will assist in the decision-making process. These sources include: the person who is seeking to file a petition, the potential respondent, other members of the family, social service agencies, schools, employers, previous court and probation records, and persons with an interest in the potential respondent. The probation officer will always confer with the person seeking to file a petition and the potential respondent. The decision as to contacting any other persons or agencies will depend upon the situation presented and the information derived from the person seeking to file a petition and the potential respondent.

Telephone inquiries will facilitate the decision-making process of intake. For example, if the matter involves juvenile delinquency, the probation officer may make a telephone inquiry to the school seeking information as to the child's disciplinary adjustment there. The fact that a child is not known as a discipline problem at school indicates potential strength within the child and family.

The skilled worker at intake will use interviewing techniques as the basic tool in securing information which he must evaluate in order to reach the necessary decision. Good interviewing is an art that requires self-discipline by the worker so as to control the interview. Diagnostic thinking must accompany the art of interviewing. A skilled worker at intake will be imaginative and creative in determining the sources of information to be used and will be thoughtful in evaluating the information received. This is basic to the decision-making process involved at intake.

Recording at Intake

The probation officer at intake will prepare a record that consists of two parts. One part is the face-sheet. If the decision is made to file a petition, that face-sheet will be forwarded to the probation officer assigned the case. The worker will also prepare the necessary form to go to the petition clerk for preparation in the filing of the petition.

The narrative material, the second part of the record prepared at intake, will be dependent upon the work done there and the length of time that the case remains at the intake level. If a decision is reached immediately that the petition is to be filed, the intake worker will prepare a handwritten memorandum to accompany the face-sheet. This memorandum will summarize the attitude of the complainant and the potential respondent toward the allegations in the offense, suggest areas for exploration by the probation officer during the investigation, and indicate the reason that the decision was made to file a petition. If the petition involves neglect, delinquency, or the child in need of supervision, and a recommendation for temporary removal or detention is being made, the reason for that recommendation

will be indicated.

If the case remains at the intake level and only one conference or interview is required before a decision is reached to take no further action or to refer to a public or voluntary agency, the intake worker will prepare a handwritten summary as well as the face-sheet. This handwritten summary will summarize the attitude of the complainant and the potential respondent towards the allegations in the offense, the decision reached, and the basis for reaching that decision.

However, if the single conference is unusually lengthy and would require extended recording or if a case remains at the intake level for a period of time and more than one conference or interview is held, the intake worker will dictate a summary of the interviews held. The summary will include the dates of the interviews, with whom held, the attitude of the complainant and the potential respondent toward the allegations in the offense, the strengths and weaknesses in the family situation, the progress made in adjusting the matter, and the final decision reached. This material will not be transcribed. The recording will be filed with the face-sheet and will be available for transcription at a later date, if the potential respondent is again brought to the attention of the court at intake.

Distribution:

Family Court Division Probation Staff - 1 each

Training Branch - 1 each

The YD-1 Form

Front side

1. Surname		First		Init.		Address			
17. Sex	18. Color	19. Religion	20. Res. Pct.	23. Age		Date of Birth	Floor	Apt. No.	Telephone No.
M F	W H P O	P C J O							
25. Occur. Pct.	28. Pct. Ser. No.	32. Post.	35. Occurrence		40.	Place of Occurrence			
			Time	Date		Inside <input type="checkbox"/>			
41. Property Type (Circle One)						42. Property Value			
1. Auto			4. Currency		5. Jewelry		42. Stolen		
6. Furs			7. Clothing		8. Firearms		45. Recovered		
9. Misc.			0. Bikes						
Name and Address of Complainant						Father's Name		Mother's First & Maiden Name	
						School & Grade or Occupation			
						Apt. No.		Telephone No.	

COMPLAINT (DETAILS)

Rank	Reporting Officer	Shield No.	Squad No.	Command	Signature of Desk Officer & Pct.	Date Prepared
------	-------------------	------------	-----------	---------	----------------------------------	---------------

Back side

YOUTH DIVISION ONLY				48. Source Code	50. Disp. Code	52. YJ Unit No.	54. Unit Ser. No.	
Disposition, Agency or Court, Date								
Previous Complaints		62. Offense Code	67. Res. Health Area	71. Tour	72. Hour	73. Day of Week	74. Loc.	76. Larc. or Weapon Code
58. Arrests	60. Reports							
If Gang Member, Name of Gang			Alias	Previous Address (If Known)				

SUMMARY OF INVESTIGATION: (For YD use only) YD IA Prepared? S.S.E. Date:

DATE CONTACT WITH: PARENT H.V. COMP. OFFICER AGY. CT.

JUVENILE REPORT YD 1 (Rev. 6-66)

Rank	Investigating Y.D. Officer	Shield No.	Date	Youth Division Supervisor
------	----------------------------	------------	------	---------------------------

J-1



POLICE DEPARTMENT
CITY OF NEW YORK
NEW YORK 18, N. Y.

_____, 19____

Dear Parent:

Your child, _____ has been reported to the Youth Division for misconduct as indicated below. The law requires that a parent or guardian exercise reasonable diligence in the control of his child to prevent neglect or delinquency.

Therefore, we are hereby officially notifying you of your child's unlawful behavior so that you will take all steps necessary to prevent a repetition of such conduct. Your cooperation is essential if more serious problems are to be avoided.

If you require any assistance, please feel free to visit this office.

YD Case No. _____
Referred by _____ Police

Date of Offense _____
Address _____

OFFENSE

- | | |
|--|---|
| <input type="checkbox"/> Evading Payment of Fare | <input type="checkbox"/> Throwing Snowballs |
| <input type="checkbox"/> Misuse of Transit Pass | <input type="checkbox"/> Opening Fire Hydrant |
| <input type="checkbox"/> Disorderly on Transit Lines | <input type="checkbox"/> Walking in Prohibited Areas |
| <input type="checkbox"/> Smoking | <input type="checkbox"/> Swimming in Prohibited Areas |
| <input type="checkbox"/> Using Profane Language | <input type="checkbox"/> Bicycle Riding in Prohibited Areas |
| <input type="checkbox"/> Playing Cards or Dice | <input type="checkbox"/> Ball Playing in Prohibited Areas |
| <input type="checkbox"/> Pitching Pennies | <input type="checkbox"/> Disorderly in Park |
| <input type="checkbox"/> Engaging in Street Trades | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Accidentally Breaking Windows | _____ |

Very truly yours,

Unit Supervisor
Youth Investigation Bureau
Unit #

J-2



POLICE DEPARTMENT
CITY OF NEW YORK
NEW YORK 13, N. Y.

_____, 19____

Dear Parent:

We have received a complaint concerning your child,

_____.

In order that we may discuss this complaint with you, it is necessary that you come to this office with your child on

_____ at _____.

Your cooperation is essential in order that our investigation may be completed without delay.

Very truly yours,

Investigating Officer

Note: This office is located on the _____ floor of the _____ Precinct
at _____.

Youth Aid Division - Case Investigation Report Form

Front side

INTERVIEWS AND DATES:

Mother _____ Father _____ Child _____
 Complainant _____ Reporting Ptl. _____
 Collateral _____

NEIGHBORHOOD: () Stable () Transitional () Deteriorated
 Housing Project (if any): () Public () Private Name _____

HOME:

Physical Facilities () Adequate () Inadequate
 Maintenance () Good () Fair () Poor

MOTHER:

Supervision () Close () Fair () Unsuitable
 Affection () Warm () Adequate () Indifferent () Hostile
 Discipline () Firm but Kindly () Lax () Overstrict or Erratic
 Personality _____

FATHER:

Supervision () Close () Fair () Unsuitable
 Affection () Warm () Adequate () Indifferent () Hostile
 Discipline () Firm but Kindly () Lax () Overstrict or Erratic
 Personality _____

FAMILY ATMOSPHERE:

Cohesiveness () Cohesive () Some Cohesion () Unintegrated
 Moral Tone () Good () Fair () Poor
 Religious Tone () Good () Fair () Poor
 Sibling Relationships ... () Good () Fair () Poor

CHILD:

Physique _____ Physical Defect _____
 Health () Good () Fair () Poor
 Intelligence () Bright () Normal () Dull () Retarded
 Personality () Well Integrated () Adequately Integrated () Poorly Integrated
 Behavior _____

Associations () Many Friends () Few Friends () No Friends

Gang () Leader () Follower Name _____
 Religious Observance .. () Active () Occasional () Inactive

Leisure Time Activities.. Formal: () No () Yes Kind: _____
 Informal: _____

Employment () After School () Full Time () Unemployed
 If Working, Kind: _____

School:

Conduct Problem () No () Yes Kind: _____
 Truant () No () Occasionally () Yes
 Learning Disability ... () No () Yes Kind: _____
 Home Adjustment () Good () Fair () Poor

Comments: _____

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Youth Aid Division - Case Investigation Report Form
Back side

EVALUATION AND RECOMMENDATION:

REASON FOR CLOSING:

Date _____ Investigating Officer _____

Last Name	First Name	Unit No.
Address	Street or Avenue	Borough

Name	Date of Birth or Age	Religion	Color	Nativity	School and Grade or Occupation
Father:					
Mother: (Maiden Name)					
Siblings:					

Others (In Home)

J-5

RETURN TO --
SAMUEL M. REICHERD
INTAKE

OFFICE OF PROBATION
FOR THE
COURTS OF NEW YORK CITY

July 25, 1962

To: Family Court Division
From: Director of Probation
Re: Intake

The following material is presented as a working paper for developing and implementing intake in the Family Court. The paper contains some concepts, principles, and guides for use in the intake process. This is primary to the development of procedures that will be used at intake. It is hoped and expected that staff will offer criticism, suggestions, revisions, and additions which could be incorporated into a circular concerning this subject.

INTAKE

Definition and Purpose

Under the statute creating the Family Court of the State of New York, preliminary procedure or intake may be authorized under the rules of the court under: Article 3, Neglect Proceedings; Article 4, Support Proceedings; Article 7, Proceedings Concerning Juvenile Delinquency, and Whether a Person is in Need of Supervision; Article 8, Family Offense Proceedings; and Article 9, Conciliation Proceedings.

