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Recommended Citation
Leah Rabinowitz, The Early Bird Gets the Worm: A Proposal to Develop Early Intervention Shelters Throughout Massachusetts, 30 B.C. Third World L.J. 145 (2010), http://lawdigitalcommons.bc.edu/twlj/vol30/iss1/6
THE EARLY BIRD GETS THE WORM:
A PROPOSAL TO DEVELOP EARLY INTERVENTION SHELTERS THROUGHOUT MASSACHUSETTS

Leah Rabinowitz*

Abstract: This Note argues that Massachusetts should create early intervention shelters to aid potential status offenders and other troubled teenagers. The current juvenile justice system deserves critique because it is too reactive and focused on problem-free outcomes such as staying arrest-free, rather than developmental outcomes such as emotional maturity. This Note explores the short-term and long-term benefits of early intervention shelters and suggests that the shelters would be a helpful solution to the problem. Massachusetts should follow the model of other states and enact legislation to create and maintain early intervention shelters on a statewide scale. Such legislation would be attentive to concerns of race, gender, class, and budget.

INTRODUCTION

[Early intervention shelters] have boundaries. A kid needs that, and I don’t have any at home.

—Early Intervention Shelter Resident

After Amanda Cooksey, age seventeen, and her adoptive mother Sarah had an argument, Amanda ran away from her Florida home. A police officer picked her up and she agreed to go to a local shelter called the Capital City Youth Services (CCYS) shelter. Amanda had been experiencing difficulty adjusting to her new home, where she had moved two years prior.

* Note Editor, Boston College Third World Law Journal (2009–10).
2 See id.
4 See Eckholm, supra note 1.
was defiant towards her and had a habit of lying. At the shelter, Amanda received therapy and was ready to return home after a brief stay. Since then, Amanda reports that she is able to better understand her feelings, communicate, suppress the impulse to lie, and avoid confrontation with her mother. Reflecting on her experience at the shelter, Amanda said, “I know it’s going to take time, but I’m trying with all my heart to make a different life.”

The shelter that Amanda visited was an early intervention shelter, also known as a respite shelter. These facilities provide troubled teenagers with a range of services including lessons in anger management, social skills classes and various forms of counseling. With few exceptions, these shelters address the needs of those at risk of becoming status offenders. Status offense cases are a legal category distinct from delinquency or parental abuse cases. Status offenses include running away from home, truancy and persistent stubbornness in refusing to obey the rules of the home. Each state sets its own slightly different

5 See id.
6 See id.
7 See id.
8 See id.
9 See Fiza Quraishi, Heidi J. Segal & Jennifer Trone, Vera Inst. of Justice, Respite Care: A Promising Response to Status Offenders at Risk of Court-Ordered Placements 2 (2002); Eckholm, supra note 1.
10 See Eckholm, supra note 1.
11 See Cheryl L. Maxson & Malcolm W. Klein, Responding to Troubled Youth 25 (1997); Quraishi et al., supra note 9, at 7 (noting that the Kids Oneida shelter is an exception to the rule, as the families there all have open child welfare cases). Status offenders are those alleged to have committed an offense that applies only to those below the age of majority, age eighteen. See Maxson & Klein, supra, at 25.
12 See Eckholm, supra note 1.
age parameters, but in all cases, status offenders are below age eighteen.\textsuperscript{14}

Unfortunately, status offenders too often fall between the cracks.\textsuperscript{15} Our triage-like legal system gives top priority to extreme cases—the worst behaving delinquents and the most traumatized abuse victims.\textsuperscript{16} Especially in urban areas, a youth’s first few minor offenses are usually ignored; only violence or other serious consequences are enough to catch a court’s attention.\textsuperscript{17} To some extent, the juvenile justice system must function this way just to stay afloat—a 2008 report calculated that approximately two million young people enter the American juvenile justice system each year.\textsuperscript{18} Given this high number, it is essential that children in extreme situations receive necessary assistance, yet it is unfortunate that as a result of providing services to those at the height of crisis, children with important but less immediate needs are often left to fend for themselves.\textsuperscript{19}

In general, early intervention, sometimes called diversion, enjoys wide public support.\textsuperscript{20} Diversion programming refers to services that aim to “prevent youth from entering the status offense court system.”\textsuperscript{21} For many, early intervention is a critical function of the juvenile justice system.\textsuperscript{22} Society depends on the court to promote positive outcomes for children and enhance their social, emotional, and intellectual functioning.\textsuperscript{23} The public also widely supports the notion that “the family is a central—if not the most central—social institution in American


\textsuperscript{15} Jessica R. Kendall, Juvenile Status Offenses: Treatment and Early Intervention, 29 A.B.A. Technical Assistance Bull. 1, 9 (2007) (remarking that “[i]t has been decades since any national attention has been paid to families on the brink” of the status offender system).

\textsuperscript{16} See Jeffrey A. Butts, Beyond the Tunnel Problem: Addressing Cross-Cutting Issues That Impact Vulnerable Youth 7 (2008).

\textsuperscript{17} Id.

\textsuperscript{18} See id. at 9.

\textsuperscript{19} See id. at 7; Tina Chiu & Sara Mogulescu, Vera Inst. of Justice, Changing the Status Quo for Status Offenders: New York State’s Efforts to Support Troubled Teens 1 (2004) (discussing the lack of programs and resources available to status offenders); see also Commonwealth v. Florence F., 709 N.E.2d 418, 421 (Mass. 1999) (remarking that status offenders “fall between the chairs”).

\textsuperscript{20} See Butts, supra note 16, at 7.

\textsuperscript{21} See Kendall, supra note 13, at 59.

\textsuperscript{22} See Butts, supra note 16, at 7.

\textsuperscript{23} Weithorn, supra note 13, at 1501.
life.”

Despite public opinion in favor of early intervention, surprisingly few states vigorously pursue this option. Early intervention shelters, however, are an important step in bridging this gap.

Massachusetts is one state that has not yet pursued a robust program for early intervention shelters. Massachusetts has a system of shelters in place for youth, but it primarily targets those who are homeless, victims of domestic violence, or victims of parental abuse or neglect. While Massachusetts has established some diversion programming as well, it does not receive nearly enough emphasis. Massachusetts does have a foundation to build upon, but the narrow scope of current programs and the limited resources of facilities dampen the state’s ability to make substantial changes. Massachusetts teenagers, families, and society at large would benefit greatly from the widespread creation and maintenance of early intervention shelters.

Part I of this Note describes early intervention shelters with an emphasis on programs in Florida, New York, and Canada. Part II outlines the current framework in Massachusetts and critiques it as an overly reactive and under-resourced system that has not succeeded in addressing troubled teens’ underlying problems. Part III explores the benefits of early intervention shelters, both short-term and long-term. Part IV lays out and addresses criticisms of such shelters, ultimately concluding that the benefits outweigh any deficiencies. Part V argues that Massachusetts should create widespread early intervention shelters via legislation, as was done in Florida. This Note concludes by addressing some practical concerns that might heighten the effectiveness of future legislation in Massachusetts regarding early intervention shelters. Thus, future legislation should target the most at-risk teenagers and ensure a stable funding stream for early intervention shelters.

24 Id. at 1389.
26 See Quraishi et al., supra note 9, at 2.
27 See Eckholm, supra note 1.
30 See Chiu & Mogulescu, supra note 19, at 1; Quraishi et al., supra note 9, at 2.
31 See Chiu & Mogulescu, supra note 19, at 1; Quraishi et al., supra note 9, at 2.
I. EARLY INTERVENTION SHELTERS EXPLAINED

A. General Description

The central premise of early intervention shelters is that they proactively assist teenagers with their personal and family issues before the problem reaches a boiling point. These shelters provide teens with a “cooling off” period during which the roots of the teens’ misbehavior are identified and a plan is put in place to address those issues. The causes of teenage misbehavior are varied, indeed, but common themes identified by the National Center for School Engagement include school factors, family and community factors, and personal characteristics. “School factors” may involve an unsafe school environment and the inadequate identification of special education needs. “Family and community factors” encompass negative peer influences, financial problems in a family, and a lack of family support for a child’s goals. “Personal characteristics” include a lack of ambition, poor academic performance, and drug or alcohol abuse. Early intervention for teens dealing with these issues gives them and their families time to heal and can help avoid long-term placement in detention facilities or foster care.

