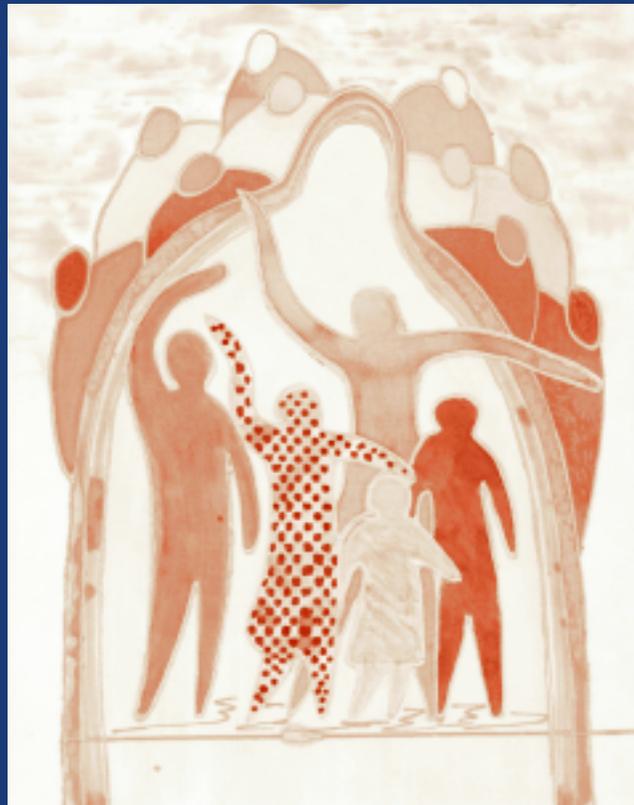


*Celebrating 100 Years
of
Juvenile Justice in Missouri*

1903-2003



Margarita Rademacher

*Learning from our past
Grants wisdom in the present
Which gives hope to our future*

James D. Reed

Much appreciation is extended to the Missouri Bar Foundation, the Missouri Juvenile Justice Association, public youth serving agencies and private donors whose financial and in-kind contributions made this Centennial publication possible.

Missouri's juvenile justice history is a rich and storied one, filled with learning experiences and the successes they become. This brochure will chronicle Missouri's challenging past including the infamous reform schools of Boonville and Chillicothe, to the triumphant changes led by children's champions such as Andrew Jackson Higgins that have made this state a leader in juvenile justice reform.

Learning from our past

Missouri's Juvenile Justice Roots:

 In the early nineteenth century, delinquent, abused, neglected or homeless children were placed in adult prisons by the courts. Little thought was given to the harsh mental or physical ramifications of this placement.

 Children who were not placed behind bars were often placed in asylums or poorhouses because authorities had no other alternative.

 Later in the nineteenth century, states began building reform schools to provide a structured learning and living environment. In Missouri, such reformatories could be found in Booneville, Chillicothe, and Tipton. However, these reformatories fared no better in serving Missouri's children.

 On March 23, 1903, Governor Alexander M. Dockery signed legislation creating juvenile courts in the City of St. Louis and Jackson County. This legislation is seen as a great turning point in Missouri's juvenile justice reform.

In the 1970's and 80's, Missouri's leaders in juvenile justice reform began advocating a focus on rehabilitation rather than confinement and punishment. This proved to be an overwhelming success. Group style living environments and therapy replaced the standard high security, and deplorable living conditions of the reformatories. The reformatories have since closed and Missouri is now regarded as a model state in juvenile corrections.

The 1990's found: establishment of unified family courts; a focus on balanced and restorative justice; expedited permanency; enhancement of local juvenile courts' ability to provide mental health services at the local community based level; designated grant funding through the Division of Youth Services to juvenile courts for development of local, community-based programs and services as an alternative to incarceration; enhanced partnership between the state and counties for juvenile court services.

Wisdom in the Present

Missouri's Juvenile Justice Highlights:



All reformatories opened in the early nineteenth century have since been closed.



