

Status Offenders

A status offense is a noncriminal act that is considered a law violation only because of a youth's status as a minor.¹ Typical status offenses include truancy, running away from home, violating curfew, underage use of alcohol, and general ungovernability.

Scope of the Problem

Status-offending behavior is often a sign of underlying personal, familial, community, and systemic issues, similar to the risk factors that underlie general offending. Sometimes these underlying issues contribute to delinquency later in life, putting youths at a higher risk for drug use, victimization, engagement in risky behavior, and overall increased potential for physical and mental health issues, including addiction (Greenwood and Turner 2011; Chuang and Wells 2010; Buffington, Dierkhising, and Marsh 2010; Henry, Knight, and Thornberry 2012; Mersky, Topitzes, and Reynolds 2012). Ample evidence supports the notion that less serious forms of delinquency often precede the onset of more serious delinquent acts (Huizinga, Loeber, and Thornberry 1995; Elliott, 1994). However, the "precursor to delinquency" view of status offending does not take into account the normal experimentation of childhood and adolescence or the diverse developmental pathways that can lead to serious delinquency (Kelley et al. 1997). Children and adolescents commonly experiment with behaviors that are not considered positive or prosocial, such as lying, being truant, or defying parents. Such experimentation allows youths to discover the negative consequences of their behaviors and learn from their mistakes. Most youths who engage in status and other minor offenses never progress to more serious behaviors (Kelley et al. 1997).

States have formulated differing approaches to defining and handling status offenders. The approaches can be broadly divided into three categories: status offenders as delinquents, status offenders as neglected/abused dependents, or status offenders as a separate legislative category. The classification of offense behaviors largely dictates the kind of treatment and services that status offenders are likely to receive. The legal definition of a status offense is critical, as it can impact the treatment and availability of services to a youth in the juvenile justice system (Kendall 2007).

Relatively few states define status offenses as delinquent behavior under statute, yet many status offenders end up being treated as *de facto* delinquents. One such way is through the use of probation as a disposition for status offenders, which is an option in 30 states (Szymanski 2006). Often, status offenders will be placed on probation, only to be later incarcerated as the result of a technical

¹ The upper age of juvenile delinquency and status offense jurisdiction varies by state. For more information, please see: [Jurisdictional Boundaries \(OJJDP, 2014\)](#)

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violation, regardless of whether the status offense was serious enough to initially warrant the use of confinement (Yeide and Cohen 2009).

Federal Legislation: Deinstitutionalization of Status Offenders

Although there is significant variation in how states approach status-offense cases, states receiving federal funding from the Office of Juvenile Justice and Delinquency Prevention (OJJDP) are expected to follow the key requirements outlined in the [Juvenile Justice and Delinquency Prevention Act \(JJDP\) Act \(OJJDP, n.d.a.\)](#).

The JJDP Act was passed in 1974 and fostered a federal-state partnership for the administration of juvenile justice. In its infancy, the Act set two core requirements that states should abide by to receive federal funding, including the separation of juveniles and adults in incarceration, and the deinstitutionalization of status offenders (OJJDP, n.d.b.). The deinstitutionalization of status offenders (DSO) core requirement of the JJDP Act established that youths charged with status offenses, and/or abused and neglected youths, shall not be placed in secure detention or locked confinement. The intent of this requirement was to encourage states to divert status-offending youths away from the juvenile justice system and place them in less restrictive, service-intensive, community-based programs. The DSO requirement reinforces the idea that status offenders should be dealt with differently than juvenile delinquents, and should not be placed in secure detention or correctional facilities.

Valid Court Order (VCO) Exception. In 1980, the JJDP Act was amended to include the valid court order (VCO) exception to the DSO requirement, which permits discretion to place a status offender in detention upon violation of a previously established court order (OJJDP, n.d.c.). The VCO exception established that status offenders can be detained if they have violated a direct order from the court, such as “attend school regularly” or “stop violating curfew” (Hughes 2011). The use of detention upon violation of a VCO is possible given that all due process requirements have been met, and often serves as a way to hold status offenders who would not have otherwise been incarcerated. To better understand the due process stipulations, OJJDP created a [checklist](#) to help determine when a VCO exception can be claimed (OJJDP n.d.c.).