Early intervention shelters align with the treatment rationale for dealing with troubled teenagers. This rationale is one way to understand states’ efforts at dealing with status offenders and potential status offenders. Under the treatment rationale, status offense behavior is seen as symptomatic of a more serious disturbance, whether personal or familial. Such a disturbance simply festers barring an intervention by the appropriate professionals. Early intervention shelters put these theories into practice by recognizing the symptomatic significance of

32 See Quraishi et al., supra note 9, at 2; Eckholm, supra note 1.
33 See Quraishi et al., supra note 9, at 2 (describing the intake process and noting that, at the outset, the child, parents, and counselors all meet to “negotiate the terms that will enable children to return home quickly”); Eckholm, supra note 1. After the negotiation process, the teens and parents usually sign a contract in which they agree to abide by the rules of the program. See Quraishi et al., supra note 9, at 3. Violating the rules is grounds for dismissal. See id.
34 Kendall, supra note 13, at 3–4.
35 Id. at 3.
36 See id.
37 See id. at 4.
38 See Eckholm, supra note 1.
39 See Maxson & Klein, supra note 11, at 39.
40 See id.
41 Id.
42 Id.
status offending behavior and responding accordingly. The response under the treatment rationale emphasizes therapy, decision-making and overall prevention services. Successful treatment strategies for teens include providing immediate feedback about positive and negative behaviors, an explanation of individualized rewards and consequences, and programming that emphasizes structure and predictability.

Troubled teens that have not visited early intervention shelters (and likely have not reaped the benefits of the treatment rationale) report feeling frustrated with the lack of available counseling or efforts to understand their home lives. As one runaway youth stated, “[There should be] a place where you [can] stay and get help. Not a foster home—it’s like Russian roulette [whether you get placed] in a good home or not. [Kids need] a program with loving parents who realize you’re not a baby.”

Another important goal of the shelters is to divert troubled youth from engaging in delinquency during their teenage years and criminal behavior later in their adult lives. The implementation of early intervention shelters is left to the states, but recently, Congress has passed legislation suggesting support for their use. Congress has expressly endorsed the use of prevention programs to avert delinquency.

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43 See id.
44 Maxson & Klein, supra note 11, at 55.
45 Patricia Chamberlain, Residential Care for Children and Adolescents with Oppositional Defiant Disorder and Conduct Disorder, in Handbook of Disruptive Behavior Disorders 495, 503 (Herbert C. Quay & Anne E. Hogan, eds., 1999). At early intervention shelters, such techniques would be implemented by counselors, supervisors, and other staff members. See Eckholm, supra note 1.
46 See Maxson & Klein, supra note 11, at 173.
47 Id.
48 See Citizens for Juvenile Justice, Issue Briefing: DSS Gateway to Juvenile Crime 3 (2000), available at http://www.cfjj.org/Pdf/102-DSS.pdf (finding that fifty-four percent of adjudicated CHINS are arraigned in either juvenile or adult court within three years of first appearing in court); Quraishi et al., supra note 9, at 2 (noting that shelters enable youth to avoid detention, the experience of which alone can lead to criminal behavior); Jay D. Blitzman, Gault’s Promise, 9 Barry L. Rev. 67, 92 (2007) (calling for preventative programs that shift juveniles away from incarceration).
49 See 42 U.S.C. § 5601(a)(10)(A)(i)–(ii) (2006) (finding that the problem of juvenile offenders should be addressed with quality prevention programs); 42 U.S.C. § 5651(a) (authorizing the availability of grants to states for the purpose of creating and maintaining programs to prevent juvenile delinquency); 42 U.S.C. § 5782(2) (directing the Administrator of the Office of Juvenile Justice Delinquency Prevention (OJJDP) to “make such arrangements as are necessary and appropriate to facilitate coordination and policy development among all activities funded through the Department of Justice relating to delinquency prevention”).
50 See 42 U.S.C. § 5601(a)(10) (stating that problems affecting juveniles, detailed in the same section, should be addressed with “quality prevention programs”).
Moreover, Congress has made grants available to states so that they can create or expand intervention programs.51

B. Florida

Florida is at the forefront of the early intervention shelter movement, and its efforts serve as a model for other states.52 In Florida, early intervention shelters are part of the Families in Need of Services (FINs) framework.53 FINs represents the first phase in Florida’s two-phase approach to status offenses.54 Only if this initial level proves unsuccessful may a Child in Need of Services (CINS) petition be filed.55 Florida’s early intervention shelters were created via statute as part of the state’s delinquency prevention efforts.56 Like almost all states, Florida has expressly incorporated delinquency prevention into its status offender laws, most recently updated in 2007.57

Presently, there are twenty-eight early intervention shelters spread across the state of Florida.58 The shelters are primarily financed by the State Department of Juvenile Justice (DJJ) and are operated by a non-profit umbrella organization called the Florida Network of Youth and Family Services.59 The Florida Network subcontracts with twenty-seven agencies, trains those subcontractors, and collects data from them for analysis.60 The Florida Network also establishes minimum standards of service and benchmarks that agencies must meet in order to keep their contracts.61 For instance, eighty percent of youth in the program must complete it, and ninety percent must not commit crimes while receiv-


52 See Eckholm, supra note 1. In fact, Nebraska officials are studying the Florida model in response to Nebraska’s recent safe-haven law scandal in which parents tried to give custody of their preteen and teenage children over to the state. See id.

53 See Kendall, supra note 15, at 6.

54 See id.

55 See id.


57 See Fla. Stat. Ann. § 984.02(3)(b) (calling for the development and implementation of programs to “intervene at the early stages of delinquency”).

58 See Eckholm, supra note 1.


60 Kendall, supra note 13, at 77.

61 Id.
ing services. Sub-contracting agencies that do not comply risk having their contracts cancelled by the Florida Network.

Every year, approximately 7000 Florida teens voluntarily stay in the state’s early intervention shelters. A resident typically stays at the shelter for around two weeks. These youths are alleged to be runaways, truants, or incorrigible, and are usually referred to the shelters by parents, schools, or occasionally the police. In addition, 11,000 more children and families not needing shelter stays receive free or reduced-cost counseling and referrals. Overall, 20,000 to 22,000 families receive services from the Florida Network each year. Consistent with the treatment rationale, the shelters have a long list of services available, including substance abuse treatment, education services, parenting skills, and independent living skills.

Florida’s early intervention shelter residents have praised the shelters. In one study by the Crosswinds shelter in Cocoa, Florida, youth and families who completed a client satisfaction survey overwhelmingly reported overall satisfaction with the services they received. Additionally, the Florida Network’s Client Service Survey in 2004 commended the program in Orange County, where client satisfaction surpassed the statewide average. There, the majority of youth agreed that counseling had helped their family, that their counselor understood their feelings, that their family was in a better position to make positive changes, and that they were able to get services quickly. Beyond this positive feedback, the Florida Network is also meeting many of its own internal requirements. For instance, only five percent of youth receiving residential services

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62 Id.
63 See id.
64 Eckholm, supra note 1.
66 Eckholm, supra note 1.
67 Id.
68 See Kendall, supra note 13, at 83.
69 See § 985.61(1)(b)–(h).
71 Id. Overall satisfaction was reported by an impressive ninety-nine percent of participants. Id.
72 See Kendall, supra note 13, at 79–80.
73 Id. at 80.
74 See id. at 83. The figure for non-residential youth was six percent, again well below the ten percent benchmark. See id.
committed an offense during the service period, well below the benchmark of ten percent.\textsuperscript{75} Given these impressive results, other states have followed in Florida’s footsteps and have made promising efforts toward creating early intervention shelters, albeit on a less sweeping scale.\textsuperscript{76} These states include Arizona, Illinois, Connecticut, and New York.\textsuperscript{77}

\section*{C. New York}

In New York City, the Family Assessment Program (FAP) runs the status offender diversion program, which includes early intervention shelters.\textsuperscript{78} As the first state to officially recognize status offenders as a distinct category, it is unsurprising that New York is on the cutting edge of addressing the problems of teens in this group.\textsuperscript{79} FAP reflects a re-engineering of the status offender system, the system for those referred to as Persons in Need of Supervision (PINS).\textsuperscript{80}

In 2005, the New York Senate amended its PINS law, the Family Court Act, to include an emphasis on diversion services.\textsuperscript{81} Most importantly, New York law now requires attempts at diversion before a PINS

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\textsuperscript{75} See id.
\textsuperscript{76} See Eckholm, supra note 1.

\textsuperscript{78} See Chiu & Mogulescu, supra note 19, at 4; Claire Shubik & Ajay Khashu, Vera Inst. of Justice, A Study of New York City’s Family Assessment Program 1 (2005); see also 'The Family Assessment Program, http://www.nyc.gov/html/acs/html/support_families/family_assessment_program.shtml (last visited Oct. 16, 2009). The first FAP office opened in Manhattan in 2002. The Family Assessment Program, supra. New York state also has early intervention programs outside of New York City, including the Family Keys Program, established in Orange County in early 2003; the Juvenile Release Under Supervision program, established in Albany County in September 2003; and the Probation Rehabilitation Intensive Services and Management program, established in Onondaga County (where Syracuse is located) in 1995. See Chiu & Mogulescu, supra note 19, at 3, 6, 7.


\textsuperscript{80} See N.Y. Fam. Ct. Act § 712 (McKinney 2005); Chiu & Mogulescu, supra note 19, at 1.