Intake, in the Family Court, is a process of examining and evaluating the circumstances of any case which a person desires to bring to the attention of the court, and ascertaining which cases require no action, which require referral to other agencies, which can be benefited and adjusted by treatment without judicial action, and which require judicial action.

General Principles Governing Intake

The principles establishing the process of intake are derived either from statutory provision or from the standards that have been developed by such agencies as the New York State Division of Probation, Children's Bureau, Department of Health, Education and Welfare, National Council of Juvenile Court Judges, and National Council on Crime and Delinquency.

Under the intake process, any person desiring to bring a matter to the attention of the court is referred to intake. The probation officer will confer with that person, the potential respondent, and other interested persons concerning the advisability of filing a petition, and attempt to adjust suitable cases before a petition is filed on a matter over which the court apparently would have jurisdiction. If the facts presented do not appear to place the matter

K-1

within the court's jurisdiction, the person bringing the matter to the attention of the court should be so informed. If that person still desires to bring the matter to the attention of the court, an opinion should be sought from the judge as to the filing of a petition. If the matter does appear to be within the court's jurisdiction and there appears to be a basis for being able to adjust the case without the filing of a petition, the person bringing the matter to the attention of the court should be advised that he may nevertheless file a petition if he so desires. This principle is derived from the statutory provision that the probation service "may not prevent any person who wishes to file a petition under this article from having access to the court for that purpose."



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6/4/83

If the matter appears to be within the court's jurisdiction and there is a basis for believing that the matter may be adjusted suitably without the filing of a petition, the consent of all interested persons should be obtained, including the consent of a minor, if he is of the age of thirteen years or over. The service performed by intake in adjusting suitable cases without the filing of a petition rests upon the voluntary acceptance of this disposition by all parties involved, including the family and the child. This means that in cases being handled without judicial action, the intake worker must first determine that the facts alleged are not disputed, and that the family or parents must be aware of the fact that they have a right to a judicial hearing if they so desire.

The statute provides a time limitation on the service performed at intake; this time limitation is a period of two months which may be extended by a judge of the court for another period of time, depending upon the Article and the nature of the proceedings involved.

The statute provides that the probation service at intake may not compel any person to appear at any conference, produce any papers, or visit any place. This means that if a psychological, psychiatric, or physical examination is deemed advisable for the purpose of recommending an appropriate course of action, the consent of the individuals involved must be secured.

The statute further provides that no statements made during the preliminary conference at intake may be admitted into evidence at any adjudicatory hearing, under this act or in any criminal court at any time prior to conviction. While the statute provides this protection for statements made at intake, this protection does not apply to the same statements made elsewhere.

Basic Decisions Made at Intake

The first decision that must be made at intake is to determine whether the facts presented appear to place the matter within the court's jurisdiction. If the facts do not appear to place the matter within the court's jurisdiction, the person bringing

K-2

the matter to the attention of the court should be so informed, and other appropriate courses of action that may be desirable should be suggested.

If the facts presented appear to place the matter within the court's jurisdiction, the worker at intake has to decide whether: a) there be no further proceedings, b) the matter be referred to a public or voluntary agency, c) an attempt be made on a short-term, voluntary basis to make an adjustment without the filing of a petition, d) a petition be filed.

After reaching the appropriate decision, the intake worker should, if the decision is (a), (b), or (c), make that recommendation to the parties involved. If the decision is (d), the intake worker will prepare the prescribed form with the necessary data to be given to petition clerk for preparing a petition at filing of same.

If the decision is (d), namely, that a petition be filed in cases of neglect, delinquency, or the child in need of supervision, the intake worker will make a recommendation to the court whether a child should be released to the custody of parents, legal guardian, custodian, or other persons legally responsible pending the court hearing, or whether the child should be detained or temporarily removed from the home.

Criteria for Decisions at Intake

Some criteria for selecting cases which should be handled judicially are common to all matters that are handled at intake.

These criteria are:

- 1) cases in which there is a dispute as to the allegations and it is necessary to make a judicial determination.
- 2) cases in which either party indicates a desire to appear before the judge.
- 3) cases in which the parents, family members, and/or the child refuse normal cooperation.
- 4) cases which have a serious impact on the community.

In cases of neglect, delinquency, or the child in need of supervision, the following criteria are suggested as additional guides in determining which should be handled judicially:

- 1) cases involving neglect or delinquency where the child or children were temporarily removed and have not been returned or where the child or children were detained before petition was filed.
- 2) cases in which a recommendation for temporary removal or detention is indicated.
- 3) cases likely to involve placement or commitment of child or children.
- 4) cases in which two or more children are involved in the same delinquent act and it has already been determined that one or more of them are to be

handled judicially.

In cases involving support or family offense, the following criteria are suggested as additional guides in determining which should be handled judicially:

- 1) cases involving emergency.
- 2) cases in which it appears that the safety of the petitioner or other person is in danger.
- 3) cases in which there is reason to believe the respondent is about to leave the jurisdiction.

Two criteria for selecting cases which should be handled without the filing of a petition are common to all matters that are handled at intake. These criteria are:

- 1) cases in which the problem presented indicates a need for a relatively short period of service.
- 2) cases in which the matter has not had a serious impact on the community or does not present an emergency situation.

The following additional criterion is suggested as a guide in determining which cases involving neglect, delinquency, or child in need of supervision might be handled without the filing of a petition:

- 1) cases in which the child and parents cooperate in a disposition not involving placement.

Criteria for Recommending Detention or Temporary Removal From Home.

All children have a right to be at home with their own parents and it is anticipated that such recommendation would be made in most instances. This principle is enunciated in the statute establishing the Family Court.

Article 7 relating to delinquency and the child in need of supervision provides that the child shall be released to the custody of his parent or other person legally responsible for his care unless: a) there is a substantial probability that he will not appear in court on the return date; or b) there is a serious risk that he may before the return date do an act which if committed by an adult would constitute a crime.

Article 3 relating to neglect provides that a child will be temporarily removed from the home only if his continuing in the home presents an imminent danger to the child's life or health.

Assessing the Situation and Sources of Information

The probation officer at intake must make an assessment of the strengths and weaknesses of the family, including their willingness and ability to make use of the services offered, the problems presented, including duration, intensity, and efforts that have been made previously to resolve those problems.

K-4

The worker at intake has available several sources of information that will assist in the decision-making process. These sources include: the person who is seeking to file a petition, the potential respondent, other members of the family, social service agencies, schools, employers, previous court and probation records, and persons with an interest in the potential respondent. The probation officer will always confer with the person seeking to file a petition and the potential respondent. The decision as to contacting any other persons or agencies will depend upon the situation presented and the information derived from the person seeking to file a petition and the potential respondent.

Telephone inquiries will facilitate the decision-making process of intake. For example, if the matter involves juvenile delinquency, the probation officer may make a telephone inquiry to the school seeking information as to the child's disciplinary adjustment there. The fact that a child is not known as a discipline problem at school indicates potential strength within the child and family.

The skilled worker at intake will use interviewing techniques as the basic tool in securing information which he must evaluate in order to reach the necessary decision. Good interviewing is an art that requires self-discipline by the worker so as to control the interview. Diagnostic thinking must accompany the art of interviewing. A skilled worker at intake will be imaginative and creative in determining the sources of information to be used and will be thoughtful in evaluating the information received. This is basic to the decision-making process involved at intake.

Recording at Intake

1) The probation officer at intake will prepare a record that consists of two parts. One part is the face-sheet. If the decision is made to file a petition, that face-sheet will be forwarded to the probation officer assigned the case. The worker will also prepare the necessary form to go to the petition clerk for preparation in the filing of the petition.

4) The narrative material, the second part of the record prepared at intake, will be dependent upon the work done there and the length of time that the case remains at the intake level. If a decision is reached immediately that the petition is to be filed, the intake worker will prepare a handwritten memorandum to accompany the face-sheet. This memorandum will summarize the attitude of the complainant and the potential respondent toward the allegations in the offense, suggest areas for exploration by the probation officer during the investigation, and indicate the reason that the decision was made to file a petition. If the petition involves neglect, delinquency, or the child in need of supervision, and a recommendation for temporary removal or detention is being made, the reason for that recommendation

will be indicated.

If the case remains at the intake level and only one conference or interview is required before a decision is reached to take no further action or to refer to a public or voluntary agency, the intake worker will prepare a handwritten summary as well as the face-sheet. This handwritten summary will summarize the attitude of the complainant and the potential respondent towards the allegations in the offense, the decision reached, and the basis for reaching that decision.

However, if the single conference is unusually lengthy and would require extended recording or if a case remains at the intake level for a period of time and more than one conference or interview is held, the intake worker will dictate a summary of the interviews held. The summary will include the dates of the interviews, with whom held, the attitude of the complainant and the potential respondent toward the allegations in the offense, the strengths and weaknesses in the family situation, the progress made in adjusting the matter, and the final decision reached. This material will not be transcribed. The recording will be filed with the face-sheet and will be available for transcription at a later date, if the potential respondent is again brought to the attention of the court at intake.