Thus, violations of a VCO provide an avenue to detention for status offenders, as allowed by state law (Yeide and Cohen 2009). When a status offender violates a court order and is incarcerated, his or her offense is then considered a delinquent act and is no longer protected under the DSO requirement of the JJDP Act (Kendall 2007; Yeide and Cohen 2009).

Use of the VCO is a state-by-state determination, which unfortunately exacerbates disparities in the detention of status offenders due to inconsistent application across states (OJJDP 2015). A total of 25 states and the District of Columbia allow the VCO exception, which was used with approximately 7,466 juvenile cases in 2014 (OJJDP 2015).

Impact of Institutionalization. Research is limited with regard to the specific impacts of institutionalization on particular subgroups, such as status offenders. However, researchers have examined the general impact of institutionalization on juvenile offenders and consistently demonstrated that confinement in correctional facilities does not reduce reoffending and may increase it for certain youths (e.g., Lipsey and Cullen 2007). In some cases, status offenders are placed in the same facilities as juveniles who have committed more serious crimes, a practice that may *increase* deviant attitudes and behaviors among status offenders, such as the development of antisocial perspectives and gang affiliation (Levin and Cohen 2014). Juveniles experiencing confinement are

eventually forced to navigate the barriers to reentry in the community, home, and school, which increases the chance of being rearrested and re-incarcerated (Levin and Cohen 2014). Further, research has shown that confinement fails to address underlying causes of status-offending behavior, and thus does not deter youths from committing future crimes (Hughes 2011; Holman and Ziedenberg 2006).

Although most youths naturally “age out” of delinquency when social controls are enforced (Sweeten, Piquero, and Steinberg 2013; Tremblay et al. 2004), institutionalization can negate this type of development. When handled as delinquents and placed in juvenile facilities, status offenders may be put into environments that can lead to physical and emotional harm. Institutionalizing juveniles may negatively affect their social development by disrupting their social connectedness and support from family, school, and the community (Hughes 2011). Confinement in a secure environment can increase violent tendencies, exacerbate risk factors, and increase recidivism risk (Holman and Ziedenberg 2006).

Studies done on juvenile delinquents show that community-based programming can be more effective than detention in preventing future crime (Hughes 2011; Holman and Ziedenberg 2006; Kendall 2007; Salsich and Trone 2013; Petitclerc et al. 2013). Although status offenders are noncriminal youths, they often possess many risk factors for future offending, which can be exacerbated by formal processing through the juvenile justice system. Research illustrates the need for immediate and efficacious community-based alternatives to help status-offending youths and their families. Strengthening of family relationships, social-control mechanisms, and other protective factors are integral in preventing future criminality among status offenders (Salsich and Trone 2013).

Types of Status Offenses

The five primary types of status offenses (truancy, running away from home, violating curfew, underage use of alcohol, and general ungovernability) are discussed below.

Truancy. Truancy refers to habitual, unexcused absences from school, which exceeds the number allowed under state law. There is variation across states regarding the number of unexcused absences signifying truancy. Each state’s school attendance law specifies the age at which a child must begin school, the age at which a youth can legally drop out of school, and the number of unexcused absences that constitute truancy (National Center for School Engagement, n.d.) For more information on truancy, see the *Model Programs Guide* literature review on [Truancy Prevention](#).

Runaways. Although most runaways share similar experiences and circumstances, there is some variation in the classification of runaway youths. The Office of Juvenile Justice and Delinquency Prevention (OJJDP) broadly defines a runaway as “a child (who) leaves home without permission and stays away overnight” (Snyder and Sickmund 2006, 42). Most common are “situational runaways,” or those who run away from home and return within a few nights. Longer-term “runaways” include youths who run away to escape serious family problems, such as abuse or neglect, and generally do not return home for long periods of time, if at all. Similarly, “systems youth” live under the care of the state and refuse or are unable to return home. Lastly, there are “throwaways,” or youths who have been kicked out of the house (Beharry 2012).