\textsuperscript{81} See N.Y. Fam. Ct. Act § 735(a).
petition may issue and a PINS case subsequently opens.\textsuperscript{82} Such efforts must be documented in writing.\textsuperscript{83} Prior to these changes, a PINS petition could issue before any efforts were made to avoid court involvement.\textsuperscript{84} New York courts have reinforced this reform by finding that a failure to fully investigate diversion services in a PINS case is a non-waivable jurisdictional defect.\textsuperscript{85} The 2005 amendment also requires that youths taken into custody by police or peace officers are brought to a respite shelter rather than a detention center.\textsuperscript{86}

To begin the intake process at FAP, parents complete a “Request for Services” form explaining their situation while teens complete a “Youth Response” sheet.\textsuperscript{87} The youths and their families are interviewed separately by a Family Assessment Specialist (FAS), who then determines the necessary services for the families.\textsuperscript{88} All parents seeking FAP’s assistance receive an immediate response and are always seen the same day they request assistance.\textsuperscript{89} Referrals generally occur on the same day as the intake, as well.\textsuperscript{90} In this way, FAP seeks to remedy the ineffectiveness that plagued the old PINS system, which funneled too many cases into court and thereby “exacerbated family tension, reduced engagement in school, and [contributed to] an increased likelihood of deeper involvement in criminal behavior.”\textsuperscript{91} Thus, FAP has generated a paradigm shift away from reliance on courts and police and towards alternative, community-based solutions, such as early intervention shelters.\textsuperscript{92}

New York’s early intervention shelters have proved quite successful.\textsuperscript{93} FAP has helped more than 18,000 families since 2002.\textsuperscript{94} As a result of this new approach, probation intakes have decreased by over eighty percent, court referrals have been cut in half, and long-term out-of-

\textsuperscript{82} See id. A PINS petition, like a CHINS petition in Massachusetts, alleges that the child in question is in need of supervision and services due to his or her misbehavior. See id. § 712.
\textsuperscript{83} Id. § 735(c).
\textsuperscript{84} See Shubik & Khashu, supra note 78, at 3.
\textsuperscript{86} See N.Y. Fam. Ct. Act § 724(b)(iii).
\textsuperscript{87} See Shubik & Khashu, supra note 78, at 4.
\textsuperscript{88} See The Family Assessment Program, supra note 78.
\textsuperscript{89} See Shubik & Khashu, supra note 78, at 15.
\textsuperscript{90} See id.
\textsuperscript{91} See Chiu & Mogulescu, supra note 19, at 1; The Family Assessment Program, supra note 78.
\textsuperscript{92} See Chiu & Mogulescu, supra note 19, at 2, 3.
\textsuperscript{93} See Shubik & Khashu, supra note 78, at 1, 15.
\textsuperscript{94} See The Family Assessment Program, supra note 78.
home placement for PINS youth has dropped by more than twenty percent.\footnote{Shubik & Khashu, supra note 78, at i.} This last figure is particularly heartening because placing PINS youth is the most expensive and often least effective service option.\footnote{See id.}

D. Canada

In addition to the early intervention shelters in the United States, similar programs exist in other countries, such as Canada.\footnote{See Alice Home & Lise Darveau-Fournier, Respite Child Care: A Support and Empowerment Strategy for Families in a High-Risk Community, 12 Prevention in Human Services. 69, 72 (1995).} There, the Families Gardiennes project serves a high-risk community located in a medium-sized French Canadian city.\footnote{See id. The authors of the study do not name the city in question. See id.} The program offers many of the same counseling and family healing services that American shelters offer.\footnote{See id. at 73–74.} It also includes opportunities for parents to meet socially and recreationally, which provides a welcoming and relaxed setting for sharing frustrations and brainstorming solutions.\footnote{See id. at 83.} The Families Gardiennes project is slightly different than American shelters in that it focuses more on pre-teen children (those below age twelve) rather than on teens.\footnote{See id. at 73.}

Like American shelters, the Families Gardiennes project has been successful.\footnote{See Home & Darveau-Fournier, supra note 97, at 85.} Twenty-five percent of mothers interviewed for an evaluation of the program noted positive changes in their relationships with their children.\footnote{See id. at 80.} A full fifty percent noted positive changes in their children’s behavior, such as “greater independence, better eating habits [and] language skills.”\footnote{Id. at 80–81.} Most importantly, at least some of the families serviced were able to avoid placing their children in foster homes.\footnote{See id. at 81.}

II. The Early Intervention Problem in Massachusetts

Massachusetts would benefit from recognizing that maintaining an overly reactive system for status offenders is highly problematic.\footnote{See Kendall, supra note 13, at 15–16.} In Massachusetts, status offense cases involve children in need of services
(CHINS), a category defined by statute. The CHINS statute makes clear that such cases are non-criminal, non-delinquent, and rehabilitative. Like most states, Massachusetts’ express and long-standing goals are to promote child welfare and the parent-child relationship.

To its credit, Massachusetts places some importance on diversion in CHINS cases. As the Honorable Martha P. Grace, former Chief Justice of the Juvenile Court Department in Massachusetts has remarked, “[CHINS] are thetruants, the runaways, and the stubborn children. We take them very seriously since it may be the first time that we see a child in our system. It is at that point that we need to intervene to prevent them from becoming delinquent.” It is reassuring that many in Massachusetts understand the complexity of CHINS cases and do not push such matters to the side by derogatorily calling them “Mickey Mouse” or “cream puff” cases, as some in police and probation departments have been known to do.

Nevertheless, more tangible change is needed in Massachusetts to decrease reliance on the court system and to encourage early intervention. Currently, intervention occurs in the “informal assistance” phase of a CHINS proceeding. Rather than issuing a CHINS petition and scheduling a trial on the merits, a probation officer or judge can arrange for informal assistance. The probation officer can then refer the child for services and schedule follow-up conferences for up to six months. This decision represents a critical stage in the case.

The informal assistance framework in Massachusetts is problematic, however, because it depends too heavily on the discretion of pro-

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108 See id.
109 See Commonwealth v. Florence F., 709 N.E.2d 418, 421 (Mass. 1999) (noting the state’s “long-standing interest in protecting the welfare of children living within its borders”) (quoting In re Gail, 629 N.E.2d 1308, 1311 (Mass. 1994)).
110 See Blitzman, supra note 48, at 95.
111 Martha P. Grace, Are We Really Willing to Commit to Prevention?, 34 New Eng. L. Rev. 645, 646 (2000).
112 See Maxson & Klein, supra note 11, at 20; Grace, supra note 111, at 646. Terms like “Mickey Mouse” and “cream puff” cases reflect the view of some in the justice system that cases involving kids are of minimal if any importance and therefore are not worthy of their time or resources. See Maxson & Klein, supra note 11, at 20. Similarly, some have been known to mock juvenile officers, calling them the “Kiddie Corps” or “Diaper Dicks.” See id.
113 See Citizens for Juvenile Justice, supra note 29, at 3.
114 See id.
115 See id.
116 See id.
117 See Kendall, supra note 15, at 4.
bation officers and judges. The Massachusetts system fundamentally differs from those in states like New York, where diversion attempts are mandatory before a status offense petition may issue. In Massachusetts, then, a child can be brought into the court before voluntary efforts have failed and before a determination that there is no substantial likelihood that the child will benefit from diversion services. In addition, a child brought before the court as a potential CHINS immediately following an arrest is not eligible for informal assistance.

The consequences of inaction on status offender reform are dire for Massachusetts. The court dockets for CHINS cases are sorely overcrowded. Nationally, the number of status offender cases has increased dramatically in recent years. In fact, between 1987 and 1996, status offender petitions nationwide more than doubled. This inevitably results in a backlog of cases and delays in processing. Resources are also spread thin. Overall, such inefficiencies drain the court’s time and prevent troubled youths from gaining full and speedy access to services they need.

While “[b]usiness is booming” for the juvenile program.

118 See Citizens for Juvenile Justice, supra note 29, at 8–9 (giving Massachusetts a grade of “needs improvement” for its diversion services and a grade of “failure” for its informal assistance program).


120 See Shubik & Kendall, supra note 119, at 386.

121 See Kendall, supra note 13, at 6.

122 See Rinik, supra note 29, at 154.

123 See id. (“One assessment of the system concluded that ‘there is repeated recognition of the limited capability of juvenile courts for dealing adequately with the numbers of children presented to it [sic]. Such references as understaffed, overcrowded, inadequate are used repeatedly with reference to juvenile courts.’”) (quoting Phillip Z. Cole, Diversion and the Juvenile Court: Competition or Cooperation, 27 Juv. Just. 33, 34 (1976)).

124 See Kendall, supra note 13, at vii.

125 See id.


127 See Rinik, supra note 29, at 154; Kristen Mack, County May Close Homes for At-Risk Children: Savings, Availability of Alternatives Cited, Wash. Post, Jan. 15, 2009, at PW01. Both general and specialized resources, such as gender-sensitive programs, also suffer under the strain. See Alexander, supra note 13, at 591.