Distribution:

Family Court Division Probation Staff - 1 each

Training Branch - 1 each

K.C

21968

INTAKE RECORD SLIP

NAME _____

INTAKE NO. _____

DOCKET NO. _____

L-1

CHILD'S NAME	DOB	BIRTHDAY	PLACE OF BIRTH	RACE	ETHNICITY	EDUCATION	REMARKS

OTHER CHILDREN IN FAMILY		PARENTS	FATHER	MOTHER	504-CASE NO
NAME	AGE	SCHOOL OR OCCUPATION	REMARKS	NAME	ADDRESS

OTHERS IN HOUSEHOLD		NUMBER OF ROOMS
NAME	AGE	RELATIONSHIP

FAMILY INCOME		NUMBER OF ROOMS
SOURCE	AMOUNT	REMARKS

PREVIOUS LEGAL HISTORY	
PREVIOUS AGENCIES	DATE

PREVIOUS LEGAL HISTORY	
PREVIOUS AGENCIES	DATE

SOCIAL AGENCIES DATE REMARKS
 RELATIVES ADDRESS
 SOCIAL AGENCIES DATE REMARKS
 PREVIOUS AGENCIES DATE REMARKS

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Inside Face Sheet
(Reverse Side - Used by
Investigation Office)

INTAKE REFERRAL SHEET

Case Name _____

Address _____

Probation No. _____

Date _____

To _____

COMPLAINANT

ALLEGATIONS

SUMMARY FOR COURT REPORTING OFFICER

RECOMMENDATIONS

INTAKE OFFICER

OFFICE OF PROBATION FOR THE COURTS OF NEW YORK CITY

FAMILY COURT - JUVENILE TERM

Intake Statistics

Month May , 1968

County New York

I. MOVEMENT OF INTAKE CASES

TOTAL

NEGLECT

Cases

Children

A. Number continued from preceding month	126	4	9
B. Number opened this month	590	27	66
C. Total (A plus B)	716	31	75
D. Number closed this month	606	28	62
E. Number carried over to next month	110	3	13

II. CASES CLOSED THIS MONTH 606

A. Referred to petition clerk 394

1. Neglect		17	40
2. Delinquency		213	
3. Person in Need of Supervision		163	
4. Marriage applications		1	
5. Permanent termination of parent's rights		0	
6. Other		0	

B. Discharged to Service Section 16

C. Discharged to Custodial Agencies 1

D. Adjusted at Intake 147

1. Without referral 77

2 Referred to community agencies 70

E. Complaint withdrawn (includes failure of complainant to appear) 48

III. ARREST CASES DISPOSED OF 356

A. Referred to Petition Clerk 213

B. Disposed of Without Court Action 143

OFFICE OF PROBATION FOR THE COURTS OF NEW YORK CITY

FAMILY COURT - JUVENILE TERM

Intake Statistics

Month April , 1968

County New York

<u>I. MOVEMENT OF INTAKE CASES</u>	<u>TOTAL</u>	<u>NEGLECT</u>	
		<u>Cases</u>	<u>Children</u>
A. Number continued from preceding month	102	2	5
B. Number opened this month	468	17	37
C. Total (A plus B)	570	19	42
D. Number closed this month	444	14	31
E. Number carried over to next month	126	5	11
<u>II. CASES CLOSED THIS MONTH</u> <u>444</u>			
A. Referred to Petition Clerks <u>271</u>			
1. Neglect		13	
2. Delinquency		148	
3. Person in Need of Supervision		110	
4. Marriage applications		0	
5. Permanent termination of parental rights		0	
6. Other		0	
B. Discharge to Service Section		16	
C. Discharged to Custodial Agencies		8	
D. Adjusted at Intake	104		
1. Without referral		55	
2. Referral to community agencies		49	
E. Complaint withdrawn (includes failure of complainant to appear)	45		
<u>III. ARREST CASES DISPOSED OF</u> <u>292</u>			
A. Referred to Petition Clerk	148		
B. Disposed of Without Court Action	144		

ANNUAL STATISTICAL REPORT

OF THE

FAMILY COURT OF THE STATE OF NEW YORK
CITY OF NEW YORK

1967

HON. FLORENCE M. KELLEY
ADMINISTRATIVE JUDGE

N-1

Table 7

Comparative Statement of New Cases of Children and Adults Appearing in the Juvenile Term of the Family Court of the State of New York, City of New York, During the Years 1966 and 1967, Arranged by County and Classification.

Classification	All Counties		New York		Kings		Bronx		Queens		Richmond	
	1966	1967	1966	1967	1966	1967	1966	1967	1966	1967	1966	1967
TOTAL	16693	16860	4597	3826	6029	6540	3205	3267	2483	2809	379	418
Adoptions	688	722	164	171	183	199	96	103	235	235	8	14
Adult Proceedings	6	0	3	0	1	0	0	0	2	0	0	0
Allegedly Delinquent Child	7232	7679	1724	1512	3133	3393	1337	1343	845	1244	193	187
Allegedly Neglected Child	3896	3643	1391	961	984	1083	705	834	750	656	66	109
Allegedly Person In Need of Supervision	4307	4332	1218	1074	1585	1692	792	871	607	640	105	105
Consent to Marry	233	210	52	53	84	65	59	68	31	21	7	3
Material Witness	2	2	2	2	0	0	0	0	0	0	0	0
mentally Defective Child	92	97	30	27	41	55	9	11	12	4	0	0
Petition for Release	9	0	0	0	0	0	9	0	0	0	0	0
Petition for Transfer	196	42	0	5	0	0	196	37	0	0	0	0
Others	32	83	13	21	18	53	0	0	1	9	0	0

Table 8

Comparative Statement of New Cases of Children and Adults Appearing in the Juvenile Term of the Family Court of the State of New York, City of New York, During the Years 1966 and 1967, Arranged by Classification and Sex.

Classification	Both Sexes		Male		Female	
	<u>1966</u>	<u>1967</u>	<u>1966</u>	<u>1967</u>	<u>1966</u>	<u>1967</u>
TOTAL	16693	16860	11072	11316	5621	5544
Adoptions	688	722	339	396	349	326
Adult Proceedings	6	0	4	0	2	0
Allegedly Delinquent Child	7232	7679	6517	6935	715	744
Allegedly Neglected Child	3896	3643	1918	1790	1978	1853
Allegedly Person In Need of Supervision	4307	4382	2103	2065	2204	2317
Consent to Marry	233	210	0	0	233	210
Material Witness	2	2	2	1	0	1
Mentally Defective Child	92	97	65	60	27	37
Petition for Release	9	0	2	0	7	0
Petition for Transfer	196	42	107	28	89	14
Others	32	83	15	41	17	42

W
W

Table 9

Comparative Statement of New Cases of Children and Adults Appearing in the Juvenile Term of the Family Court of the State of New York, City of New York, County of New York, During the Years 1966 and 1967, Arranged by Classification and Sex.

Classification	Both Sexes		Male		Female	
	<u>1966</u>	<u>1967</u>	<u>1966</u>	<u>1967</u>	<u>1966</u>	<u>1967</u>
TOTAL	4597	3826	2917	2457	1680	1369
Adoptions	164	171	79	91	85	80
Adult Proceedings	3	0	0	0	3	0
Allegedly Delinquent Child	1724	1512	1533	1382	191	130
Allegedly Neglected Child	1391	961	694	457	697	504
Allegedly Person In Need of Supervision	1216	1074	586	494	632	580
Consent to Marry	52	53	0	0	52	53
Material Witness	2	2	2	1	0	1
Mentally Defective Child	30	27	18	20	12	7
Petition for Release	0	0	0	0	0	0
Petition for Transfer	0	5	0	0	0	5
Others	13	21	5	12	8	9

Table 17

Statement of Intake Work Performed by the Probation Services for the Juvenile Term of the Family Court of the State of New York, City of New York, During the Year 1967, Arranged by County.

	<u>All Counties</u>	<u>New York</u>	<u>Kings</u>	<u>Bronx</u>	<u>Queens</u>	<u>Richmond</u>
TOTAL CASES OPENED DURING YEAR	21063	4577	7761	4438	3629	656
Pending Beginning of Year	337	116	147	58	47	19
Cases Opened During Year	20676	4461	7614	4380	3582	639
TOTAL CASES TERMINATED DURING YEAR	20636	4514	7595	4351	3548	628
Referred to Court	12482	2763	5084	2336	1991	308
Not Referred to Court	8154	1751	2511	2015	1557	320
TOTAL CASES PENDING AT END OF YEAR	427	63	166	87	81	30

Handwritten initials or mark

Comparative Statement of Probation and Supervision Work Performed by the Probation Services for the Juvenile Term of the Family Court of the State of New York, City of New York, During the Years 1966 and 1967, Arranged by County.

	All Counties		New York		Kings		Bronx		Queens		Richmond	
	1966	1967	1966	1967	1966	1967	1966	1967	1966	1967	1966	1967
DISPOSITIONS AFTER INVESTIGATION	8166	9216	2375	2432	2919	3132	1513	2157	1154	1243	200	197
Received on Probation or Supervision	4479	5275	1446	1386	1633	1796	590	1239	643	723	117	131
Committed or Placed	1616	1797	440	537	591	636	313	352	274	249	26	23
Discharged or Sentence Suspended	2041	2144	359	539	545	700	615	566	237	276	55	43
CASES PASSED FROM PROB. OR SUPER.	5040	5169	1733	1553	1990	1960	769	915	685	633	130	103
Reason												
Discharged with Improvement	4019	4212	1162	1253	1623	1624	607	710	540	542	82	78
Discharged with out Improvement	234	207	137	106	39	34	34	27	44	27	10	11
Terminated by Commitment or Placement	769	711	202	172	323	255	125	173	100	62	16	14
Other Disposition	18	39	17	20	0	17	0	0	1	2	0	0
Duration												
Under Six Months	736	645	139	109	219	209	297	268	69	56	12	3
Six Months to One Year	1273	1165	352	269	441	484	251	258	147	142	11	12
Over One Year	3101	3359	996	1160	1330	1267	221	309	409	435	55	83
Recapitulation												
Total on Prob. or Super. During Year	11235	10648	3440	3344	4344	4036	1743	1304	1509	1417	241	247
Continued from Preceding Year	6245	5679	1562	1736	2334	2076	972	839	824	734	133	144
Received During Current Year	5040	5169	1878	1608	1970	1960	769	915	685	683	108	103
Disposed of During Current Year	5606	5110	1664	1777	2258	2067	852	631	725	567	97	66
Cases Remaining at Close of Year	5673	5730	1706	1557	2076	1969	889	1173	784	650	144	179

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Comparative Statement of Delinquent Children or Person In Need of Supervision
Committed or Placed by the Juvenile Term of the Family Court of the State of New
York, City of New York, During the Years 1966 and 1967.

