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0025 Juveniles in Trouble: Probation – Parole – Mental Health

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Report to the Colorado General Assembly:

# JUVENILES IN TROUBLE

Probation - Parole - Mental Health



COLORADO LEGISLATIVE COUNCIL

RESEARCH PUBLICATION NO.25

December 1958

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OF THE  
COLORADO GENERAL ASSEMBLY

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The Legislative Council, which is composed of five Senators, six Representatives, and the presiding officers of the two houses, serves as a continuing research agency for the legislature through the maintenance of a trained staff. Between sessions, research activities are concentrated on the study of relatively broad problems formally proposed by legislators, and the publication and distribution of factual reports to aid in their solution.

During the sessions, the emphasis is on supplying legislators, on individual request, with personal memoranda, providing them with information needed to handle their own legislative problems. Reports and memoranda both give pertinent data in the form of facts, figures, arguments, and alternatives, without these involving definite recommendations for action. Fixing upon definite policies, however, is facilitated by the facts provided and the form in which they are presented.

LEGISLATIVE COUNCIL

REPORT TO THE

COLORADO GENERAL ASSEMBLY

JUVENILES IN TROUBLE

PROBATION -- PAROLE -- MENTAL HEALTH

Research Publication No. 25

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## Legislative Council

STATE CAPITOL - DENVER 2, COLORADO

RAY B. DANKS, Chairman      WALTER W. JOHNSON, Vice-Chairman

LYLE C. KYLE, Director

LETTER OF TRANSMITTAL

November 21, 1958

Senator Ray B. Danks  
Colorado Legislative Council  
Denver 2, Colorado

Dear Senator Danks:

Transmitted herewith is the report of the Legislative Council Committee on Laws Relating to Children pursuant to House Joint Resolution No. 11 (1957), and House Joint Resolution No. 11 (1958). This report covers juvenile probation, juvenile parole, the emotionally disturbed juvenile, and certain changes in the laws pertaining to adoption, dependency, delinquency, and relinquishment.

Sincerely yours,

/s/ Representative Elizabeth Pellet,  
Chairman  
Committee on Laws Relating to Children

## FOREWORD

This study was made under the provisions of House Joint Resolution No. 11 passed at the first session of the Forty-first General Assembly. This resolution directed the Colorado Legislative Council to appoint a committee to make a study of child welfare in Colorado including:

- 1) the needs of children which can be controlled or improved by legislative enactment, with special emphasis on those children who are dependent, neglected, or delinquent; and
- 2) the laws affecting children, including the operation and effect of existing laws and the existence of conflicting, obsolete, or otherwise undesirable laws.

House Joint Resolution No. 11 passed at the second session of the Forty-first General Assembly added two more matters to be considered by the Legislative Council Committee on Children's Laws. These were: 1) the need for a state-wide program for juvenile probation services; and 2) the adequacy of other court services for handling juveniles.

The passage of the 1957 resolution marked the continuation of the children's laws study for the third successive two year period. The children's laws study was first authorized in 1953 and was one of the Colorado Legislative Council's first research projects.

Pursuant to the terms of the resolution, the chairman of the Legislative Council appointed the following committee to continue the work on children's laws for the 1957-1958 biennium: Representative Elizabeth Pellet, Kico, Chairman; Senator George Brown, Denver; Senator Carl Fulghum, Glenwood Springs; Representative Ruth Clark, Fort Collins; Representative Rena Mary Taylor, Palisade; Mrs. Evelyn Cohen, Denver; and Mrs. Dorothy Thompson, Boulder.

Harry O. Lawson, Senior Research Analyst on the Legislative Council staff, was assigned the primary responsibility for the staff work on the study, and Professor Homer Clark, University of Colorado Law School, served as legal consultant to the committee.

The committee's study during 1957 and 1958 was concentrated on the following subjects: 1) juvenile probation services; 2) juvenile parole services; 3) emotionally disturbed juveniles; and 4) other statutory changes related to adoption, dependency, relinquishment, and delinquency.

In carrying out this study program, the committee is indebted to Dr. Ellis Graham, Director, Division of Mental Health and Special Institutions, State Department of Education; Miss Marie Smith, Director, Child Welfare Division, State Department of Public Welfare; Joseph Spangler, Consultant, Western Office, National Probation and Parole Association; and Mr. Edward Grout, Acting Director, State Department of Parole for their advice and consultation. The committee also wishes to express its appreciation to the many county judges and other public officials, both state and local, for their assistance during the course of the study.

In making the study, the committee held seven meetings around the state to find out at first hand local problems and to receive recommendations regarding juvenile probation and parole, emotionally disturbed juveniles, and other statutory revisions. These meetings were held in Alamosa, Denver, Durango, Fort Morgan, Golden, Grand Junction, and Pueblo and were attended by a total of almost 300 people.