128 See Alexander, supra note 13, at 586, 591 (noting that the waiting list for rehabilitative programs, particularly for girls, can be “notoriously long”); Richtman, supra note 126, at 428; Rinik, supra note 29, at 154.
court, not all “customers” are satisfied. Thus, Massachusetts fails to live up to the potential of the treatment rationale.

Not only is it difficult to secure the juvenile court’s attention, but other problems arise when a CHINS case finally hits a juvenile court judge’s desk. In Massachusetts, a juvenile court judge cannot give specific directives to the Department of Children and Families (DCF), which thereby affords DCF vast discretion. This limitation on juvenile court judges applies to decisions of residential placement as well as educational placement.

Moreover, juvenile court judges lack the power to hold a child in contempt. In the seminal case, In re Vincent, a juvenile court judge ordered a CHINS child to attend school regularly and later held the child in contempt for failing to comply. The reviewing court overruled the order as unlawful because the CHINS statute does not authorize the juvenile court to issue such orders. According to Vincent, the juvenile court can only impose conditions of custody, which would not include school attendance. Nine years later, in Commonwealth v. Florence F., the court reaffirmed the core of Vincent. But Florence F. went even farther, holding that even violation of a custodial condition does not allow a juvenile court to impose criminal contempt sanctions.

In sum, even if a judge invests hours pouring over a file and finds an optimal treatment program for a child, the judge has no authority to order DCF to provide the child with that particular program, or to order the child to actually participate. In this way, the CHINS statute

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129 See Rinik, supra note 29, at 154.
130 See Maxson & Klein, supra note 11, at 47 (noting that Baltimore, too, fails to live up to the potential of the treatment rationale by neglecting to provide the resources necessary under that rationale); Eckholm, supra note 1.
133 See Oscar F. v. County of Worcester, 587 N.E.2d 208, 210 (Mass. 1992) (holding that the juvenile court lacks the authority under the CHINS statute to mandate a specific educational program).
134 See Florence, 709 N.E.2d at 420; Vincent, 562 N.E.2d at 467.
136 Id. at 467–68.
137 Id.
138 See Florence, 709 N.E.2d at 420.
139 See id.; Vincent, 562 N.E.2d at 467. The judge can of course voice his or her recommendation to DCF, but obstacles like cost or lack of facility space can swiftly shoot down the suggestion. See Vincent, 562 N.E.2d at 467.
“lack[s] teeth.” As a result, many troubled teenagers are forced to wade through bureaucratic red tape and to withstand inter-governmental tensions beyond their control before they can receive proper evaluation and treatment.

Massachusetts teenagers that enter the court system as CHINS only to escalate their misbehavior demonstrate that the system is flawed. Numerous studies, both nationwide and in Massachusetts, have documented the link between status offenses and subsequent delinquency. Bluntly stated, status offenders tend to engage in delinquent behavior—at a whopping 72.3%. Another study concluded that a truant child is fifty-four percent more likely to be arrested for alleged delinquency than if that same child were in school.

While Massachusetts’s approach to status offenders does touch upon the treatment rationale, other rationales, the deterrence and normalization rationales, are in play as well. The deterrence rationale suggests that the juvenile justice system is the way solve teenagers’ problems. Conversely, the normalization rationale views misbehavior as a regular part of adolescence and calls for little to no intervention at all. Massachusetts takes elements from all three rationales, and is therefore categorized as adopting an “eclectic” rationale pattern.

By embracing early intervention shelters, however, Massachusetts would make its treatment rationale much more robust. The treatment rationale should be favored because treatment goes to the very core of what the juvenile court is meant to encompass. From the inception of the juvenile court in Illinois in 1899, it has emphasized

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141 See Alexander, supra note 13, at 585.
142 See id.
143 See Kedia, supra note 79, at 543, 553 (“status offenses are considered a gateway to delinquent behavior”).
144 See Blitzman, supra note 48, at 95; Kedia, supra note 79, at 543, 553; Rinik, supra note 29, at 169–70 (“[A] substantial number of status offenders subsequently become involved in misconduct that is generally viewed as more serious.”).
145 See MAXSON & KLEIN, supra note 11, at 81.
146 See Blitzman, supra note 48, at 95.
147 Id. at 89–90 (citing a study conducted by the Massachusetts Citizens for Juvenile Justice in 1994).
148 See MAXSON & KLEIN, supra note 11, at 63.
149 See id.
150 See id.
151 See id.
152 See id. at 126.
153 See MAXSON & KLEIN, supra note 11, at 47; Weithorn, supra note 13, at 1328.
treatment and rehabilitation. The deterrence rationale is troubling in that it over-values negative rather than positive success; it would rather have a child simply avoid a future crime than develop a strong sense of self so that he or she no longer desires to commit a future crime. Additionally, the normalization rationale is problematic because it is untested; its methods have not gained any general acceptance, either among juvenile law scholars or in society as a whole. In fact, in all three normalization states recently studied, there was pending legislation and highly visible pressure designed to steer the states toward the more generally accepted treatment rationale.

Luckily, status offense law is an area that has seen dynamic change and growth. Given Massachusetts’ willingness to pay attention to status offense issues, the atmosphere in the state is ripe for CHINS reform and for the adoption of a more comprehensive treatment rationale approach to juvenile justice.

III. The Benefits of Early Intervention Shelters

A. Short-Term Benefits

Massachusetts should adopt early intervention shelters because they bring many short-term benefits. Most importantly, the shelters allow teenagers and their families in a state of crisis to “cool off,” thereby putting on a metaphorical band-aid to stop the bleeding. This break reduces the immediate threat of family violence and lowers tension in the home. The shelters offer a controlled yet relaxed environment in which teenagers can work on calming down. Residents are supervised at all times and are given a list of rules to abide by during their stay.

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154 See Weithorn, supra note 13, at 1328.
156 See Maxson & Klein, supra note 11, at 47.
157 See id.
158 See Shubik & Kendall, supra note 119, at 385.
159 See Grace, supra note 111, at 647.
160 See Eckholm, supra note 1.
161 See id.
162 See Quraishi et al., supra note 9, at 2; Eckholm, supra note 1 (noting that Amanda went to the CCYS shelter following a “vicious physical fight” with her adoptive mother).
163 See Quraishi et al., supra note 9, at 2.
164 See id. at 3, 5.
curity and peace that the shelters provide.\textsuperscript{165} This cooling off period is implemented with as little instability as possible.\textsuperscript{166} In states that have many shelters, such as Florida, teens are placed within or close to their community.\textsuperscript{167} Residents are also bused to and from their regular schools, which minimizes disruption to their daily lives.\textsuperscript{168} The shelters thereby recognize the importance of school, which often represents a child’s earliest and most important tie to his or her community and to society at large.\textsuperscript{169}

In these ways, early intervention shelters represent a vast improvement over the foster care system, in which children might end up in a placement far from home, where they must struggle to adjust to a wholly unfamiliar setting.\textsuperscript{170} In this scenario, rather than helping the child, removal actually causes further stress.\textsuperscript{171} In contrast, early intervention shelters keep youth in their local setting and minimize the academic and behavioral problems that are often associated with an emergency removal from the home.\textsuperscript{172}

Along with a sense of safety, early intervention shelters also seek to help troubled teenagers build a new positive outlook.\textsuperscript{173} The shelters are designed to be places of personal growth.\textsuperscript{174} They are responsive to the children’s need for physical activity and offer ways for teens to have fun without breaking the law.\textsuperscript{175} Many shelters provide dormitory-style bedrooms, recreation rooms with televisions, and a space outside for athletics.\textsuperscript{176}

Further, residents are encouraged to participate in constructive interactions with their peers, both inside and outside of group therapy.