Institution	Both Sexes		Male		Female	
	<u>1966</u>	<u>1967</u>	<u>1966</u>	<u>1967</u>	<u>1966</u>	<u>1967</u>
TOTAL	1973	1818	1392	1292	581	526
Astor Home for Children	1	2	1	2	0	0
Barrett House	2	3	0	0	2	3
Berkshire Industrial Farm	31	14	31	14	0	0
Brooklyn Home for Children	0	1	0	1	0	0
Cartwright State Training School	1	0	1	0	0	0
Catholic Guardian Association	1	0	1	0	0	0
Children's Village	54	41	54	41	0	0
Childville, Inc.	0	1	0	0	0	1
Creedmore	1	0	0	0	1	0
Elmira Reception Center	2	1	2	1	0	0
Euphrasian Residence	1	0	0	0	1	0
Hawthorne Cedar Knolls	49	46	34	34	15	12
Inwood House	2	3	0	0	2	3
Jewish Board of Guardians	8	3	5	2	3	1
Jewish Child Care Association	3	3	1	1	2	2
Kings Park State Hospital	1	0	1	0	0	0
Lakeside School	3	0	2	0	1	0
Letchworth Village State School	1	1	1	1	0	0
Macdon Hall	130	184	130	184	0	0
Little Flower House of Providence	1	0	0	0	1	0
Louise Wise Service	1	0	0	0	1	0
Lutheran Child Welfare Association	1	0	1	0	0	0
Madonna Heights School for Girls	22	34	0	0	22	34
Mission of the Immaculate Virgin	13	7	12	6	1	1
New York City Commissioner of Social Services	1	2	0	2	1	0
New York State Training School for Boys						
Highland Training School	199	324	199	324	0	0
New Hampton State Training School	29	2	29	2	0	0
Otisville Training School	467	373	467	373	0	0
Warwick Training School	371	262	371	262	0	0
New York State Training School for Girls	400	354	0	0	400	354
Pius XII School	6	6	6	6	0	0
St. Agnes Convent	7	5	7	5	0	0
St. Christopher's School	2	2	1	1	1	1
St. Gerard Residence	1	1	0	0	1	1
St. Germain's Home	43	49	0	0	43	49
St. Helena Residence	1	0	0	0	1	0
St. John's Home	1	12	1	12	0	0
St. Joseph's Home	2	0	2	0	0	0
St. Mary's In The Field	10	14	0	0	10	14
St. Vincent's Home	3	1	3	1	0	0
Sheltering Arms Children's Service	1	0	0	0	1	0
S. cause State School	2	2	2	2	0	0
Villa Loretto	49	44	0	0	49	44
Wassaic	2	0	1	0	1	0
Wayside Home for Girls	16	6	0	0	16	6
Wiltwyck School for Boys	21	15	21	15	0	0

Comparative Statement of Neglected and Mentally Defective Children Placed by the Juvenile Term of the Family Court of the State of New York, City of New York, During the Years 1966 and 1967.

Institution	Both Sexes		Male		Female	
	<u>1966</u>	<u>1967</u>	<u>1966</u>	<u>1967</u>	<u>1966</u>	<u>1967</u>
TOTAL	<u>576</u>	<u>674</u>	<u>318</u>	<u>395</u>	<u>258</u>	<u>279</u>
Abbott House	3	3	2	2	1	1
Angel Guardian Home	23	33	10	22	13	11
Aster Home	0	2	0	1	0	1
Barrett House	0	1	0	0	0	1
Brooklyn Bureau of Social Services	0	1	0	0	0	1
Brooklyn Home for Children	5	3	3	2	2	1
Brookwood Child Care	1	0	1	0	0	0
Cardinal Mc Closkey School and Home for Children	7	8	3	4	4	4
Catholic Guardian Association	9	11	3	3	6	8
Child Care Center	0	5	0	5	0	0
Children's Aid Society	5	11	5	8	0	3
Children's Village	3	10	3	10	0	0
Convent of Mercy	0	6	0	5	0	1
Edwin Gould Foundation	30	14	14	10	16	4
Graham School	14	8	8	6	6	2
Green School	3	2	3	1	0	1
Hawthorne Cedar Knolls	2	7	1	5	1	2
Hillcrest Home	12	7	5	4	7	3
Inwood House	0	1	0	0	0	1
Jennie Clarkson Home	6	0	0	0	6	0
Jewish Board of Guardians	1	3	1	2	0	1
Jewish Childcare Association	5	11	1	7	4	4
Lakeside School	4	3	4	1	0	2
Leake & Watts Children's Home	12	8	9	4	9	4
Lieutenant Joseph P. Kennedy Home	20	9	10	6	10	3
Little Flower House of Providence	27	14	16	9	11	5
Lutheran Child Welfare Association	5	10	1	7	4	3
Madonna Heights School for Girls	3	0	0	0	3	0
Mission of the Immaculate Virgin	49	33	37	19	12	14
New York City Commissioner of Social Services	140	271	75	144	64	127
New York Foundling Hospital	15	15	8	10	7	5
Otilie Home	0	1	0	1	0	0
Patterson House	1	0	1	0	0	0
Riverdale Children's Association	8	10	3	2	5	8
St. Agatha's Home	16	25	5	13	11	12
St. Agnes Convent	5	2	5	2	0	0
St. Cabrini Home	0	4	0	0	0	4
St. Christopher's Home	6	9	3	7	3	2
St. Christopher's School	3	2	2	0	1	2
St. Dominic's Home	10	4	2	3	8	1
St. Gerards	1	0	0	0	1	0
St. Gerardo's Home	9	3	0	0	9	3

	Both Sexes		Male		Female	
	<u>1966</u>	<u>1967</u>	<u>1966</u>	<u>1967</u>	<u>1966</u>	<u>1967</u>
St. Helena	1	0	0	0	1	0
St. John's Home	1	5	1	5	0	0
St. Joseph's Home	15	14	9	6	6	8
St. Michael's Home	12	7	8	5	4	2
St. Vincent's Home	10	2	10	2	0	0
Sheltering Arms Children's Service	2	3	1	0	1	3
Society for Seaman's Children	2	1	0	1	2	0
Villa Loretto	4	1	0	0	4	1
Wayside Home for Girls	1	1	0	0	1	1
Wiltwyck School for Boys	11	6	11	6	0	0
Woodycrest Children's Home	4	8	3	6	1	2
Special Proceedings for Mentally Defective Children						
Commissioner of Mental Hygiene	32	42	19	29	13	13
Syracuse State School	12	14	11	10	1	4

Table 22

Statement Showing Services Performed by the Diagnostic and Consultation Service of the Bureau of Mental Health Services of the Family Court of the State of New York, City of New York, During the Year 1967.

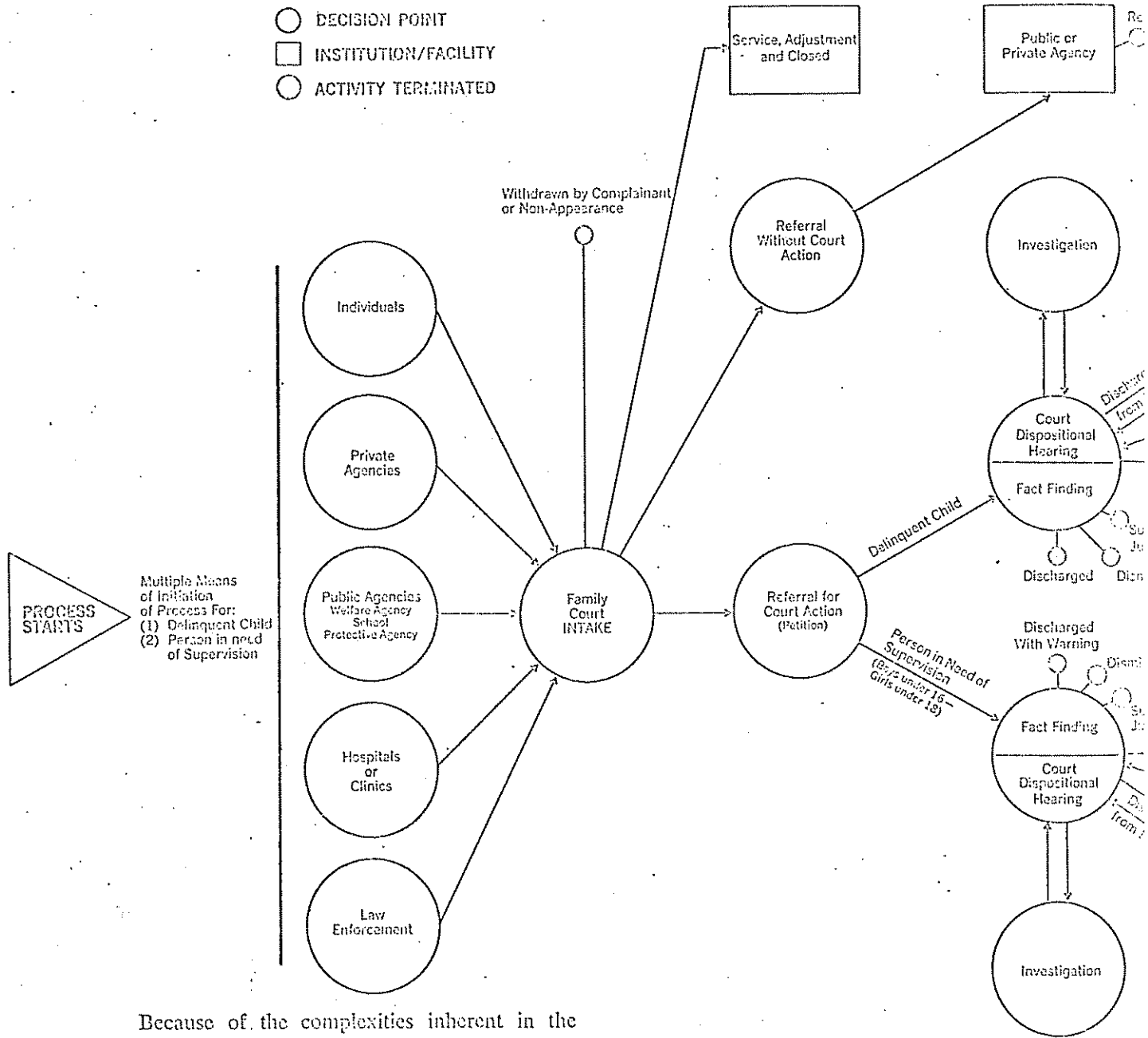
County	Delinquent		Person In Need of Supervision		Neglect		Adults		Total
	M.	F.	M.	F.	M.	F.	M.	F.	
New York	251	37	376	332	59	51	48	127	1281
Kings	677	139	425	379	43	40	48	85	1836
Bronx	126	13	221	168	12	14	13	40	607
Queens	63	12	134	81	19	11	24	29	373
Richmond	17	0	12	9	1	0	4	2	45
TOTAL	1134	201	1168	969	134	116	137	283	4142