In 1981, Chief Justice of the Supreme Court, Andrew Jackson Higgins, created the nation's first Supreme Court Task Force on Permanency Planning for abused and neglected children.



In 1982, the Missouri General Assembly mandated that juvenile court referral statistics be maintained to assist in ascertaining how many children were being referred to the juvenile court, for what reasons, and the resulting dispositions.



In 1983, Missouri's General Assembly became the first state legislature to create a standing legislative committee on children.



By January 1, 1986, all children in Missouri were removed from being held in adult jails and lock-ups through the monitoring efforts of the Missouri Juvenile Justice Association.



In 1989, the Missouri Juvenile Justice Association completed its work on the first Minimum Standards for the Operation of Missouri Juvenile Court Detention facilities. These Standards were approved and promulgated by the Missouri Supreme Court and mandated by Missouri statute



In 1993, Missouri became one of the first states in the nation to create unified family courts.



The Juvenile Justice Reform Act of 1995 focused on three important areas of juvenile justice: youth violence prevention; the delinquent juvenile offender; and juvenile and family court administration. Among many provisions this legislation included, but was not limited to, the following: Court automation which is now enhancing communication among and between juvenile and family courts, state youth serving agencies, and schools. This enhances and expedites services to children; Establishment of a Juvenile and Adult Court Program Division within the Office of State Courts Administrator (OSCA), and; establishment of the Juvenile Education Division within OSCA to develop educational standards for juvenile court personnel.



In 1996, The Missouri Juvenile Justice Association completed its draft of Minimum Standards for Missouri Guardians Ad Litem which included standards of professional conduct, responsibilities, and training for non-lawyer guardians ad litem. These were approved by the Missouri Supreme Court.



In 1996, the Safe Schools Act was passed which provided for enhanced communication between schools, law enforcement, and juvenile courts.



Missouri is the first state to pursue effective on going reform through a Commission on Children and the Law created and maintained by the state's bar association.



1998 found the passage of the "Juvenile Court Improvement Act" - HB 971. This historic legislation enhanced the partnership between the state and the counties for juvenile court services at the local level. It improved the juvenile court's ability to provide services to children in their communities by: increasing the state's financial investment in Missouri's juvenile courts; reducing financial strain on the counties; correcting personnel inequities where most needed, and; providing a first important statutory step in enabling counties to work together to address their local juvenile detention needs.



Additionally, the Missouri Juvenile Justice Association and the Division of Comprehensive Psychiatric Services partnered to establish a foundation on which to expand interagency collaboration between mental health services and juvenile justice. Through the efforts of this Missouri Alliance of Mental Health and Juvenile Justice, state funds were specifically earmarked within the Department of Mental Health budget for grants to several juvenile court pilot sites to enable courts to address the mental health needs of youth referred to them at the local level. The desire is to expand these pilot sites statewide. (Expansion of these pilot projects to other sites have not yet been able to occur due to budget constraints.)



2001 - The Standards for the Administration of Juvenile Justice were approved by the Supreme Court of Missouri.

KEY JUVENILE CODE STATUTES

Statute 211.011 of the Missouri Juvenile Code states: *Juvenile Courts*

The purpose of this chapter is to facilitate the care, protection and discipline of children who come within the jurisdiction of the juvenile court. This chapter shall be liberally construed, therefore, to the end that each child coming within the jurisdiction of the juvenile court shall receive such care, guidance and control as will conduce to the child's welfare and the best interests of the state, and that when such child is removed from the control of his parents the possible equivalent to that which should have been given him by them. The child welfare policy of this state is what is in the best interests of the child.



Missouri's 45 juvenile divisions of the Circuit Courts serve over 87,000 children each year. These children include those referred for abuse and neglect, delinquency and status offenses, such as running away and truancy. The services provided are dependent upon a variety of factors such as local financial and service resources and staff allocations available.



