

Mobile Press-Register

Finally, a second chance for juvenile offenders

By Linda Tilly

11/15/09

In 1899, the first family court was established in this country to operate as a “kind and just parent” to children who commit crimes. Up until then, children were tried in adult criminal courts and sentenced to hard labor in adult prisons. The principal behind the new court: children differ from adults and deserve rehabilitation and a chance at a fresh start. At its inception, the new juvenile court was lauded by jurists like Roscoe Pound as “the greatest forward step in Anglo-American jurisprudence since the Magna Carter.”

Fast forward 110 years to see the court’s founding goals and ideals have not always been realized. Poor and minority children have consistently received harsher treatment and in most states. The courts have relied on reformatories rather than rehabilitation. In the 1980s and 1990s, new “get tough on crime” laws began requiring longer sentences and allowed more teens to be tried as adults. Instead of making our communities safer, these modern laws have promoted repeat offenders and recidivism. State juvenile detention facilities have become “crime schools”, where the non-violent kid meets the hardened gang member. Research shows these institutions fail to effectively protect the public or rehabilitate our youth. The majority of these juveniles are rearrested within 2 to 3 years of release while many end up in adult correctional facilities. Clearly, our juvenile facilities have fallen short of their mission.

This month, juvenile justice in Alabama institutes the blueprint for reform and a chance to get it right. All provisions of the 2008 Alabama Juvenile Justice Reform Act are now in effect. Probably the most important change strengthens protection for CHINS offenders, or children in need of supervision. A CHINS offense is particular only to a person under the age of 18. Adults cannot commit a CHINS offense, these offenses apply only to those persons, who by their age status, are not adults. CHINS violations include: running away, being ungovernable or disrespectful to parents, skipping school, or possessing alcohol.

A few years ago, the Annie E. Casey Foundation surveyed the Alabama Department of Youth Services and found that more than 200 CHINS offenders were housed in state lockups during the course of a year. At a cost of up to \$200 per child per day, CHINS offenders have become the poster children of the reforms. These non-violent lawbreakers are considered the easiest group to rehabilitate with regard to the potential of future criminal behavior. While they are certainly not angels, they are not violent. They haven’t committed a crime severe enough to threaten public safety. In most instances, their problems can be ameliorated with the help from non-custodial resources from within their own home counties.

The revisions to the juvenile justice law directs counties to develop programs and services to deal with issues like substance abuse, character building, anger management, vocational services and mental health counseling. These programs often focus on the family and are able to modify a child’s behavior through changes in the family environment and relationships. Judges have the authority to refer juveniles to these family-based intervention programs and intensive counseling services. Attendance and engagement is required.

The new approach leaves the old punitive and counter-productive ways of dealing with CHINS offenders behind. Judges are now prohibited from sending CHINS offenders to state confinements. In extreme

cases, judges are permitted to locally detain CHINS status children for up to 72 hours in a six month period if the child violates a valid, previously issued court order with regard to a previous CHINS offense.

The 2008 Alabama Juvenile Justice Reform Act is a welcome departure to the trends of the last century. The comprehensive new approach to juvenile justice allows us to address all of the factors that cause delinquent and criminal behavior and provide reliable avenues for improvement and rehabilitation. This is a tall order, especially for our local communities. But only broad, proven strategies that emphasize prevention and intervention will bring lasting solutions.

(Linda Tilly is the executive director of VOICES for Alabama's Children, a nonpartisan, non-profit organization committed to improving child well-being in the state. This is the second of four articles in a series about juvenile justice.)