Collateral Psychiatric Interviews of Parents or Guardians	3545
Total Persons Interviewed and Examined	7687
Consultations with Judges and Probation Officers	3126
Total Persons Serviced	10813

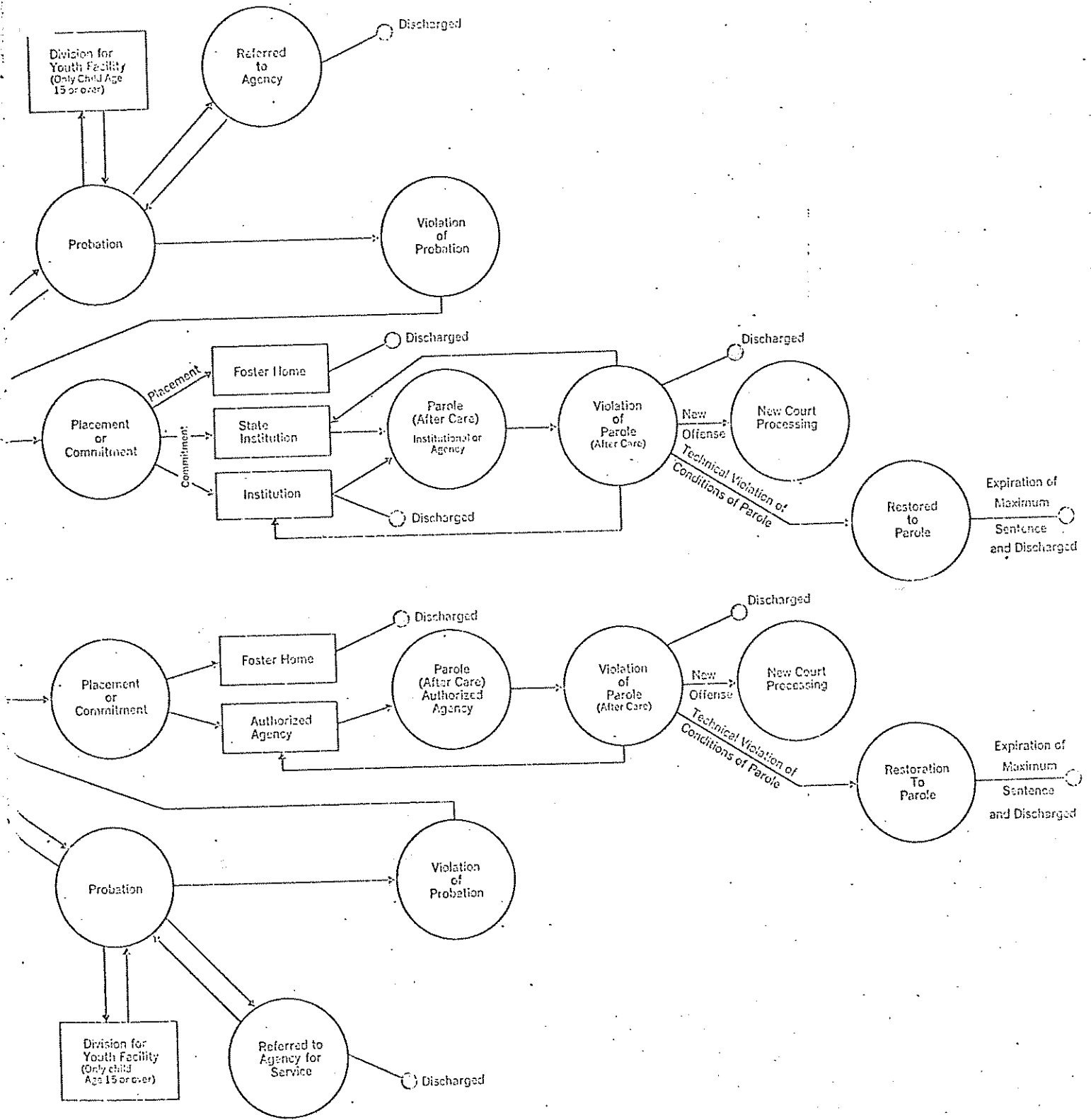
There was no Treatment Program in operation during 1967

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fig. 5a Distribution of responsibilities within the Criminal Justice System: juvenile offenders



Because of the complexities inherent in the system and the manner in which it has developed, attempts at illustration have been discouraging. The results have tended to be either "spider webs" of interlocking decision points and process lines, or virtually incoherent maps of overlapping jurisdictional and functional limits, accompanied by imposing caveats that describe when the general limits may be expanded or contracted. Figures 5a and 5b show the difficulties inherent in attempting to illustrate the criminal justice system as it operates in New York State.



Ever since the early 1950s when juvenile delinquency became a major problem in New York City, committees and commissions have studied services for youth.¹ The central theme or the major conclusion of every report was that the total lack of planning and coordination of services for youth greatly diminished the city's ability to deal with problems of delinquency. This paper will attempt to present the broad picture of youth services in New York City today drawing upon these previous studies and recent interviews with agency administrators. Its focus will be primarily limited to services for youth in trouble between the ages of 7-16, but will relate this subject to services for youth 16-21, and services for neglected children. Its conclusion will be similar to previous analysis --- that there is an urgent need for central planning, coordination and control of youth services in New York City.

¹The major studies in this area are:

The Epstein Report, Perspective on Delinquency Prevention, City of New York, 1955.

The Planning and Coordination of Services for Children and Youth in New York City, Citizen's Committee for Children of NYC, Inc. May, 1959.

Robert MacIver, et. al., The Juvenile Delinquency Evaluation Project of the City of New York, Final Report: The Planning of Delinquency Prevention and Control, 1961.

The Administration of Services to Children and Youth in New York City, Institute of Public Administration, 1963.

Alfred J. Kahn, Planning Community Services for Children in Trouble, Columbia Univ. Press, 1963.

I. Summary of the Problem

There are three basic deficiencies in the youth services field in New York City.

1. The services for youth are of inadequate quantity and quality.

Services are particularly inadequate at the stages which most experts believe are crucial in helping youth - the pre-delinquency and first offender stages. The main effort is centered instead at the post-delinquency stage, but these "rehabilitative" services are also inadequate. Training schools estimate 60% of their delinquents graduate to the criminal courts after their release.²

2. There is not enough variety or differentiation in the services for youth in trouble.

The vast majority of PIMS and delinquents are either placed on probation or placed in large private or state institutions outside of the city. These two alternatives present two extremes. One is being placed under the supervision of the court with practically no real supervision whatsoever, and the other is being confined in an institution similar to a penal institution in many respects. In between these two extremes there is a wide range of services to meet the individual needs of youth that are not provided under the present system. Especially lacking is a system of community-based treatment for delinquent youth.

²Interview with Benjamin J. Hill, Superintendent of Otisville Training School, May 28, 1968.

3. The vast complex of youth services lacks a coherent overall conceptual and administrative framework.

The complex delivery of services is separated and fragmented between hundreds of different agencies - city, state, and private.³ Although most services, whether public or private, are funded jointly by the city and state, there is no governmental body on any level to control and coordinate these services. This lack of coordination makes the development of a comprehensive approach to delinquency or other youth problems virtually impossible. It also produces many inconsistencies in the system which greatly hinder an efficient and just distribution of services. The various public and private agencies which provide services at successive stages in the treatment process operate under contradictory standards and criteria, often at cross-purposes.

II. The System of Services for Youth in Trouble

These basic deficiencies of the youth service system are best illustrated by analyzing the system at its various stages - Prevention, Court Diversion, Disposition and After-Care. Description of these services can be found elsewhere. The purpose of this analysis is to give a comprehensive picture of New York City's system for treating its delinquent and wayward youth, by focusing on the major agencies responsible for successive stages in the treatment process.

³The same function is often the responsibility of a number of agencies. According to the IPA report there are approximately 12 separate agencies - city, state and private which provide after-care and parole services to formerly institutionalized New York City children. IPA Report, p. 24.
advisors and youth services.

1. Prevention: Before the Act

Once a juvenile is apprehended by the police and referred to the Family Court, the community has already failed in some way. Experts seem to agree that rehabilitative efforts have far less potential for success than preventative measures. Prevention services actually include every effort which ameliorates conditions of poverty, ignorance, unemployment and family disunity. More specific efforts directed at the prevention of juvenile crime involve early detection and treatment of problem children.

Many studies, including the Juvenile Delinquency Evaluative^{JDEP} Project of New York City, place priority on the development of prevention programs in the educational system and in neighborhood screening and referral services.⁴ New York City today has no comprehensive prevention program either based in its schools or in the community. The only attempt at a juvenile delinquency prevention program is the one conducted by the New York City Youth Board.

In 1947, the New York City Youth Board was created as an agency in the Office of the Mayor. Originally conceived as a coordinating and planning body, the Youth Board, (i.e. Youth Service Agency under HRA) is today primarily a contracting agency for youth services. The only direct services administered by the Youth Board through this program is a program of street youth workers and an Urban Residence for Homeless Youth, both for boys 16-21. The Youth Board contracts with the Board of Education and the Police Athletic League for recreation and group work programs and with private sectarian agencies, such as the Jewish Board of Guardians and Catholic Charities, for case and group work services. In 1967 the Youth Board had contracts with 43 private agencies

⁴JDEP, Final Report #1, p

operating out of 91 neighborhood centers to provide group services for youths between the ages of 9-15. There are no specific program requirements, each agency develops its own program according to general Group Work Technical Advisory Committee Guidelines. The Youth Board claims that 155 workers provide an outreach each year to 10,000 youths through this program.⁵

What is obvious from this brief discussion of Youth Board programs is that the city's prevention program primarily consists of beefing up already existing private agency programs which provide recreation, group work, child guidance and family casework services to problem youth. There is no comprehensive program of prevention. The effect of these programs is limited by their social work orientation and the absence of educational or job training programs. Furthermore, private sectarian agencies probably show the same bias in serving youths of their respective faiths as they do in their residential treatment programs. Finally, a program which contracts 155 workers in private agencies to work with problem youth cannot be considered a comprehensive citywide prevention program.