Age of Juvenile Court Jurisdiction: 16 and younger for delinquency/status offenses
17 and younger for child abuse/neglect



Juvenile and family court personnel wear many hats: investigation, intake, diversion, secure detention, prosecution, interventions, sanctions and services. Acts must have occurred that bring a child to the attention of the juvenile court: from the child who is found in possession of firecrackers on the 4th of July to the child who has committed murder; from an incidence of a dirty home to the most horrific injuries inflicted upon a child caused by physical and/or sexual abuse. Juvenile Officers must be prepared to offer options and take immediate action.



Juvenile and family court judges and personnel must have specialized, on-going training to meet the demands of their jobs. Intervening in the lives of children and families is emotional and may become volatile. Juvenile justice professionals require comprehensive, integrated, skill-based training on a continual basis.



Juvenile and family courts must deal with many different parties: the child, siblings, mother, different fathers, grandparents, relatives and significant others. Each may be entitled to counsel, and, at the same time may have related cases pending in different courts.



Juvenile Officers handle nearly 75% of the work in juvenile and family courts outside of the courtroom by administrative processes.



Informal adjustment includes the giving of counsel and advice to the child and the child's parent(s) by the juvenile officer that may include sanctions and services with the consent of the child's parent. (See 211.081 RSMo., and Supreme Court Rule 133.01).



The Juvenile Justice System is truly a community-based system. Court personnel enforce laws as they apply to children and must recognize and enforce community standards.



State and local agencies are critical resources to juvenile and family courts.

Statute 210.001 of the Missouri Juvenile Code states: *Child Welfare*

Department of Social Services shall address the needs of homeless, dependent and neglected children in the supervision and custody of the Division of Family Services and to their families in conflict by:

-  **Serving children and families as a unit and in the least restricting setting available and in close proximity to the family home, consistent with the best interests and special needs of the child;**
-  **Ensuring that appropriate social services are provided to the family both prior to the removal of the child from the home and after family reunification;**
-  **Developing and implementing preventive and early intervention social services which have demonstrated the ability to delay or reduce the need for out-of-home placements and ameliorate problems before they become chronic.**
-  **A true measure of a society is the extent of its concern for those less fortunate-its intent of keeping families together, preventing abuse and neglect, and encouraging self-sufficiency and independence. In Missouri, programs dealing with these concerns are administered by the state Department of Social Services.**

Family Centered Out Of Home Care grants through the Division of Family Services were provided to most circuits to assist in expediting permanency. Most of these funds were cut in 2002 due to budget constraints in Missouri.

Statute 219.011 of the Missouri Juvenile Code states: *Division of Youth Services*

The Division of Youth Services (DYS) is responsible within the terms of sections 219.011 to 219.086, for the prevention and control of juvenile delinquency and the rehabilitation of children.

-  **The Division shall be responsible for the development and administration of an effective statewide comprehensive program of youth services. This shall include, but not be limited to: providing for the reception, classification, care, activities, education and rehabilitation of all children committed to the Division.**

In 2003, Dick Mendel wrote an article for the Annie E. Casey Foundation in *Advocasey* that the Missouri Division of Youth Services has become a model for the nation in juvenile corrections. “Missouri’s switch to smaller facilities was crucial to improving its juvenile corrections system. The most recent DYS recidivism report, compiled in February 2003, shows that 70% of youth released in 1999 avoided recommitment to a correctional program within three years.” For a full report go to: www.aecf.org

From 1994-2000, through grants within the Division of Youth Services budget, Missouri increased funding to Juvenile and Family Courts. The purpose of this funding – called “Juvenile Court Diversion” - was established to assist courts in the development of alternatives to committing youth to DYS by enabling courts to provide services at the community-based level. (Beginning in 2001 to the present, there have been cuts to this important funding due to budget constraints.)

Hope for the Future

Delinquency

Due to rehabilitation as treatment ideology, Missouri boasts some of the best recidivism rates nationally. No system is or will ever be perfect, but thanks to the tireless efforts of countless juvenile justice professionals, lawmakers, and advocates, Missouri has not only a voice, but a reason to hope. The Balanced and Restorative Justice approach is the way of the future.