Curfew Violations. Although juvenile curfews are common, there is some variability insofar as the specified hours, day of the week, location, whether school is in session, or to which age groups the curfew pertains. Exceptions can be made for youths traveling to school- or work-related events, religious events, and emergency situations (Yeide and Cohen 2009). For example, the District of

Columbia enforces a curfew that applies to all youths under the age of 17. From September through June, youths must be off the street from Sunday through Thursday between the hours of 11 p.m. and 6 a.m., and Saturday through Sunday between the hours of 12 a.m. and 6 a.m. In July and August, the curfew remains in effect between the hours of 12 a.m. and 6 a.m. for weekdays and weekends (D.C. Metropolitan Police Department, n.d.). In communities with age-based curfews, a violation constitutes a status offense.

Underage Drinking. Underage drinking is a common activity among youths. The 2012 National Survey on Drug Use and Health reported that nearly one quarter of youths aged 12 to 20 drank alcohol, while 15 percent reported binge drinking (SAMHSA 2013). The survey also showed that 1.7 million youths were classified as “heavy drinkers,” consuming five or more drinks in one session on 5 days or more throughout the past month (SAMHSA 2013).

In 2010, 11 states permitted youths who were caught drinking to be petitioned as status offenders. Although the goal of the JJDPA is to divert status-offending youth from detention facilities, the percentage of detained status offenders charged with underage drinking increased from 19 to 24 percent from 2001 through 2010. This represents one of the largest increases in the use of detention among all status-offense cases (Jackson 2013; Puzzanchera and Hockenberry 2013).

In October 2010, an issue that directly affected the formal handling of underage drinking cases, or minor in possession (MIP) cases, arose within the context of compliance monitoring. Per a review from the Office of the General Counsel, juveniles accused of or being adjudicated for MIP offenses were considered delinquent offenders rather than status offenders. By definition, a status offense is noncriminal behavior that constitutes an offense only because of one’s status as a minor. However, there is a small fraction of *adults* (aged 18 to 20) who can be arrested for underage drinking, and would therefore be considered *criminal* offenders (not status offenders). Thus, because underage drinking is considered a criminal offense for some adults, it was then considered to be a criminal offense across the board. In sum, the 2010 decision eliminated MIP as a status offense. OJJDP, however, still maintains that both MIP juvenile *and* adult offenders should not be securely detained, for which formal guidance may be coming in a forthcoming amendment to the JJDPA (OJJDP 2010, 2011).

Ungovernable/Incorrigible Youth. When a youth’s disobedience is so frequent and/or severe that the family must seek legal assistance, the youth is subsequently classified as “incorrigible” or “ungovernable,” a formal status offense in most states. Simply put, being beyond the control of parental authority is referred to as unruly, unmanageable, and incorrigible throughout various juvenile codes (Puzzanchera and Kang 2008).

Status Offender Characteristics

When a youth is referred to juvenile court for a status offense, the court may decide to divert the youth away from formal system processing, or the court may decide to process the juvenile formally by filing a petition. Below are national estimates that describe the basic characteristics of status offense cases that were petitioned in juvenile court in 2013.²

Age. In 2013, the petitioned case rate for status offenses increased with the age of the juveniles. For example, 16-year-olds had twice the petitioned status-offense case rate compared with 14-year-olds, whereas 14-year-olds had nearly four times the petition case rate for status offenses compared with 12-

² National estimates of petitioned status offense cases for 2013 are based on case records from more than 2,400 courts, covering 84% of the juvenile population (Hockenberry and Puzzanchera 2015).

year-olds. The case rate for almost all age groups across the four status offenses (running away, curfew, ungovernability, and liquor law violations) decreased between 1995 and 2013. However, for petitioned truancy cases, the rate has increased for all age groups (Hockenberry and Puzzanhera 2015).

Gender. Of the total petitioned status-offense cases in 2013, males accounted for 58 percent. Males accounted for the majority of status-offense cases involving curfew violations (69 percent), liquor law violations (61 percent), ungovernability (58 percent), and truancy (55 percent). The only status offense in which females accounted for a higher proportion of the caseload, compared with males, was for runaway cases (55 percent). However, both male and female status offenders saw a comparable decrease in petitioned status-offense cases (11 percent decrease for females and 14 percent decrease for males) between 1995 and 2013 (Hockenberry and Puzzanhera 2015).