\textsuperscript{165} See Eckholm, supra note 1; Joshua Dohan, Dir., Youth Advocacy Project, Presentation to the Juvenile Rights Advocacy Project: The Youth Development Approach to Zealous Advocacy (Feb. 4, 2009) (emphasizing that feeling safe is a primary concern for many youth). In a survey of residents at the CCYS shelter, ninety-four percent responded that they felt safe at the shelter. See Capital City Youth Servs., supra note 65, at 13.
\textsuperscript{166} See Home & Darveau-Fournier, supra note 97, at 74.
\textsuperscript{167} See Eckholm, supra note 1.
\textsuperscript{168} See id.
\textsuperscript{169} See Weithorn, supra note 13, at 1428.
\textsuperscript{171} See Home & Darveau-Fournier, supra note 97, at 74.
\textsuperscript{172} See id.
\textsuperscript{173} See Eckholm, supra note 1.
\textsuperscript{174} See id.
\textsuperscript{175} See BUTTS, supra note 16, at 8.
\textsuperscript{176} See Eckholm, supra note 1.
sessions.\textsuperscript{177} This is in contrast to the interactions in detention, which are often destructive given the prevalence of “negative peers.”\textsuperscript{178} Peer support groups at early intervention shelters allow youth to share information and to benefit from listening to other teens facing similar circumstances.\textsuperscript{179} The shelters emphasize “meaningful, pro-social engagement.”\textsuperscript{180} Some teens specifically note that they prefer friend-to-friend counseling over the traditional psychological model.\textsuperscript{181} Positive peer relationships empower residents by decreasing feelings of helplessness.\textsuperscript{182} They also combat isolation and provide a critically important sense of “belongingness.”\textsuperscript{183}

In addition, residents acquire tools to boost their self-esteem.\textsuperscript{184} Self-esteem is a crucial element for teens getting a foothold on their new lives.\textsuperscript{185} Early intervention shelters’ emphasis on self-worth is particularly important for girls, especially for those whose cultures de-value women.\textsuperscript{186} By helping youth to adopt new attitudes, however, the process of washing away pessimism, low self-worth, or anxieties about the future can begin.\textsuperscript{187} The shelters also help their residents by reducing the stigma attached to status offenses.\textsuperscript{188}

From the parental perspective, early intervention shelters represent an attractive and non-intimidating option for services.\textsuperscript{189} Under the traditional emergency foster care system, some parents shy away from services, feeling that their child’s troubles are their fault and that seeking help constitutes an admission of failure.\textsuperscript{190} Moreover, many parents actively resist foster care, even when temporary, because they fear losing their children permanently.\textsuperscript{191} Early intervention shelters address this barrier by providing an informal, judgment-free environment where parents are not blamed for a child’s bad behavior, but rather are invited

\begin{footnotes}
\item[177] See Quraishi et al., \textit{supra} note 9, at 5; Eckholm, \textit{supra} note 1.
\item[178] See Quraishi et al., \textit{supra} note 9, at 2.
\item[179] See Home & Darveau-Fournier, \textit{supra} note 97, at 72.
\item[180] See Butts, \textit{supra} note 16, at 8.
\item[181] See Maxson & Klein, \textit{supra} note 11, at 168 (citing interviews with troubled teens).
\item[182] See Home & Darveau-Fournier, \textit{supra} note 97, at 72.
\item[183] See Alexander, \textit{supra} note 13, at 604; Home & Darveau-Fournier, \textit{supra} note 97, at 72.
\item[184] See id.
\item[185] See id.
\item[186] See id.
\item[187] See Eckholm, \textit{supra} note 1.
\item[188] See Kedia, \textit{supra} note 79, at 564.
\item[189] See Home & Darveau-Fournier, \textit{supra} note 97, at 70.
\item[190] See id.
\item[191] See id.
\end{footnotes}
to participate in the healing process. In this way, seeking help ceases to be a weakness and instead becomes a family strength.

Early intervention shelters are also appealing to parents because of their accessibility. In some cases, a single phone call is enough to get the process rolling. Surveyed parents are generally satisfied with shelters’ accessibility, especially when compared with traditional services, which tend to be slow and highly bureaucratic.

B. Long-Term Benefits

In addition to short-term benefits, early intervention shelters also carry substantial long-term benefits. Because teenagers’ problems are almost never resolved overnight, it is important to think long-term. Along these lines, most shelters offer after-care to their residents in the weeks and months following re-unification. This aligns with the treatment rationale, in which youth receive services for several months or more. The after-care takes the consistent daily structure and support offered at the shelters and attempts to simulate it in the home. Research reveals that the availability of after-care services correlates with positive outcomes from treatment in a residential facility. In addition to after-care, teens have the option of returning to the shelter for additional stays if needed.

Early intervention shelters also recognize that, in some cases, returning home is simply not a viable resolution. In those cases, shelter staff will first turn to the teen’s family members for a housing solution. Unfortunately, if that proves unsuccessful, younger children

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192 See id. at 70, 81.
193 See id. at 70.
194 See Home & Darveau-Fournier, supra note 97, at 80.
195 See id. at 73.
196 See id. at 80.
197 See Quraishi et al., supra note 9, at 6.
198 See Richtman, supra note 126, at 426 (noting that the TIP program structures itself around long-term planning). For instance, TIP cases carry over from year to year, “meaning that the TIP steps would not have to be repeated if the student’s attendance problems spread out over a number of years.” Id.
199 See Quraishi et al., supra note 9, at 6. For instance, at CCYS where Amanda Cokesey attended, discharged youth can avail themselves of The Family Place program for continued services. See Capital City Youth Servs., supra note 65, at 6–7.
200 See Maxson & Klein, supra note 11, at 55.
201 See Chamberlain, supra note 45, at 501.
202 See id. at 496.
203 See Quraishi et al., supra note 9, at 7.
204 See id. at 6.
205 See id.
usually are referred to the child welfare agency or to the juvenile court. For older adolescents, however, shelters can set up independent living services to assist in the transition to adulthood.

1. Rehabilitation of the Troubled Teenager

One of the most significant long-term benefits of early intervention shelters is increasing the odds that future offenses, delinquencies, and crimes will not occur. Proponents of the shelters recognize that status offenses and delinquency are often symptoms of deeper underlying distress, which the shelters strive to cut off at the pass. This distress may come from a variety of sources, including peer groups, family members, or school staff. By providing teenagers and their families with continuous therapy and counseling, the shelters put teenagers on track to overcome obstacles. In Florida, the shelters have proven successful. For instance, ninety percent of children who stayed at early intervention shelters in Florida did not enter juvenile custody during the six-month period that followed.

Furthermore, the teenagers at early intervention shelters are equipped with tools that enable them to correct their own behaviors over time. Such efforts are meant to build upon the short-term changes in outlook and self-esteem already undertaken. Understandably, teenagers often arrive at early intervention shelters filled with confusion and sadness. Many report having an “overwhelming rush of thoughts and feelings.” Others describe their emotions as a tangled puzzle. It is this web that early intervention shelters seek to dismantle and surmount.

206 See id.
207 See id.
208 See Quraishi et al., supra note 9, at 8.
209 See Alexander, supra note 13, at 586; Richtman, supra note 126, at 422.
210 See Alexander, supra note 13, at 586.
211 See Quraishi et al., supra note 9, at 6.
212 See Eckholm, supra note 1.
213 See id.
214 See Alexander, supra note 13, at 594.
215 See id.; supra notes 183–86.
216 See Maxson & Klein, supra note 11, at 163.
217 See id.
218 See id.
219 See Eckholm, supra note 1.
One step in the therapeutic process is to provide youths with a sense of resiliency. This empowers teenagers to overcome adversity, whether at home or elsewhere. Such approaches do not turn a blind eye to the substantial obstacles that residents face; rather, they encourage residents to bravely confront these challenges. Early intervention shelters also offer problem-solving skills so that teenagers can work through their issues calmly, without resorting to verbal or physical lashing out. Problem-solving skills encourage teens to think about what they want in life as well as how to achieve their goals. An additional step involves character-building. The shelters therefore maintain forward-looking attitudes, avoiding the “blaming scheme” that can overwhelm the juvenile court system.

These efforts are fully consistent with the Positive Youth Development (PYD) approach to juvenile justice. PYD is a way of thinking about youth by emphasizing various aspects of their psychological growth. PYD focuses on a youth’s assets and strengths rather than lingering problems or weaknesses. PYD de-values problem-free outcomes—avoiding re-arrest, for instance—which juvenile courts tend to emphasize. Instead, PYD focuses on achievement outcomes and developmental outcomes. To this end, the Search Institute has identified forty developmental assets that serve as building blocks for the

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221 See Dohan, supra note 165.
222 See id.
224 See Dohan, supra note 165.
225 See 42 U.S.C. § 5651(a) (22)–(23) (calling for programs that will build the character of troubled youth).
226 See Dohan, supra note 165. The juvenile justice system, particularly with respect to delinquency, operates a “blaming scheme” in that it tells teens that they are lacking, expects them to change without equipping them with the tools to do so, and scorns them when they fail. See id. Rather than blame children for their misbehavior, reformers call for an enhanced understanding of children’s circumstances and increased efforts to address their problems. See id.
227 See Butts et al., supra note 220, at 4.
228 Id. The PYD movement cemented in the mid-1990s, with support from the U.S. Department of Health and Human Services and the OJJDP. See Catalano et al., supra note 155, at 3–4.
229 See Butts et al., supra note 220, at 4.
230 See Dohan, supra note 165.
231 See id.
healthy development of adolescents. The assets are both external (relating to the child’s environment) and internal (relating to the child him- or herself).

As to external assets, the Institute emphasizes four categories. Early intervention shelters provide “support” by encouraging a loving family life and promoting positive communication within a family. The shelters provide “empowerment” by showing residents that they are valued and helping them feel safe. The shelters provide “boundaries and expectations” by clearly outlining acceptable behaviors and then offering examples through adult role models and positive peers. Finally, early intervention shelters promote “constructive use of time” by providing residents with creative activities and other programs to enhance their stay and minimize idleness.