At the present time, we are unaware of any Board of Education efforts at prevention other than joint Youth Board recreation programs, its special "600" schools which have been severely criticized,⁶ and its limited child guidance program.⁷ Each year the Board of Education through its Bureau of Attendance is the petitioner in approximately 20% of the supervision proceedings in Family Court.⁸ Although exact numbers are not known, probably

⁵ Mandate for Youth, New York City Youth Board, p 13.

⁶ MacIver, R., Juvenile Delinquency Evaluation Project, Interim Report #31, The "600" Day Schools.

⁷ For a full discussion of Board of Education's 600 schools and Bureau of Child Guidance see Kahn, Planning Community Services for Children in Trouble, pp. 166-205.

⁸ 1968 Judicial Conference Annual Report, p. 364.

probably 60-80% of the supervision and delinquency cases involve truancy or other school-related problems. Many children who have committed no criminal act are placed in state training schools merely because they are not attending public school. Yet the Board of Education has developed no specialized education programs for truants and potential dropouts. They suspend problem pupils and file PINS petitions in Family Court for children the present education system is unequipped to serve.

2. Court Diversion: After the Act, Before Court

Labeling theorists argue that premature labeling of a child as delinquent or deviant may increase rather than reduce the probability or repetition of anti-social acts. Due to the influence of these theorists and the recognition of the inadequacies of treatment services available after a child has been adjudicated delinquent, the concept of early diversion programs has been widely accepted. In fact, the 1962 Family Court Act recognized these arguments by providing the machinery for early court diversion.⁹ Yet, here is the area where the widest gap in services for youth remains. At the present time there are no real programs in New York City for children who are brought to the attention of the police or the court for the first time, with the exception of a federally funded experimental project of the Puerto Rican Community Development Project.¹⁰

⁹Family Court Act, §734, Fm. Ct. Rule 7.3.

¹⁰The PRCDP's Juvenile Court Services Project is a referral source for Puerto Rican cases that Intake would like to divert from court. Intense case work service in the community has been successful in diverting a large percentage of these cases, especially supervision cases. See Memo, re PRCDP, August 16, 1968.

A similar project is being conducted by the Probation Department as an alternative to detention - the High Risk Project. With a caseload of 10, a Probation Officer is able to supervise children in the community who would otherwise be placed in detention pending disposition hearing.

There are two city agencies which have the power to divert cases from the court - the Police and Probation Departments. Both agencies are given tremendous discretionary power to screen out cases, but neither is equipped to provide treatment services for the cases that do not reach the courts.

According to the NYCPD Rules and Procedures, the police can handle any juvenile case informally, except those which involve acts if committed by an adult would constitute a felony or serious misdemeanor. During 1967 the NYCPD received a total of 63,219 complaints on juveniles within the jurisdiction of the Family Court, of which only 14,688 resulted in arrests, i.e., court referral. The vast majority of the complaints - 48,581 - were written up as YD-1 reports, and the child received little or no attention by any agency. After its investigation of 1967 YD-1 reports, the Youth Aid Division of the NYCPD referred only 28% to public or private agencies, 13% to Family Court, while the majority, 59% were closed with a precautionary letter or no action.

According to the Family Court Act, the Probation Department can screen out cases which do not require court intervention and are "suitable for adjustment." In 1967 out of a total of 4,466 cases in New York County Family Court, the intake section adjusted 1,181 cases. The purpose of this adjustment is to work out a voluntary short-term treatment plan for the child in the community to avoid court referral. Intake workers have no time to work with these cases themselves, so they must rely on referral to other agencies. However, during the same year only 390 or 33% of the 1,181 adjusted cases were referred to community agencies for treatment. These agencies are usually the same private sectarian agencies which the city relies on for its prevention services.

Therefore, at the present time, only a small percentage of the cases which are screened out by either the Police or Probation receive attention by any social service agency. For those cases which are referred there is virtually no follow-up. Early signs of deviance are ignored and the child later returns to court on a more serious charge to be placed in a state training school. Many people working in the juvenile field in New York believe that many more juveniles should be diverted from the court process than is currently the practice. However, before court intervention can be further restricted, the present system of court diversion must become an effective prevention tool. This can only be accomplished if the city develops services for youth identified in the early stages of deviancy by schools, police and courts.

Furthermore, there is no consistent city policy on prosecution or court diversion of juvenile cases. The Police and Intake section both operate under vague guidelines established by their respective agencies and these guidelines are often in conflict. The absence of a city prosecutor's office further aggravates this lack of coordination. Frequently, the police refer cases to court, such as glue sniffing, which are either not within the jurisdiction of the court, or ^{which} Intake believes should be directly referred to a community treatment agency. According to their own precinct commands, the police are required to refer these cases to court. Although the introduction of Intake procedure has greatly reduced the number of arrest cases that were subsequently dismissed or discharged by the court,¹¹ the current contradictory standards applied by the Police and Intake continue to obstruct the city's overall efforts in dealing with

¹¹According to the JDEP report in 1959, 63% of the juvenile delinquency petitions brought to the Children's Court by police and others were dismissed or discharged; whereas in 1966 only about 35% of the juvenile delinquency petitions in Family Court were dismissed or discharged. (1968 Judicial Conference Report).

early diversion of delinquency cases. If the city were to establish treatment services for diverted cases, it would have to coordinate, at the same time, the efforts of the police and probation in this direction.

3. Disposition: After Court

So far we have seen that the city of New York almost totally relies on the work of private sectarian agencies to provide juvenile delinquency prevention services. The system of services for children who have appeared before the Family Court and have been adjudicated delinquent or persons in need of supervision (PINS) is much more complex. It essentially involves three components:

1. A city administered Probation Department.
2. Privately administered, but publicly financed residential facilities.
3. State administered training schools.

We will first discuss each component separately and then analyze how the system works as a whole.

A. Probation

When a child is adjudicated delinquent or PINS there are two basic alternatives at disposition - supervision in the community or institutionalization. On the basis of the Probation Department investigation report and the recommendation of the Law Guardian, the judges makes the decision whether to place the child on probation or to place or commit a child to an authorized agency.

Each year approximately 60% of all PINS and delinquent cases are placed on probation. The court has determined that these children should remain in the community under the supervision of the court, rather than being merely discharged with a warning.¹² In most instances, however, probation is ~~of~~ no service, and is merely a means by which the court can maintain its jurisdiction over a child for a period of one to two years. If at any time during that period a child violates a condition of probation,¹³ he can be remanded to a detention facility, and placed in an institution after a hearing on that violation.

The Probation Department that serves the Family Court is a branch of the city Office of Probation. Family Court probation case loads are extremely high - about 100 per worker - and far exceed the requirements of the State Probation Commission which reimburses the city for half of its total probation expenditure. With a case load of 100, a probation officer can see a child, at the most, about once every two weeks. This visit is always in the probation office in the court house. No field supervision in the community is ^{undertaken} possible. Again, the probation officer must try to refer a child to an agency in the community for treatment. The range of services available for referral is limited to the same private agencies discussed in an earlier section. The programs offered by these agencies are frequently irrelevant to the needs of court children. Also, long waiting lists at private agencies further frustrate the efforts of probation officers. As far as we know at this time, there are no services or special projects in the community geared specifically to youth on probation.

¹²A very small percentage of cases are discharged with a warning. Probation Department administrators feel that there is a tendency to place too many children on probation. Many children would be better served by a discharge rather than the stigma of probation.

¹³Typical violations of probation are continued truancy, abscondance, and missed probation appointments.

By far the widest gap in facilities for youth is community-based residential treatment programs. As we shall discuss more fully later, there are no city administered residential facilities for the 7-16 age group.¹⁴ The only residential centers are experimental projects administered by the State Division for Youth. Therefore, the practically only service for a child whom the court retains in the community is probation supervision - which is no supervision at all.

B. Private Facilities

If the court finds at disposition that a child should be removed from the community and placed in an institution (about 40% of all dispositions per year) there are two basic alternatives - placement in a private institution or in a state training school.¹⁵ In New York City it is the responsibility of the Probation Department to find proper placement for a child prior to court order.

Placement in a private institution is considered preferable to state training school.^{15a} Although no documentation exists, most private facilities are reputed to have more highly trained staff and offer more therapeutic treatment than state schools. The private schools are smaller and generally less regimented. They serve a mixed population of delinquent and non-

¹⁴The Youth Board operates one residential facility for the 16-21 year olds called the Urban Residence for Homeless Youth.

¹⁵Only delinquent children can be "committed". In practice, however, there is no difference between the PINS and delinquent placements. PINS can be placed in virtually all of the same institutions (including state training schools) as delinquents. Neglected children cannot be committed and cannot be placed in state training schools.

^{15a}In the most recent Probation Department Quarterly Report, John Wallace states that his Placement staff is convinced "that the NY State Training Schools should be the first recommendation for some children rather than the 'shopping around' process that has prevailed to date." August 15, 1966

delinquents and, therefore, they have a child-care rather than correctional orientation. Due to the highly selective nature of these private institutions, probation officers only try to place their "best" children in these schools. The "bad" or "hard to place" children do not even get consideration and are placed in state training schools.

Each year approximately 30% of the combined delinquent and PINS placements in Family Court are placed in private facilities; 70% in state training schools. The percentage for delinquents is much lower -- in 1967 only 86 out of 679 delinquents were placed in private institutions, as opposed to 309 out of 737 PINS placements.¹⁶ Thirty years ago, the percentage of private and state were the reverse -- 70% private, 30% state. As the number of delinquent and PINS cases increased over the years, the private institutions were not able to care for these cases. Furthermore, only a handful of the 80-90 many privately operated institutions, which primarily care for neglected children, accept delinquents and PINS as a matter of regular policy -- 16 private agencies handle 90% of all private placements of PINS and delinquents. 17

All of these private institutions are administered by private boards, and the majority are affiliated with sectarian agencies, such as the Jewish Board of Guardians or Catholic Charities. The funding, however, is approximately

¹⁶The recently published Preliminary Report of the Governor's Special Committee on Criminal Offenders notes a discrepancy between the rate of admission and population in private institutions. Although only about 30% are admitted each year, there are as many delinquents and PINS in private institutions as there are in state training schools (approximately 2,200 in each category, state-wide). According to this report, the reason for the discrepancy is that the average length of stay in private facilities is 14 months as opposed to 9 months in state training schools.