Invited to meet with the committee at these meetings were county judges and probation officers, law enforcement officers, welfare and school officials, psychiatrists and psychologists, ministers and representatives of church groups, and interested lay people. These meetings not only provided the committee with a picture of the problems in each area, but produced many of the recommendations included in this report.

Lyle C. Kyle  
Director  
Colorado Legislative Council

October 31, 1958



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## COMMITTEE FINDINGS AND RECOMMENDATIONS

### Juvenile Probation

#### Findings

- 1) An estimated 4,050 juvenile delinquency cases were heard by Colorado juvenile and county courts in 1957, with 2,557 juveniles placed on probation. Delinquency is not just a Denver metropolitan area problem as shown by the fact that 16 counties had a higher incidence of delinquency in relation to population than did Denver. Ten of these counties have less than 25,000 population.
- 2) The statutes limit the number of full time probation officers which may be employed in all of the 12 counties with more than 25,000 population except Denver. The statutes also limit the salary which may be paid a probation officer to \$1200 per year in the 51 counties with less than 25,000 population.
- 3) Only eight counties had one or more full time probation officers in 1957-- Adams, Boulder, Denver, El Paso, Jefferson, Las Animas, Mesa, and Pueblo. Four of the counties with more than 25,000 population and all of the 51 counties with less than 25,000 population had either part time, usually untrained, probation officers in 1957, or no probation officer at all.
- 4) In most large counties with at least one full time probation officer, the juvenile probation case loads are large enough to substantiate additional officers to provide adequate supervision. The large counties without full time probation officers have sufficient case loads to justify the employment of at least one such officer. Most of the small counties do not have case loads to justify a full time probation officer in each county.
- 5) Annual probation costs are about one-tenth of the expense of maintaining a juvenile in an institution for a year. Juvenile probation has a greater potential for deterring youngsters from becoming habitual violators than either institutional commitment or juvenile parole.
- 6) Juvenile probation services should be strengthened to provide qualified probation personnel in sufficient quantity throughout the state.
- 7) Elimination of present statutory restrictions on the number of probation officers in the large counties and annual salary in small counties will not be sufficient to assure improvement in probation services. There is considerable reluctance at the local level to spend money for juvenile probation services.

#### Recommendations

- 1) Control and responsibility of the juvenile probation program should remain with the county or juvenile judge.
- 2) Legislative restrictions on the number of probation officers and their salaries should be removed.

3) Counties should be allowed to group together for the purpose of providing juvenile probation services.

4) State aid up to one-half of each probation officer's salary or \$200 a month for each probation officer, whichever is less, should be provided if the following conditions are met:

a. Each county or group of counties must have a population of 25,000 by the last federal census;

b. Each probation officer for whom state aid is desired shall meet the qualifications for the position as established by the Personnel Director of State Civil Service Commission.

5) Juvenile or county courts shall transfer records of any juvenile on probation who changes his county of residence to the juvenile or county court of the county to which that juvenile has moved, along with a request that probation supervision be assumed by that court.

### Juvenile Parole

#### Findings

1) The success of a juvenile parole program depends on: a) release on parole at the time the juvenile is considered best able to adjust outside the institution; b) pre-parole planning to assure that the juvenile is not being returned to a bad environment and to develop a work or school program for him prior to release; and c) proper parole supervision by a qualified parole officer whose case load is small enough to permit frequent contacts with the juvenile and his family.

2) Parole release at the juvenile institutions is based primarily upon the juvenile's good behavior and adjustment to the institution's program. These criteria are not necessarily an indication of parole readiness. While pre-parole planning is done by the institutions in some cases, too often the juvenile is paroled, unannounced and unsupervised, to the same environment which contributed to his delinquency originally.

3) A lack of a sufficient number of juvenile parole officers has resulted in inadequate supervision. There are only two parole officers for 420 parolees from the State Industrial School for Boys, and only one parole officer for 100 parolees from the State Training School for Girls.

4) Strengthening of the parole release process, pre-parole planning, and parole supervision are all necessary for the improvement of the juvenile parole program. Insofar as possible, these related functions should be handled by one agency. While a good argument can be made for retaining parole as a responsibility of the juvenile institutions, a more satisfactory solution would be the creation of a separate parole agency and professional parole board.

5) The improvement of the parole program is directly related to improvement in the institutional programs and both would benefit from having a strong central agency

responsible for the administration and development of institutional programs and facilities.