Race. Like age and gender, race was a factor in status-offense case rates. In 2013, petitioned truancy cases made up the greatest proportion of petitioned status-offense caseloads for white, black, American Indian, and Asian juveniles. Compared with black juveniles in 2013, white juveniles had a higher rate of liquor law violations (18 percent of white juvenile status-offense cases, compared with 6 percent of black juvenile status-offense cases). In addition, white juveniles had a higher rate of runaway cases than black juveniles (53 percent of white juveniles compared with 45 percent of black juveniles). However, compared with white juveniles, black juveniles had a higher proportion of cases of ungovernability (14 percent compared with 9 percent, respectively), and curfew violations (15 percent compared with 6 percent, respectively).

Between 1995 and 2013, petitioned status-offense case rates decreased 23 percent for white youths, 24 percent for American Indian youths, and 29 percent for Asian youths, and 2 percent for black youths. Despite a small decline in the case rate for American Indian youths during this time, they still had a higher petitioned case rate than all other racial categories. In 2013, the total petitioned status-offense case rate for American Indian youths was 4.8 times the rate for Asian youths, 1.7 times the rate for white youths, and 1.2 times the rate for black youths (Hockenberry and Puzzanhera 2015).

Processing of Status Offenders

Petitioned status-offense cases may be adjudicated by the juvenile court. For cases that are adjudicated, juveniles are given a final disposition that can range from out-of-home placement to probation or other less restrictive sanctions. While a status-offense case is being processed through the juvenile court system, juveniles may be held in secure detention at some point between referral and final disposition. The rates discussed below focus on national estimates of petitioned status-offense cases only.

Petitioned Cases. In 2013, the majority of petitioned status-offense cases included truancy (51 percent), followed by underage drinking violations (15 percent), ungovernability (9 percent), curfew violations (9 percent), runaways (8 percent), and miscellaneous (8 percent). Although the percentage of formally handled status-offense cases has recently been on the decline, with a 46 percent decrease in the overall caseload from 2002 to 2013, the number of status offenders who are formally processed through the juvenile courts remains significant, with 109,000 status-offense cases petitioned in U.S. juvenile courts throughout 2013 (Hockenberry and Puzzanhera 2015).

Detention. There were 7,300 formally petitioned status-offense cases that involved the use of detention in 2013. Status-offense cases of runaways were the most likely to involve detention in 2013, while cases of truancy were the least likely to involve detention.

Between 1995 and 2013, the number of petitioned status offense cases involving detention decreased 45 percent for curfew violations, 38 percent for runaways, 30 percent for truancy cases, 17 percent for underage drinking violations, and 9 percent for ungovernability cases. Despite these declines, there are still many noncriminal juvenile offenders who are institutionalized due to either technical violations or the VCO exception (Hockenberry and Puzzanchera 2015).

Adjudication. The likelihood of adjudication among petitioned status-offense cases was 44 percent in 2013. Adjudication was least likely for truancy cases (34 percent) and most likely for liquor law violations (57 percent) in 2013. From 1995 to 2013, the annual number of adjudicated cases of status offenders increased for truancy cases, but decreased for runaway cases, ungovernability, curfew violations, and liquor law violations (Hockenberry and Puzzanchera 2015).

Disposition. Of all adjudicated status-offenses cases in 2013, only 8 percent resulted in a court-ordered, out-of-home placement. The most common disposition for adjudicated status-offense cases was probation, used in 54 percent of the cases. The other 38 percent of adjudicated cases received other sanctions, such as court-ordered treatment or counseling, paying restitution or a fine, or participating in some form of community service (Hockenberry and Puzzanchera 2015).

Outcome Evidence

There are a number of programs designed to address the problem behavior of status offenders. Some programs are designed to prevent and intervene in status-offending behavior directly, while other programs target problem behaviors in general, but can also be used to treat status-offending youths. Typically, these types of programs are designed to treat youths with *multifaceted needs*, yet indirectly target the needs of the status-offender population.