¹⁷Rule 5.18 of the New York State Board of Welfare prohibits agencies from caring for neglected children in the same institutions as PINS and delinquents without permission of the State Commissioner of Welfare.

90% public - the city reimburses the institutions for 90% of their services and the state reimburses the city for 50% of its outlay.

Numerous studies on the system of child care in New York have criticized the relationship between the city and private agencies. Most of these studies focus on the effects of this system on the neglected child - the major recipient of the services of private institutions. But what is true for the neglected child can also be applied to the PINS and delinquent.

There is one basic fact which underlies all criticisms -- the public has no control over a system of child care which is almost totally public subsidized. A recent study by M.A.R.C.* on Child Welfare in New York City reviewed every past study on foster-care in New York and concludes:

"The concern over lack of public accountability and controls is based on the fact that although the public sector has legal responsibility for neglected and abandoned children, and bears almost the total fiscal burden of foster-care services for these children, the major responsibility for direct care is delegated to private agencies that are not administratively responsible to the public." 18

One of the salient features of the privately administered institutions is their prerogative to decide which children they will serve. All private agencies are highly selective in their acceptance of problem children. Those children who need treatment most - whether they be neglect, PINS, or delinquent - are rejected by strict admission requirements such as absence of low IQ, educational retardation, severe emotional disturbance, aggressive behavior, physical handicap, and uncooperative parent. The M.A.R.C. study finds that many agencies suffer from the lack of skilled specialized staff

¹⁸ Unpublished study by Kenneth Clark & associates, M.A.R.C., p 20.

* Metropolitan Applied Research Center.

and, therefore, are afraid to accept a disturbed child. They are selective due to "a need to reflect success." This selection process no doubt accounts for the very low percentage of delinquent children placed in private facilities as opposed to the less aggressive PINS cases.

The M.A.R.C. study particularly focused on the problem of racial discrimination allegedly practiced by private agencies. Allegations of discrimination have been made for many years, although the Brown-Isaacs Law prohibits discrimination by voluntary agencies. The problem is that this policy is in direct conflict with New York's tradition of providing child care on a sectarian basis. The religious orientation is so embedded into the system that special permission is required for all out-of-religion placements by §373 of the Social Welfare Law. Due to enormous public pressure in recent years, the Commissioner of Social Service has urged the agencies to adopt a loose interpretation of the law. He recommends that a child should be placed with an agency of the same religious faith as the child only when it is "in the best interests of the child" instead of "whenever practicable." Nevertheless, the M.A.R.C. study documents the continuing discrimination against Negro - Protestant children due to the paucity of Protestant foster-care facilities. Negro children, especially between the ages of 13 to 17, stay longest in shelter-care facilities because of placement delays. At one time, New York totally relied upon private agencies for foster-care placement. However, due to either the inability or refusal of these agencies to accept Negro children, the Bureau of Child Welfare now provides 10% of direct foster-care services to meet the needs of minority group children.

The same factors - control over admissions and selectivity - greatly affect private institutional service to delinquents and PINS. Although

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a city agency - the Probation Department - is responsible for finding placement, it has no authority in selecting placement. Acceptance or rejection of a child is entirely in the hands of the private agencies. A probation officer often sends material to dozens of agencies only to find that State training school is the only choice - because it must accept a child. The placement procedure is complicated, lengthy and often fruitless. Although the Family Court Act requires that a disposition hearing take place not more than twenty days after adjudication for a child who is in detention,¹⁹ defense attorneys rarely object to long delays. If the requirement were imposed, probation officers would not have time to search for placement in private facilities. Statistics show that PINS children, who are more frequently placed in private facilities, are detained longer in Juvenile Center than delinquent children.²⁰

The IPA report found that the lack of coordination between public and voluntary agencies responsible for child care produced an "unequal distribution of burdens and consequent impairment of programs."

For example, private voluntary agencies supported by government funds are largely permitted to decide which individuals they will serve, and sometimes deny their facilities to persons most needing aid. The refusal of some private residential institutions to admit children who have been members of juvenile gangs has contributed to the long delays and overcrowding in public detention facilities and has tended to transform the public training schools into "dumping grounds" for the more troublesome youngsters. ²¹

¹⁹F.C.A. §749 (a)

²⁰1967-68 statistics for the State indicate that 40% of the boy and 46% of the girl PINS were detained for over 30 days, whereas only 28% of the boy and 36% of the girl delinquents were detained over 30 days. 1968 Judicial Conference Annual Report, pp 365-371.

²¹IPA Report, p 25.

By not imposing control over the private agencies - or not coordinating the private and public services - the city's children are being cheated from getting the best treatment possible.²²

Another ramification of the relationship between the city and private agencies is the funding policy and procedure. This system deserves a study in itself. In brief, the city only reimburses the agencies for some fixed expenses. Costs which are not reimbursable include capital costs, medical services, and after-care. The effects of this policy are obvious. It discourages expansion of facilities and range of services, and encourages high cost institutional care rather than a balanced program including lower cost (and perhaps more effective) field supervision. Again the city's policy is undermining its ultimate goal - to provide the best possible treatment for its troubled youth.²³

C. State Training Schools

In recent years, the state training schools have been called the "dumping grounds" for all of New York City's bad children. The outdistancing of state services over private facilities in this area began in the early fifties. Because the private facilities could not keep up with the city's needs, the state was forced to expand its own facilities.

²²The Juvenile Delinquency Evaluation Project study of several Catholic private institutions severely criticized the lack of accountability. They recommended "a series of regular conferences of institutional executives and officials of the court, State Department of Social Welfare, City Department of Welfare, with the purpose of reaching an explicit agreement on precise function of these institutions." JDEP, Interim Report #VIII, p 69.

²³The procedure for reimbursement is extremely complex. The enormous amount of paper work and long delays in repayment imposes tremendous burdens on the private agencies and discourages them from taking children on an emergency basis.

Until 1955 there were only two state institutions in the down-state complex which serves New York City - Warwick for boys and Hudson for girls. In the last 13 years, six new schools for boys have been established: Otisville in 1955, Highland in 1957, New Hampton in 1958, Goshen Annex in 1962, South Kortright in 1963, and Overbrook Center in 1966; and two new schools for girls: Troy Branch in 1958, and Brookwood Annex in 1964. In 1954 the total capacity was 700; today it is 2,500. Recent estimates show that 67% of the population ^{is} ~~are~~ from New York City, about 2,200 youth. ²⁴

The State training school complex is administered by the Division of Children's Services of the State Department of Social Services. Until 1956 the cost was totally borne by the State. In that year the state required local welfare districts to reimburse the state on a per capita basis for 50% of the costs of the care of their children. Informed sources say that the state did this in order to discourage New York City's increasing use of state facilities. The city, however, gladly continued its dependence on state training schools. ²⁵ The reasons for this can only be surmised. The city probably would prefer to pay half the cost of state care rather than be forced to pay for the development of its own resources. It can send its troublesome youth far from the city, out of sight, to relieve public anxiety and guilt.

The current yearly cost of maintaining a child in state training school is \$8,850. ²⁶ Paying for half that cost, the city spends approximately \$10 million

²⁴Out of Sight - Out of Mind, Community Service South of New York, 1967, p 10.

²⁵ Interview with John A. Hopewell, Youth and Correction Staff, Community Service Society of New York, July 31, 1968.

²⁶ Interview with Joseph Linda, Director of Community Service Bureau, Department of Social Services, Aug. 9, 1968.

per year for correctional care for its youth.

It is impossible for us to evaluate the treatment program of state training schools. Many observers believe that training schools offer no real treatment at all. They are basically punitive and custodial in nature. In many cases placement in training school can hurt rather than help a disturbed child. None of these theories have been proved, but the 60% recidivist rate from training school does not speak highly for its rehabilitative success.

Current thinking stresses the disadvantages in treating a youngster outside his own community in a highly abnormal institutional setting. Theorists stress a "reality orientation" in rehabilitation today. Also, administrators argue that the remoteness of training schools from the city makes staff recruitment almost impossible. The quality of teachers and counselors would improve if correctional facilities were more accessible.

Several studies have indicated that too many children are placed in institutions, especially ⁱⁿ state training schools. Voluntary institutions which control their own intake, feel that children accepted by them belong there. Training school superintendents who do not control their intake, state that from 5 to 20 percent of the children in their training schools are unsuited to their program.²⁷ However, two studies of training school commitments found that even a larger percentage of children placed in training schools should not be there. In 1959 the Home Service Bureau studied

²⁷When Children Must be Committed, Citizens Committee for Children, 1960, p 47. Dr. Benjamin Hill, superintendent of Otisville School for Boys estimated that 15-20% of the Otisville population should not be in a training school setting, in an interview on May 28, 1968.

45 commitments to Otisville and Warwick. Of these cases, 55% would have been properly placed in normal child-caring institutions (29%) or retained in the community with case work services (26%). In only 45% of the cases, training school was the most appropriate place.²⁸ A more thorough study of training school commitments by Alfred Kahn at the New York School of Social Work classified 15.3% as not requiring institutional or foster-care at all; 51.5% required placement, but not in the training school to which they had been assigned. In 28.7% of the cases, the training school had been selected only because other preferred institutional resources were not available.²⁹

A 1960 study of institutions for the Citizen's Committee for Children found that although every system of services for children in trouble must provide treatment facilities away from home for certain types of children,³⁰ institutional care is greatly overused for New York Children.

