

“Ungovernable” and Runaway Youth

Guidance for Youth-Serving, Legal and Judicial Professionals

Running away from home or acting “ungovernable” (or beyond the control of one’s parents) can lead youth to become involved with the juvenile justice system; in some cases youth can even be placed in secure confinement for these behaviors.ⁱ “Status offenses,” or behaviors that are only illegal due to a young person’s age, are often symptomatic of larger issues the child faces in the home, school or community. They may be less a reflection of the child’s risky behavior and more an indication of poor family functioning or his or her unmet health, mental health or educational needs. Runaway and ungovernability cases (the latter may also be called “incurability” or “beyond the lawful control of one’s parent”), can be particularly difficult for professionals to meaningfully help families and young people resolve. They are often rooted in family conflict and the parent’s expressed interests may be at odds with the child’s. Many youth who run away may be running from an abusive situation

or running to an unsafe environment. Research also shows that runaway case rates for African American youth are more than three times the rate for White youth, and the ungovernability case rate for African American youth is more than twice the rate of white youth.ⁱⁱ In addition, girls made up 58% of all petitioned runaway cases and 42% of petitioned ungovernability cases in 2010 (compared to 28% of delinquency cases).ⁱⁱⁱ

The Coalition for Juvenile Justice’s *National Standards for the Care of Youth Charged with Status Offenses* (the *National Standards*) provide relevant and practical guidance to help ensure youth charged with running away or ungovernability are safe, offered the services and assistance they need, and do not slip deeper into the justice system or experience the negative outcomes associated with system involvement.

JEFFERSON COUNTY (ALABAMA) FAMILY COURT’S FAMILY-FOCUSED COURT DIVERSION PROTOCOL FOR ALLEGEDLY UNGOVERNABLE OR INCORRIGIBLE YOUTH

Historically, parents in Alabama have been allowed to file a complaint directly with the court alleging a child to be ungovernable or incorrigible. Realizing that counseling was often court-ordered as a remedy in such cases, then Presiding Judge J. Brian Huff and his colleagues developed a court diversion protocol that mandates that youth and their parents and/or guardians must first undergo at least five family counseling sessions before filing in juvenile court. If the child refuses to go, the parent must develop a treatment plan with a counselor. To assist low-income parents, Judge Huff also worked with local providers to offer counseling sessions at little or no cost to parents or guardians. Implementation of this relatively simple protocol has dramatically reduced youth placements in locked confinement for ungovernability/incorrigibility charges in Jefferson County, and reduced the number of status offense cases filed before the Jefferson County Court annually by approximately 40 percent (from 4,000 to 2,500). Importantly, the protocol has also empowered parents and families to address difficult, yet non-delinquent behavior with their children without juvenile justice system intervention.

Specifically, the *National Standards* call for the following:

- **First responders to runaway, ungovernable youth, or other “status offense” cases should aim to resolve all such cases through the provision of voluntary diversion services and by determining the reason behind system contact** (*Section II, Standards 1, 2 and 6*). As the commentary to the *National Standards* illustrates, there are many steps professionals can take to promote voluntary service alternatives for their runaway and ungovernability clients, and strategies they can use to identify the family circumstances or unmet needs that prompted system involvement.
- **Law enforcement professionals should focus on prevention and intervention by connecting children and families to needed services in lieu of charging or detaining children** (*Section II, Standard 4*). The Standards recognize the critical role law enforcement professionals play in ensuring young people do not unnecessarily enter the status offense system.
- **Professionals and systems should ensure that past trauma and other experiences are identified and responded to with appropriate screening, assessment, treatment, services and supports** (*Section I, Standard 4*). Commentary to this section illustrates ways social service agencies and courts can recognize and respond to the impact trauma has on youth charged with status offenses, particularly in runaway and ungovernability cases.
- **Professionals working with these youth should understand the developmental, behavioral and social differences between boys and girls and how their service needs are accordingly different** (*Section I, Standard 9*). As discussed in the commentary to this section, there are several concrete steps professionals can take to make gender-responsive choices regarding interventions, treatment and services before, during, and following court involvement.

In addition to the above, the *National Standards* address many considerations relevant to runaway and ungovernability cases, including adolescent brain development, early intervention and diversion strategies, as well as concrete recommendations relating to specific populations, such as LGBTQ and minority youth.



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ⁱ Although the Juvenile Justice and Delinquency Prevention Acts prohibits secure confinement, there is an exception, used in about half the states, that allows judges to order secure confinement of youth who violate a valid court order.

ⁱⁱ Puzzanchera, C. and Sarah Hockenberry.(2013). *Juvenile Court Statistics 2010*. Pittsburgh, PA: National Center for Juvenile Justice.

ⁱⁱⁱ *Ibid.*