Ecologically Based Family Therapy. Ecologically Based Family Therapy (EBFT) is a home-based, family preservation model that focuses on families who are in crisis because a youth has run away from home. EBFT is based on the HOMEBUILDERS family preservation model, in which services are initiated when there is a family crisis, such as a child's removal or departure from the home. EBFT targets 12- to 17-year-olds who are staying in a runaway shelter and are also dealing with substance use issues (such as alcohol dependence). The goal of EBFT is to improve family functioning and reduce youths' substance use.

Researchers Slesnick and Prestopnik (2009) studied the impact of home-based EBFT on a convenience sample of runaway adolescents with alcohol problems, and their families. Youths were randomly assigned to the home-based EBFT group, or "services as usual" comparison group. Overall, at the 9- and 15-month follow-up, adolescents in the EBFT group reported a significantly lower percentage of days of alcohol or drug use, compared with adolescents in the comparison group. However, there were no significant differences between the groups on any other measure of substance use at the follow-up periods.

Aggression Replacement Training for Adolescents in a Runaway Shelter. The Aggression Replacement Training (ART) program for adolescents in a runaway shelter combines anger-control training, social-skills training, and moral-reasoning education to alter the behavior of chronically aggressive adolescents with antisocial behavior problems. The goal of the program is to reduce aggression and violence among youths by providing them with opportunities to learn prosocial skills, control angry impulses, and appreciate the perspectives of others. The condensed ART curriculum was targeted at adolescents who were temporarily living in a short-term residential facility (a runaway shelter) and had exhibited signs of antisocial behavior problems. Youths in runaway shelters are

typically at high risk of having been exposed to violence, and there is an association between childhood violence exposure and antisocial behavior problems seen in adolescents (Wilson, Stover, and Berkowitz 2009).

Nugent, Bruley, and Allen (1998) examined the effectiveness of the program on the antisocial behavior (ASB) of 522 adolescents living in a runaway shelter in which the average length of stay was about 3 weeks. There was a 20 percent reduction in the rate of ASB incidents per client every week. Furthermore, there was also a 17.2 percent reduction in the average number of daily ASB incidents.

For more information on the programs, please click on the links below.

[Ecologically Based Family Therapy \(EBFT\) for Substance-Abusing Runaway Adolescents](#)
[Aggression Replacement Training \(ART\) for Adolescents in a Runaway Shelter](#)

Many of the programs used with juveniles tend to have a broad focus on reducing overall problem behavior, which tends to have some overlap with the problem behaviors associated with status offending. However, because status offenders are different from the rest of the delinquent population, further research is needed regarding programs that *specifically* target status-offending behavior.

Conclusions

Currently, status-offense laws, terminology, and programs and practices vary widely across states (Hockenberry and Puzzanhera 2014). Some states choose to process juveniles formally through the system, with the idea that harsh treatment of young offenders will deter them from future criminal activity. Conversely, some research has shown that by further entangling young people and children in the juvenile justice system, they become more likely to be involved in a life of crime because of their increased exposure to other criminal peers, the justice system, and the effects of “labeling” (Petrosino et al. 2010). A [meta-analysis](#) by Petrosino and colleagues (2010) assessed 27 studies and found a small negative effect for formal system processing of juveniles, meaning that juveniles who were formally processed through the juvenile justice system were more likely to recidivate, compared with youths who were diverted from the system (although the difference was not statistically significant). As a result, more states are exploring alternative strategies to divert status offenders from the juvenile court process altogether (Coalition for Juvenile Justice 2012).

Some resources have been developed for jurisdictions looking for specific information about options in the treatment of status-offending youths. For example, through its participation in the MacArthur Foundation’s Models for Change Resource Center Partnership, the Status Offense Reform Center (SORC) provides tools and techniques to improve the juvenile justice system in support of the equitable, rational, and effective treatment of status offenders. The SORC, operated by the Vera Institute of Justice (n.d.), serves as an information base for juvenile justice stakeholders and is available to provide information, guidance, and assistance to policymakers and practitioners who are interested in preventing the confinement of status offenders (Salsich and Trone 2013). Jurisdictions can make use of this information to consider options to the processing and treatment of status offenders, and ensure that they are deinstitutionalized.

For more information on these organizations, click on the links below.

[Models for Change Resource Center \(MacArthur Foundation\)](#)
[Status Offense Reform Center \(Vera Institute of Justice\)](#)

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