"Certainly institutions are used too much if the criterion for evaluation is what we think can be done by a full network of community-based services, now generally non-existent. Certainly these institutions are used too much to the extent that they offer secure custody only, induction into delinquent thoughtways, and further isolation from the community. Clearly traditional training schools are used too much (since they are all that is available) for youth, requiring a variety of other institutional resources. (underlining added).³¹

²⁸ A Case Review and Evaluation of 45 Older Delinquent Boys committed to a State Training School from New York City, New York State Department of Social Services, January, 1959. (Dorothy Randall, author).

²⁹ Alfred J. Kahn, et.al., New York City Boys Committed to State Training Schools in 1957 and 1958, New York State Department of Social Welfare, 1960.

³⁰ Institution care, according to CCC is appropriate for children "(a) who must leave the community for a period of time for their own or community security; (b) whose problems cannot be dealt with unless they are removed from precipitating factors in their families or environment (and for whom foster homes are not appropriate or available); (c) who are most "reachable" through institutional peer group experiences, intensive individual psychiatric in-patient treatment, specialized education-vocational programs -- or other resources which can be best provided in institutions." When Children Must Be Committed, pp 44-45.

³¹ Ibid, p 44.

Therefore, too many children are placed in training school because no other alternatives exist. With private voluntary agencies only able to carry part of the burden and the city doing nothing to remedy the situation, the State has gradually begun to respond. It is slowly trying to fill in the huge gap of community-based services. The work of two agencies reflect the State's desire to change the existing system.

In 1960 the State Division for Youth was established to develop and administer innovative programs for older delinquent youth between the ages 15-18. These programs include work camps, Start Centers (short term residential work training and therapy), urban residential treatment centers, Stay centers (short-term non-residential work training and therapy) and Apartment Home complexes. In the New York City area at the present time there are two Apartment Home complexes, one Stay program, one Start program and one Youth Home.³² The population at these programs include voluntary referrals, adjudicated PINS, delinquent, wayward minors, youthful offenders, misdemeanants and felons. Although these programs have begun important innovation in providing community-based treatment services, they currently serve only about 60 (?) youth in the New York City area. In all of its state-wide programs, the State Division for Youth serves 600 youths.

The purpose of the State Division for Youth is to set up successful experimental programs that will encourage the State Department of Social Services and the city agencies to either take over their operation or to develop similar programs of their own. The experimental programs which are located in New York City are still totally administered by the State Division

³² See Memo re: J. Stanley Sheppard Youth Center, July 24, 1968.

for Youth despite attempts to persuade the city's Probation Department to take over their direction. Furthermore, the city has not followed the state's lead by setting up community-based treatment programs of its own.

The state has responded to the overuse of state training schools and the lack of community resources in another significant way. The State Department of Social Services began to restrict the use of its training schools through the activities of the Community Services Unit (CSU) of the Home Service Bureau, its after-care agency. Since 1965 the CSU has been operating in borrowed offices and dormitory space of Spofford Juvenile Center with only five case workers. After a child is placed in a state training school, he is remanded to Juvenile Center where the Intake and Allocation Unit initially screens all cases. Those which are considered most amenable to community treatment are immediately referred to CSU for further screening. From August 1965 to June 1968, approximately 159 referrals to CSU have been made. The majority of these referrals were new placements to training schools; ^{CSU has made an} a few were parole violators. An analysis of the first 100 referrals, ^{After further screening by CSU,} reveals that, only 12 out of 100 cases were returned to Intake and Allocation and placed in training schools because they proved to be poor parole risks. Five boys were placed in a Youth Residence House at the Harlem Y operated by the Home Service Bureau, and the remaining 77 boys were paroled and released into the community after six weeks of treatment at Juvenile Center. Only five of the paroled boys were subsequently placed in training schools. ³³

³³ Eleventh Annual Report, Boys Training School, Home Service Bureau, p 63.

The efforts of the CSU have been limited by a low budget and small staff. Last year the legislature turned down a one million dollar request by the Department of Social Services to plan a Rapid Treatment Center to expand the work of the CSU. Although the CSU seems to be performing a worthwhile function, some Family Court judges feel that their authority is being usurped by having their placement orders subsequently ignored by the Department of Social Services which merely paper transfers the child first to the training school and then to the CSU, to another program. To avoid this cumbersome procedure, the Department of Social Services would like all placements to be made to the Department rather than to the particular training school. Many judges, however, want to know exactly where a child is going to go when he leaves the courtroom. Because of judicial distrust, the CSU program takes very few cases and carefully screens out all risks.

In the last two years the Home Service Bureau, now called the Community Service Bureau, has begun to develop community services by either taking over the Division for Youth programs or starting its own programs.³⁴ These direct care programs are for CSU referrals and for training school parolees. The Home Service Bureau takes on the task of developing community services reluctantly, as is evident from this introduction to its 11th Annual Report:

"We stress community field services because of our continuing effort to retain a small selected number of boys, after Family Court disposition, in the community. Resources? We have two family counselling units, a residence, foster care programs in the boroughs

³⁴None of these services are in operation at the present time except the Harlem Y Residence. Others will include two Apartment Home Complexes from the State Division for Youth, a residence for girls at 347 East 18th Street and a group home for boys at 2223 Valentine Avenue.

as well as in Metropolitan counties. Is the development of such resources a primary choice? Unquestionably not. What determines or has determined State development of such resources? The lack of local resources, inertia, overwhelming other urban problems and the general public attitude of "isolating and punishing offender." 35

4. After-Care: After Institutionalization

There have been no recent studies made on the quality of after-care services for youth. The last study was the MacIver Report in 1958 which is now probably badly out-of-date. Due to the lack of concrete data, only the following general remarks can be made on after-care.

The after-care or parole services to formerly institutionalized New York City children are administered by approximately eighteen separate agencies - voluntary and state. Each agency responsible for placement services administers its own after-care. Therefore, the private institutions each have their own programs; the State Department of Social Services and the State Division for Youth ^{their} its own. None of these after-care services are coordinated with each other or with the City Office of Probation. As a result, after-care services, which ^{are} is by definition a community-based services, is being administered by state and voluntary agencies who operate almost entirely outside the city. The distance of these institutions from the city makes gradual transition back into the community difficult, and integration between resident treatment and work with parents and child after discharge impossible. The distance also requires separate staff detached from the institution to provide field supervision, but this is often too costly for the smaller institutions.

³⁵ Eleventh Annual Report, Boy's Training School, Home Services Bureau, p 1.

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Under the state and local reimbursement plan, private agencies are not reimbursed for ^{their} its after-care services.³⁶ Therefore, only the larger and better financed private institutions can afford any after-care services. Only two private institutions, Wiltwyck and Hawthorne, have one small group half-way house in the city for a limited number of boys. Most children released from private institutions return to the same community with no field supervision whatsoever.³⁷

The after-care services of the state training schools have already been mentioned in connection with the Community Services Unit of the Home Service Bureau. This Bureau, now called the Community Service Bureau, is responsible for the after-care services for all boys' and girls' training schools. A very small percentage of the total training school budget is spent on after-care services - less than 10%. Each field worker has approximately 80 cases; only token supervision is provided. Specialized services are provided by 3 part-time psychiatrists, a school liaison worker, and an employment specialist.

^{Frequently,} One of the major reasons a child is placed in training school is that he has no proper home. After the average nine month stay at a training school, there is still no home to which the child can return. In search of foster-care programs, the Bureau has to compete with other public and private agencies. At the present time there are about 100 boys on parole in boarding

³⁶ Preliminary Report of the Government Special Committee on Criminal Offenders, p 262.

³⁷ When Children Must Be Committed, pp 38-40.

homes. About 16 parolees are at the Harlem Y residence. The remainder are under field supervision.

Each year substantial numbers of parolees are returned to the training schools on parole violation - approximately 350 per year. Out of 870 discharges from parole in 1967, 35.8% were discharged as recidivists to adult correctional institutions or supervision. ³⁸

³⁸11th Annual Report, Home Service Bureau, p 67.

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III. Conclusion

The analysis of the system of youth services began with a description of inadequate community-based prevention programs and ended with a description of inadequate after-care services. It is obvious that not enough money is being devoted to these efforts. But what this analysis also suggests is that the present system of services is not providing maximum benefit to the children of New York City due to the misallocation of resources and lack of coordination.

The analysis of the "system" of services at the disposition stage has especially illustrated that there is really no system at all. No single agency within the city or state coordinates the various administratively unrelated disposition services. Briefly, the result is this:

The Probation Department, a city agency, is supposed to provide treatment services in the community. But the city's outmoded and over-centralized Probation Department cannot provide field supervision. The city leaves the court with no other alternative - placement out of the community. Neither the city or the court has any control over this placement process. The best children are accepted by the private facilities, and the most deprived are placed in state training schools, which are least capable of providing treatment. The training schools therefore, receive two kinds of children who do not belong. The first are the very aggressive and disturbed children rejected by private agencies, who need intensive psychiatric treatment. The second is the much larger number of children, many having committed no criminal act, who need supervision in an open setting in the community. But since probation is a formality and the city has no other community treatment programs, these children are unjustly penalized.

The state has tried somewhat to rectify the inadequacies of the city-private agency system of services by setting up community-based treatment services of its own. However, the state will never be able to provide for all of the community services that are needed at all levels - prevention, court diversion, disposition, and after-care. The state has invested millions of dollars in its state training schools, and is not ready to begin anew. Already the state has fulfilled its obligation as an innovator in treatment programs and has encouraged the city to innovate by a generous reimbursement system. The city, which knows its neighborhoods and youth problems the best, has not made any effort to provide these badly needed community-based services. The city, furthermore, allows an essentially self-defeating system to perpetuate by not trying to coordinate the activities of all agencies that serve its youth.

Many studies in the last thirteen years have explored various methods of coordinating the administration of services to the youth in New York City. Although their specific recommendations differ, all agree that some top level administrative authority -- located in or close to the Mayor's office -- must be established. As a first step in trying to improve New York City's services for youth in trouble, the Criminal Justice Coordinating Council's Youth Services Committee should carefully study these recommendations and bring their conclusions up-to-date.

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by John A. Donovan, Esq.,
Spring 1968

Legal Bibliography of
Juvenile Court Process

John A. Donovan
Research Assistant
September, 1966

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