As to internal assets, the Institute again lists four categories. Early intervention shelters show a “commitment to learning” by busing residents to their regular schools and motivating residents to excel academically. The shelters foster “positive values” by encouraging honesty and responsibility in residents. The shelters promote “social competencies” by emphasizing decision-making skills, resistance to pressure from negative peers, and nonviolent resolutions to conflict. Finally, early intervention shelters promote “positive identity” by helping residents to build their self-worth and envision a positive, purposeful future.

Recent evidence suggests that PYD principles make a tangible difference in children’s lives. PYD was championed in a recent federal

233 See Search Institute, Developmental Assets, supra note 232.
234 See id.
235 See id.; Eckholm, supra note 1.
236 See Search Institute, Developmental Assets, supra note 232; Eckholm, supra note 1.
237 See Search Institute, Developmental Assets, supra note 232; Eckholm, supra note 1.
238 See Search Institute, Developmental Assets, supra note 232; Eckholm, supra note 1.
239 See id.; Eckholm, supra note 1.
240 See Search Institute, Developmental Assets, supra note 232; Eckholm, supra note 1.
241 See Search Institute, Developmental Assets, supra note 232; Eckholm, supra note 1.
242 See Search Institute, Developmental Assets, supra note 232; Eckholm, supra note 1.
243 See Search Institute, Developmental Assets, supra note 232; Eckholm, supra note 1.
244 See BUTTS, supra note 16, at 6.
initiative called Helping America’s Youth (HAY), and also enjoys wide support in the scientific community. Overall, the methods of early intervention shelters have proven effective. One scholar from the Vera Institute of Justice notes that this type of intervention often fares well and is “what a lot of places are moving towards.” Another scholar describes the Search Institute’s framework as widely successful. Anecdotal evidence supports this conclusion, as well. As one former resident at the CCYS shelter reports, “I’m learning to control my aggression and communicate better.” At CCYS, the teen developed ways to deal with his aggression issues; such methods included playing basketball and meditating.

2. Services to the Parents

Another notable aspect of early intervention shelters involves the parents of residents. An important goal of early intervention is getting parents involved and engaged in their child’s treatment process. The youths concerned are plagued by many “intra-familial stressors,” sometimes including parental deficiencies. Given this, parental involvement in early intervention makes a child’s long-term success much more likely. Indeed, parents are an integral part of status offense cases, as evidenced by a recent decision by the Supreme Judicial Court of Massachusetts. There, the court held that parents are so integral to a CHINS cases that, though not formally a party, they have a right to counsel at the dispositional phase of their child’s case. Parents are so crucial that a failure to include them in a child’s treatment is the single biggest barrier to transferring the treatments implemented in residential care to the family home.

245 See id.
246 See Eckholm, supra note 1.
247 See id. (citing remarks by Sara Mogulescu, Director of the Center on Youth Studies at the Vera Institute of Justice, a nonprofit research group in New York City).
249 See Eckholm, supra note 1.
250 See id.
251 See id.
252 See QURAISHI ET AL., supra note 9, at 4.
253 See Richtman, supra note 126, at 428.
254 See KENDALL, supra note 13, at 5.
255 See Rinik, supra note 29, at 183.
257 See id.
258 See Chamberlain, supra note 45, at 502.
Fortunately, in many cases, parents are more than willing to participate in treatment. As a society, “we expect that most parents strive to promote their children’s welfare.” Nevertheless, early intervention shelters also account for those parents whose own problems, such as substance abuse, may spill over into the family dynamic. One study of runaway teens found that alcohol and drug abuse by parents were common motivations for the children’s acting-out behavior. Another study in 1999 identified almost 1.7 million runaway or “thrownaway” youths, of which twenty-one percent had experienced physical or sexual abuse in their homes. Parents with these issues can avail themselves of therapeutic services as part of the family healing process. Parents are offered meetings where they can learn about parenting and community resources. As parents become better able to manage their needs and their children’s needs, it becomes less likely that the children will have to endure the pains of foster care.

Families in crisis take a variety of forms. The majority of families coming in contact with early intervention shelters have at least one biological parent in the picture and, more often than not, two parental figures are available to participate in services. Perhaps surprising to some, many troubled teenagers come from traditional nuclear families, in which both biological parents are present in the home. One study

259 See Eckholm, supra note 1. While many troubled teenagers have parents who are battling their own demons in life, early intervention shelters do not generally handle families in which there is court involvement for parental abuse or neglect, for at this point it is too late for “early intervention.” See id.
260 Weithorn, supra note 13, at 1395.
261 See Maxson & Klein, supra note 11, at 156. Capital City Youth Services, for instance, has a “Family Place” program that offers family counseling and treatment programs. See Capital City Youth Services, Capital City Programs: The Family Place, http://www.ccys.org/family_place.html (last visited Oct. 16, 2009).
262 See Maxson & Klein, supra note 11, at 156.
263 Weithorn, supra note 13, at 1378–79. A thrownaway youth is defined as one who spends at least one night outside the home because he or she is either told to leave home with no alternative care arranged or is prevented from returning home with no alternative care arranged. See Kedia, supra note 79, at 547.
264 See Quraishi et al., supra note 9, at 4.
265 See Home & Darveau-Fournier, supra note 97, at 74.
266 See Maxson & Klein, supra note 11, at 161, 167 (noting one runaway girl who had been a ward of the court since age eight and had bounced from one foster home to another, twenty-one in all, and another boy who reported that he had been in “half the foster homes in Maine”); Quraishi et al., supra note 9, at 4.
267 See Maxson & Klein, supra note 11, at 146–47.
268 See id. at 146.
269 See id.
puts this group at twenty-eight percent. Single-parent households, in which only one biological parent is present in the home, represent the most common household structure being serviced. This group comes in at thirty-one percent. One-parent households are an especially important group to target because they are “particularly vulnerable.” There are also reconstituted households, in which a biological parent brings a step-father or step-mother into the home. Twenty-three percent of serviced families fall under this category. Early intervention shelters account for these different family structures early in the process and react accordingly.

One final benefit to both teens and parents is the willingness of early intervention shelters to work collaboratively with other programs and agencies. Many scholars encourage “intersystem boundary crossings” so that children and families are not locked into a single system and can access the full spectrum of services. Collaborative services have proven effective for dealing with status offenders, particularly truants. One program in Los Angeles involved collaboration among area schools, the district attorney’s office, and the courts. The program had a remarkable impact on truancy reduction. The Los Angeles program then served as the model for the Truancy Intervention Program (TIP) in Ramsey County, Minnesota, which involved collaboration among five school districts, the juvenile court, the corrections department, and private agencies. As in Los Angeles, TIP dramatically reduced the truancy problem in Ramsey County.
As early intervention shelters become more prominent in society, parents will grow to see them as valuable therapeutic resources. Moreover, the shelters will become viable alternatives to the juvenile courts as measures of first resort. This will alleviate the burdens on juvenile courts and allow them to focus more resources on the most serious cases. It will also discourage frustrated parents from using the courts as a “dumping ground” for their family problems.

3. Cost-efficiency

Not only do early intervention shelters assist troubled teenagers and their families, but they do so at a reasonable cost. Numerous commentators have noted that substantial costs attach to juvenile services, particularly long-term out-of-home placements. One scholar from the Youth Advocacy Project notes that a failure to intervene can cost as much as $2.3 million per person. Clearly, cost is an issue of concern, particularly during difficult economic times, when state budgets are even tighter than normal. Yet it is clear that if the problems of minors are left unaddressed, they will only escalate and result in higher costs for the system at some point in the future.

Early intervention shelters alleviate some of this financial pressure by saving money both directly and indirectly. Direct savings result from the detention and foster home placements that are rendered unnecessary by the successful intervention of shelters. One study of Florida’s early intervention shelters concluded that the state is probably saving fifteen million dollars or more a year by keeping potential of-

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284 See Home & Darveau-Fournier, supra note 97, at 70; Eckholm, supra note 1. On the other hand, the shelters are careful not to allow parents to become too dependent on their services because to do so would let parents “escape” their problems rather than work on them. See Quraishi et al., supra note 9, at 7.

285 See Home & Darveau-Fournier, supra note 97, at 70.

286 See Butts, supra note 16, at 8 (noting that diversion allows courts to “avoid drawing youth into the legal system unnecessarily”).


288 See Kendall, supra note 13, at 24; Quraishi et al., supra note 9, at 7–8.

289 See Eckholm, supra note 1.

290 See Dohan, supra note 165.

291 See Eckholm, supra note 1.

292 See Weithorn, supra note 13, at 1484.

293 See Quraishi et al., supra note 9, at 7–8.

294 See id.
fenders out of detention. Similarly, a California study revealed savings of $1.40 for every dollar spent on prevention programming.