The Balanced and Restorative Justice Approach:

The balanced approach methodology focuses on three core areas of juvenile justice:

Accountability



When an individual commits an offense, the offender incurs an obligation to individual victims and the community.

Rehabilitation/Competency Development



Offenders who enter the juvenile justice system should be more capable when they leave than when they entered.

Community Safety



Juvenile justice has a responsibility to protect the public.

Through implementation of the balanced and restorative justice approaches, the offender is held accountable while the victim receives restitution. The common theme with both methodologies is *Community Involvement*. Juvenile justice must not be regulated only by the court system and law enforcement. Communities must unite to save the future, which is, our children.

Standards for the Administration of Juvenile Justice

The Standards for the Administration of Juvenile Justice were approved by the Supreme Court in April 2001. They are applicable to the administrative juvenile justice process and articulate the values of:

1. Access to Justice
2. Independence and Integrity
3. Timeliness and Responsiveness
4. Records
5. Victim Rights
6. Delinquency Case Processing
7. Dispositions
8. Detention Facilities and Services

Performance measures are defined for each of these values.

Education

Minimum educational/training standards for juvenile officers have been established by the Office of State Courts Administrator, through the Juvenile Education Division Committee. Educational topics include, but are not limited to: a week-long, forty-hour curriculum for new juvenile court personnel entitled *Fundamental Skills for Good Juvenile Probation Practice*, which is provided twice a year, through an OSCA contract with the Missouri Juvenile Justice Association; a week-long, forty-hour curriculum for new juvenile court detention personnel entitled *Fundamental Skills for Good Juvenile Detention Practice*, which is provided three times a year, through an OSCA contract with the Missouri Juvenile Justice Association; and a variety of topics pertinent to juvenile justice - such as abuse/neglect, interviewing skills, ethics, cultural awareness, court procedures, to name but a few, provided by OSCA throughout the year, as well as via MJJA's annual statewide conferences held twice a year.

Child Welfare

In 2003, Missouri's Governor Bob Holden issued an executive order calling for enhancement of the child welfare system. As a result, the Division of Family Services is now known as Missouri's Children's Division, committed to the safety, privacy, and dignity of children. This division will ensure that the needs of abused and neglected children are met in the most efficient manner possible. The commitment of Missouri's Children's Division can be measured by their recommendations to better serve abused and neglected youth:

-  To establish, renew, and improve communication and training between the Department of Social Services with the courts, juvenile officers, guardians ad litem, and counselors. This will foster better cooperation at the community level, where it matters most.
-  A new call management system will allow quicker emergency calls; allow more callers to avoid busy signals; and accommodate call volume more efficiently.
-  Placing children who cannot remain safely in their own homes in the most familiar and comforting settings possible. Relatives or others who support families are considered top priorities, as "kinship placement" is often less traumatic for children.
-  Partnering with the Missouri Department of Mental Health to reduce the number of parents relinquishing their rights so their children can receive proper mental health care.
-  Partnering with law enforcement to improve the quality of background checks including fingerprinting for foster parents and others who serve children in custody of the Children's Division.
-  Exploring other states' privatization efforts, and working toward an appropriate increase in privatizing services in Missouri. Options are being weighed carefully, determining the best use of state and private resources, given current budget issues. The Department of Social Services will partner with providers to develop the right performance standards.
-  In December 2002, through Executive Order, as part of a larger reorganization of Department of Social Services, Governor Bob Holden created the Office of Child Welfare Ombudsman. The Ombudsman was created to independently investigate complaints and monitor the delivery of children's services with the Department of Social Services. It was created as an independent and impartial voice to ensure that Missouri's children and families are being provided with the best possible care. In September 2003, Mary McEniry of Jackson County was appointed as the state's first Child Welfare Ombudsman.

The key word to success of what is "working" in juvenile justice is cooperation. With various state agencies and children's advocacy organizations partnering together, the future of Missouri's children is, indeed, a bright one.