Indirect savings grow from the delinquency cases that are prevented due to the early intervention of the shelters. The same holds true for the adult criminal cases that are averted by early intervention, not to mention the exorbitant cost of incarcerating criminal adults that is consequently avoided. Corollary savings arise out of the “payback” to society from potential status offenders who are assisted in becoming productive, contributing, well-functioning adults. As one scholar has remarked, investing “in the future of at-risk girls equals a net gain for all in social capital and in real dollars.” Simply put, early intervention shelters save states money in the long run.

IV. Addressing Criticisms of Early Intervention Shelters

While early intervention shelters are largely praised, they are not impervious to criticism. The main concern raised by critics is that the shelters do not do enough to address children’s sometimes severe mental health issues. A large number of troubled teens arrive at the gates of the juvenile justice system already on medication, and a great many more receive prescriptions thereafter. Mental health is often a significant factor in child misbehavior, including status offending behavior. In response, Congress has directed via statute that addressing mental illness in children should be a top priority.

Given the importance of children’s mental health, critics allege that early intervention shelters fall short of providing a full panoply of necessary services to troubled teens. Scholars are particularly concerned with the children who suffer the most severe behavioral prob-

295 See Eckholm, supra note 1.
296 See Alexander, supra note 13, at 601.
297 See Weithorn, supra note 13, at 1503.
299 See Weithorn, supra note 13, at 1503.
300 See Alexander, supra note 13, at 603.
301 See Quraishi et al., supra note 9, at 7–8.
302 See Eckholm, supra note 1.
303 See id.
304 See Alexander, supra note 13, at 596–97. One judge in Massachusetts estimated that as many as seventy percent of the children appearing before her are on medication. Id.
305 See Kedia, supra note 79, at 555.
306 See 42 U.S.C. § 5651(a) (1), (a) (2)(H) (2006) (calling for states “to provide services to juveniles with serious mental and emotional disturbances in need of mental health services”).
307 See Eckholm, supra note 1.
lems.\textsuperscript{308} For these children, they argue, a brief stay at an early intervention shelter is seldom enough to render real change.\textsuperscript{309} Rather, these children need long-term psychiatric care from trained experts.\textsuperscript{310}

Even so, supporters of early intervention shelters have several responses to critics.\textsuperscript{311} First, many shelters will not accept children with serious mental illness.\textsuperscript{312} In accordance with the critics’ theory, these teens in fact are referred to facilities able to provide specialized care over a longer time span.\textsuperscript{313}

Second, some early intervention shelters do take in teens with mental health issues, but this is an asset, not a defect.\textsuperscript{314} One such shelter is the Kids Oneida shelter in upstate New York.\textsuperscript{315} Upon arriving at a shelter like Kids Oneida, a teen receives a full physical and psychological assessment.\textsuperscript{316} The shelter then addresses mental health issues with “wraparound” services.\textsuperscript{317} Such services enable counselors to spend substantial time with children and their families, teaching them new ways to interact.\textsuperscript{318} The services also help teachers, coaches and others in the child’s life to work together on the child’s behalf.\textsuperscript{319} Wraparound services have been implemented in a number of facilities across the United States and Canada, and initial studies of their efficacy have been favorable.\textsuperscript{320}

Third, in many cases, early intervention shelters openly recognize that they cannot fully solve a child’s problems, but strive instead to just make the first dent.\textsuperscript{321} Counseling at the shelter begins the road to recovery for the troubled teen, which can continue after he or she ends the shelter stay.\textsuperscript{322} This saves money because mental health services at

\textsuperscript{308} See id.
\textsuperscript{309} See id.
\textsuperscript{310} See id.
\textsuperscript{311} See Quraishi et al., supra note 9, at 3.
\textsuperscript{312} See id. These illnesses would be revealed and gauged at the physical and psychological assessments conducted upon intake. See id. at 2; infra note 317.
\textsuperscript{313} See Chiu & Mogulescu, supra note 19, at 4.
\textsuperscript{314} See Quraishi et al., supra note 9, at 3.
\textsuperscript{315} See id.
\textsuperscript{316} See id. at 2.
\textsuperscript{318} See id.
\textsuperscript{319} See id.
\textsuperscript{320} See Weithorn, supra note 13, at 1496.
\textsuperscript{321} See Eckholm, supra note 1.
\textsuperscript{322} See id.
early intervention shelters may prevent the need for expensive psychiatric hospitalization later in a child’s life.\textsuperscript{323}

In addition, early intervention shelters may alleviate the burden on the foster care system by providing an alternative path to treatment.\textsuperscript{324} Naturally, this would allow troubled children already in the system to receive more attention from counselors.\textsuperscript{325} It would simultaneously deter families outside the foster care system from seeking admittance simply so their children can receive mental health services.\textsuperscript{326} The U.S. General Accounting Office (GAO) identified precisely this problem in a 2003 report.\textsuperscript{327} This misuse of the foster care system weighs the system down and is clearly an inferior option.\textsuperscript{328}

Similarly, mental health services at early intervention shelters decrease the burden on over-extended mental health facilities.\textsuperscript{329} Scholars have documented an over-reliance on hospital emergency rooms, where children in emotional crisis often end up.\textsuperscript{330} For instance, in July 2004, Clark County, Nevada had to declare a state of emergency when children with symptoms of mental disorders flooded hospital emergency rooms.\textsuperscript{331} Additionally, there is not always enough space at psychiatric hospitals and residential treatment centers for emotionally disturbed children.\textsuperscript{332} Such deficiencies largely result from the limited funds that mental health needs receive.\textsuperscript{333} According to a 2005 article, spending for mental health treatment represented a shockingly low 7.6% of all health care spending in 2001.\textsuperscript{334} Thus, while early intervention shelters certainly do not present a panacea for the mental health issues of teenagers, they do play a valuable role in the treatment process.\textsuperscript{335}

\textsuperscript{323} See Weithorn, \textit{supra} note 13, at 1503.
\textsuperscript{324} See Kendall, \textit{supra} note 13, at 32–33.
\textsuperscript{325} See id.
\textsuperscript{326} See id.
\textsuperscript{327} Id. In response to the GAO report, the House of Representatives proposed, though never passed, the Keeping Families Together Act, which would have addressed the problem of mental health services in the foster care system. Id.
\textsuperscript{328} See id. at 32–33.
\textsuperscript{329} See Weithorn, \textit{supra} note 13, at 1309–10.
\textsuperscript{330} See id. at 1309.
\textsuperscript{331} See id.
\textsuperscript{332} See id.
\textsuperscript{333} See id. at 1471.
\textsuperscript{334} See Tami L. Mark et al., \textit{U.S. Spending for Mental Health and Substance Abuse Treatment}, 26 HEALTH AFF. W5–133, W5–135 (2005), \textit{available at} http://content.healthaffairs.org/cgi/reprint/hlthaff.w5.133v1. Data from 1996 yielded similar results: only seven percent of dollars spent on health care, both public and private, went towards mental health care. See Weithorn, \textit{supra} note 13, at 1471.
\textsuperscript{335} See Eckholm, \textit{supra} note 1.
V. SUGGESTIONS FOR EARLY INTERVENTION SHELTER LEGISLATION IN MASSACHUSETTS

Given the tremendous benefits of early intervention shelters, Massachusetts should follow Florida and New York’s lead by enacting legislation to create and fund shelters throughout the Commonwealth. This would re-haul the CHINS system and vastly benefit the Commonwealth’s youth and families.

One vital component that Massachusetts legislation should include is a minimum level of services. Key services would include therapy from trained counselors, supervised recreation, educational assistance, and outreach to parents. This would ensure that shelter services in counties across the state are delivered in a more uniform and organized manner. Clear benchmarks would hold shelters accountable for their clients’ progress. For instance, Massachusetts could require that ninety percent of youths in shelters do not commit crimes while receiving services. Massachusetts should adopt this approach because it has proved successful, particularly in Florida, where the Florida Network has established and met specific requirements for the shelters there. By enacting a statute replete with specific features, Massachusetts would better bridge the gap between practice and theory.

A. Focus on At-Risk Youth

If Massachusetts adopts legislation in favor of early intervention shelters, it should target the most at-risk juveniles for services. In this way, early intervention shelters will be able to help more teens and will become increasingly reflective of the treatment rationale. Massachusetts should accomplish this as Congress did in its delinquency prevention statute, explicitly noting the groups that it deems most at-risk and calling for programs specifically tailored to their needs.

336 See Kendall, supra note 13, at 16; Eckholm, supra note 1.
337 See Eckholm, supra note 1.
338 See Kendall, supra note 13, at 17.
339 See Eckholm, supra note 1.
340 See Kendall, supra note 13, at 17.
341 See id. at 77.
342 See id.
343 See Eckholm, supra note 1.
344 See Chamberlain, supra note 45, at 504.
346 See Maxson & Klein, supra note 11, at 44–45.
One crucial at-risk category is minority youth. Studies have found that African-American youth are over-represented among status offenders, particularly truants. In 2002, African-American juveniles nationwide constituted sixteen percent of the population but a full twenty-nine percent of the delinquency caseload. Early intervention shelters could work to reduce these figures and balance out the population in the system. Of course, non-minority youth are in need of services as well. Therefore, Massachusetts legislation should focus on minority teens but also strive to ensure that ultimately all children in need are able to receive services.