Giving a Child Hope for Tomorrow Begins Today

James D. Reed

In Summary

-  **The juvenile justice system provides individualized, unique, creative, customized solutions/dispositions designed to meet the needs of each child referred to it. It is important that it remain as a separate court.**
-  **The juvenile justice system requires immediate intervention: time is of the essence when dealing with kids in crises.**
-  **The juvenile justice system differs from the adult justice system in its breadth of activities and responsibilities of the personnel comprising the system, as well as the wide range of needs of children and families coming to its attention.**
-  **The purpose of the juvenile justice system is a balanced approach: assist/protect children from harm, protect the community, assure accountability by a juvenile offender, and enhance the competency of the juvenile offender referred. The system is designed to be the safety net for children - whether they are abused or neglected, delinquents or status offenders.**
-  **Professionals within the system must be well-trained, qualified experts in a variety of areas to assure the needs of the child are best met.**
-  **Collaborations and partnerships between/among juvenile and family courts, state agencies, private organizations, law enforcement, schools, communities and local service providers are key to the success of the system in meeting the needs of the children and families it serves.**
-  **The understanding and support of the juvenile justice system by state lawmakers, local policy makers, community leaders and the public is essential to the success of the system, and is at its very heart of the system's ability to achieve its mission – at both the local and state levels.**

Missouri's juvenile justice system has overcome many difficult obstacles throughout its past – and continues to make great new strides. We look forward to continuing our work – together: where continued collaboration, understanding and cooperation will help assure that the best possible services are provided to those children who are served by Missouri's juvenile justice system.

Education of the Past is Enlightenment for the Future

James D. Reed

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***“A Very Special Place in Life”: The History of Juvenile Justice in Missouri*, by Professor Douglas Abrams, © Missouri Juvenile Justice Association**



The Department of Social Services



The Division of Youth Services



The Children’s Division



The 2003 MJJA Juvenile Justice Symposium for Missouri Legislators notebook of information



***2001 Juvenile Court Statistics Report*, compiled by the Division of Youth Services**



The Department of Elementary and Secondary Education for making this document available to the schools of Missouri

Much appreciation is extended to the Missouri Bar Foundation, the Missouri Juvenile Justice Association, public youth serving agencies and private donors whose financial and in-kind contributions made this Centennial publication possible.

Very special gratitude is extended to James D. Reed, MJJA Juvenile Justice Historian, who compiled this publication.

For more information about Missouri’s juvenile justice system, please go to the Missouri Juvenile Justice Association website: www.mjja.org.

MISSOURI JUVENILE JUSTICE ASSOCIATION

The Missouri Juvenile Justice Association (MJJA) is a statewide, not-for-profit 501 (c) (3) organization. Soley dependent on memberships and donations, MJJA brings together juvenile justice system professionals and agencies and public and private organizations, corporations and individuals who are committed to improving the Missouri juvenile justice system for the sake of children in need of a future. MJJA envisions a preferred future in which the public is aware and supportive of the delivery of high quality juvenile justice services for children of Missouri defined as status offenders, delinquents and abused and neglected. In this preferred future, MJJA demonstrates leadership by maintaining and enhancing quality collaborative education opportunities and forums for sharing expertise to guide and support the development of its broad-based membership. As an advocate for children's rights and services, MJJA is recognized as a proactive leader in Missouri and nationally. MJJA's leadership is reflected in its ability to maintain a leading juvenile justice information clearinghouse and effectively serve and address issues raised by the diverse agencies involved in the juvenile justice system.

To reach this desired future, MJJA recognizes certain core values intrinsic to the organization. Those values are:

-  **Commitment to the needs of Missouri's children**
-  **Leading with a spirit of collaboration**
-  **Broad-based and diverse membership**
-  **Top quality professional training and development**

The mission of the Missouri Juvenile Justice Association is to develop and promote a quality juvenile justice service delivery system for the youth of the state of Missouri.



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