Another key group to target is female youth. Numerous scholars have noted the growing trend of girls in the juvenile justice system, especially the delinquency population. By 2004, girls accounted for a full thirty percent of all juvenile arrests. The female status offender population has also recently increased across the United States. Between 1985 and 2002, females constituted sixty-one percent of all status offense cases involving runaways. As a matter of fact, one national study concluded that females represent the majority of status offenders. At the same time, however, gender-sensitive programs are severely limited in number. As of 2007, only three states (Connecticut,

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349 See Richtman, supra note 126, at 433.
350 Snyder & Sickmund, supra note 348, at 163.
351 See Kedia, supra note 79, at 551 (noting that “minority youth are more likely to be charged with delinquent or criminal behavior rather than given services or treatment”).
352 See Maxson & Klein, supra note 11, at 52, 54.
353 See id.
354 See Alexander, supra note 13, at 599 (remarking that girls in the juvenile justice system “present many unique needs and problems”).
355 See id. at 587.
357 See Kendall, supra note 13, at 49.
358 Snyder & Sickmund, supra note 348, at 191.
359 See Kedia, supra note 79, at 552. The study was conducted by the Community Research Associates in 1998. Id. Another study from 2000 found a roughly equal gender division across all CHINS categories, but noted that girls are the clear majority for runaway cases at about two-thirds. See Citizens for Juvenile Justice, supra note 29, at 3.
360 See Flores, supra note 356, at 1; Kendall, supra note 13, at 49.
Oregon, and Minnesota) have “enacted legislation that promotes gender-responsive services, treatment, and programs.”\textsuperscript{361}

Therefore, as Congress has done, legislation in Massachusetts creating early intervention shelters should include a focus on girls as part of delinquency prevention.\textsuperscript{362} The legislation should list specific gender-sensitive services, including programs reflective of issues like teenage pregnancy and sexual health, intimate partner violence and family violence, and eating disorders and body image.\textsuperscript{363} The efforts of early intervention shelters on behalf of female residents are even more likely to succeed given girls’ pre-disposition toward interpersonal communication and the expression of emotion.\textsuperscript{364}

One final at-risk group is the socio-economically disadvantaged.\textsuperscript{365} Congress recently noted that low-income families deserve added services and attention.\textsuperscript{366} Scholars, too, have reasoned that children from higher-income households are better able to avoid the status offender system due to the availability of private resources.\textsuperscript{367} Since the parents of poorer children do not have as many resources at their disposal, they are more likely to turn to the courts for assistance.\textsuperscript{368} Early intervention shelters in Massachusetts would provide an extra-legal alternative to these families in need.\textsuperscript{369}

B. Provide an Adequate Budget

Massachusetts would save money should it adopt legislation in favor of early intervention shelters.\textsuperscript{370} Such legislation would safely allow for a reduction of the vast funds poured into incarcerating juvenile delinquents and adult criminals.\textsuperscript{371} It would also keep more families intact and reduce reliance on long-term out-of-home placements in the foster care system.\textsuperscript{372}

\textsuperscript{361} Kendall, supra note 13, at 49.
\textsuperscript{362} See 42 U.S.C. § 5651(a)(10), (a)(15).
\textsuperscript{363} See Alexander, supra note 13, at 594; supra notes 183–185.
\textsuperscript{364} See Alexander, supra note 13, at 597.
\textsuperscript{365} See Kedia, supra note 79, at 551–52.
\textsuperscript{366} See 42 U.S.C. § 5651(a) (calling for a focus on “juveniles residing in low-income and high-crime areas” as part of delinquency prevention).
\textsuperscript{367} See Kedia, supra note 79, at 551–52.
\textsuperscript{368} See id.
\textsuperscript{369} See id.
\textsuperscript{370} See Quraishi et al., supra note 9, at 7–8.
\textsuperscript{371} See Families with Serv. Needs Advisory Bd., supra note 77, at 4.
\textsuperscript{372} See Quraishi et al., supra note 9, at 7–8.
Nevertheless, the initial expenditures necessary for the shelters’ success must be considered given current budgetary constraints and the current state of the overall economy.\textsuperscript{373} It is important to invest in early intervention programs so that these programs do not crumble under financial strain.\textsuperscript{374} As one scholar notes, “[i]t will come as no surprise that dollars buy programs.”\textsuperscript{375} With a stable budget, early intervention shelters can avoid the lack of resources problem that so often plagues state programs.\textsuperscript{376} In addition, adequate funding helps to ensure that troubled teens will not be turned away.\textsuperscript{377}

While providing an adequate budget is ideal, it is often difficult to realize.\textsuperscript{378} Florida recently struggled to find grant money for its shelter program, and the state’s children subsequently suffered.\textsuperscript{379} In fact, projections for 2009 noted that 2500 fewer children in Florida would be able to receive aid.\textsuperscript{380} Clearly, the current economic crisis can make it difficult for states to locate funds for any programs.\textsuperscript{381} But as noted earlier, after the initial investment, early intervention shelters are likely to save states money.\textsuperscript{382} As Congress did, Massachusetts legislation should create the office of Administrator to control grants to the shelters and to manage their financial stability.\textsuperscript{383}

In order to reduce costs and get these programs running as quickly as possible, Massachusetts should use a shelter that is already in place as a foundational model.\textsuperscript{384} The Bridge Over Troubled Waters shelter in Boston has helped runaway and homeless youth and young adults for decades.\textsuperscript{385} Bridge serves approximately 2433 individuals, ranging in age

\textsuperscript{373} See Eckholm, supra note 1.
\textsuperscript{374} See Mack, supra note 127.
\textsuperscript{375} See Maxson & Klein, supra note 11, at 24.
\textsuperscript{376} See Mack, supra note 125.
\textsuperscript{377} See Eckholm, supra note 1.
\textsuperscript{378} See id.
\textsuperscript{379} See id.
\textsuperscript{380} See id.
\textsuperscript{381} See Julie Bosman, Budget Cuts Imperil Guardian Program for Elderly and Disabled, N.Y. Times, Feb. 6, 2009, at A20 (describing the current budget deficit in New York City and the social service programs that stand to lose substantial funding, if not crumble entirely, as a result).
\textsuperscript{382} See Eckholm, supra note 1; Solomon Moore, Missouri System Treats Juvenile Offenders with Lighter Hand, N.Y. Times, Mar. 27, 2009, at A13 (noting that keeping youth in their communities is a “cheaper alternative” to long-term residential care); see also supra Part III(B)(3).
\textsuperscript{385} See id.
from fourteen to twenty-four, each year.\textsuperscript{386} Bridge remains the only program in the greater Boston area to provide “a continuum of age-appropriate services.”\textsuperscript{387} While Bridge does not focus primarily on providing early intervention to potential status offending youth, or even all types of status offenders, Bridge does remain a valuable example of how to respond to young people in a caring and thoughtful way.\textsuperscript{388}

**Conclusion**

Early intervention shelters bring a number of short and long-term benefits to youth and their families.\textsuperscript{389} They facilitate healing and promote self-improvement, as described by the treatment rationale and PYD theories.\textsuperscript{390} They also facilitate delinquency prevention, reduce the burden on the foster care system, and save money for states.\textsuperscript{391} Early intervention shelter programs in Florida and New York continue to prove themselves effective here in the United States, and the notion has appeared internationally as well.\textsuperscript{392} Given the assistance that early intervention shelters provide, Massachusetts should create early intervention shelters throughout the Commonwealth.\textsuperscript{393} This should occur through well-conceived legislation that maximizes effectiveness by focusing on at-risk youth and ensuring a sufficient start-up budget.\textsuperscript{394} In this way, Massachusetts will better serve its youth both in the present and in the future.\textsuperscript{395}

\textsuperscript{386} See id.
\textsuperscript{387} See id.
\textsuperscript{388} See id.
\textsuperscript{389} See Eckholm, supra note 1.
\textsuperscript{390} See Butts et al., supra note 222, at 4; Maxson & Klein, supra note 11, at 39.
\textsuperscript{391} See Citizens for Juvenile Justice, supra note 48, at 3; Alexander, supra note 13, at 603.
\textsuperscript{392} See Chiu & Mogulescu, supra note 19, at 4; Home & Darveau-Fournier, supra note 97, at 74; Eckholm, supra note 1.
\textsuperscript{393} See Blitzman, supra note 48, at 95; Eckholm, supra note 1.
\textsuperscript{394} See Maxson & Klein, supra note 11, at 118; Eckholm, supra note 1.
\textsuperscript{395} See Blitzman, supra note 48, at 95; Eckholm, supra note 1.