#### Recommendations

- 1) A division of juvenile parole should be established within the Department of Institutions, to be staffed by a director of parole and such qualified juvenile parole officers as are necessary to supervise more than 500 juvenile parolees.
- 2) One parole officer should reside at Golden and one at Morrison, to provide liaison between the institutions and the parole program, and these two officers should develop pre-parole plans with the assistance of the institutional professional staffs.
- 3) Field officers should visit the institutions at intervals to become acquainted with the inmates and the institutional programs.
- 4) A part time professional juvenile parole board should be created to determine release of juvenile parolees; such a parole board should consist of one member of the professional staff of the Department of Education, the Child Welfare Division, and the Department of Institutions with the director of the Juvenile Parole Division serving ex officio.
- 5) Parole release should be determined by this board by review of professional evaluations and recommendations prepared by the institution classification committees and upon the recommendations of the superintendents of the respective juvenile institutions.

#### The Emotionally Disturbed Juvenile

##### Findings

- 1) The development of an adequate program for diagnosing and treating emotionally disturbed juveniles requires over-all planning, proper allocation of professional personnel, and the establishment of priorities for constructing necessary physical facilities.
- 2) Availability of diagnostic services has improved considerably since the creation of the Diagnostic Center at the University of Colorado Medical School and with the growth of community mental health clinics. However, the expansion of treatment services has not kept pace with the need.
- 3) The relatively recent creation and growth of community mental health clinics have made it possible for many youngsters to receive outpatient treatment. These clinics are unable, because of staff and financial limitations, to meet the demands for such services. Consequently, each clinic has long waiting lists for outpatient treatment. Several areas of the state do not as yet have community clinics, even though there is a demonstrated need for them.
- 4) The juvenile institutions are moving in the direction of treatment oriented programs. Progress has not yet been made to the point that therapy can be provided to any great degree for the emotionally disturbed juveniles committed to them.

5) Colorado has no institution which provides intensive inpatient treatment for seriously disturbed juveniles, although such treatment is recommended in 20 to 30 per cent of the Diagnostic Center referrals.

6) Inpatient facilities are important, but, because of the expense and the professional personnel needed, very few juveniles could be treated in this way without sacrificing other important parts of the over-all program. It would cost an estimated \$200,000 to build such a facility to treat 25 youngsters, and the annual cost of operation would be approximately \$250,000. Many youngsters would need such treatment for two to five years.

7) Day care centers offer one solution to the cost of inpatient treatment. There are several advantages to this kind of treatment:

a) It is less expensive. The cost of constructing and operating day care centers is one-third to one-half less than for inpatient treatment centers.

b) It can be operated with a smaller staff than an inpatient treatment center - an important factor, considering the shortage of professional personnel.

c) It allows the juvenile to remain in his own environment when suitable, thereby maintaining family ties and a familiar social situation. If the home environment is not suitable, foster home placement can be substituted, which would still give the juvenile the benefit of a more normal social situation while undergoing treatment.

d) It can furnish all the treatment methods used in mental hospitals and inpatient centers.

8) The earlier that disturbed youngsters can be identified and treated, the better the chance of helping them. The longer these juveniles go without help, the less chance there is of doing anything for them except through long-term intensive and expensive treatment. Many of them begin a cycle of delinquent and criminal behavior which usually has its ending in confinement for many years, and at considerable expense to society, in industrial schools, reformatories, and penitentiaries.

#### Recommendations

1) More effective use should be made of services and facilities now available.

2) Emphasis should be placed on the development and expansion of community clinics. Regional clinics should be set up in sparsely settled areas. The General Assembly should consider the advisability of providing additional state aid to community and regional clinics.

3) Establishment of a day care center should be the first step in providing a state inpatient treatment program. The development of a day care center should be related to an expansion of the foster home and group care program.

4) Expansion of the Diagnostic Center should follow further development of treatment facilities. There is little need to expand diagnostic services as long as treatment facilities are not adequate to care for those now being diagnosed.

Eventually a permanent diagnostic center should be established in the best location for coordination of diagnostic and treatment services.

5) Establishment of a residential treatment center should be one part of the total program for emotionally disturbed juveniles.

6) The number of agencies and institutions involved in providing mental health services makes coordination of activities and joint program planning imperative to avoid duplication of effort and misallocation of personnel and resources. It is neither necessary nor feasible that the total program be under the direction of one department. However, steps should be taken to develop an over-all institutional program.

7) The Diagnostic Center should be continued on the current basis until details of an over-all program for emotionally disturbed juveniles are worked out.

8) A study should be made and consideration given to changing the function of the state children's home. The home might be used as a permanent diagnostic and treatment center.

#### Other Recommendations

##### Relinquishment

1) Amend 22-5-3 CRS 1953 by adding a clause which states that all relinquishments must be made in accordance with the relinquishment statutes except for involuntary relinquishment as provided for in the dependency statutes.

2) Amend 22-5-4 CRS 1953 to give the county court discretion as to whether to notify the husband of a woman who has a child allegedly born as a result of an extramarital relationship.

3) Amend 22-5-6 and 22-1-6 CRS 1953 to require that any public or private child placement agency given custody of a child for adoption placement by the court must notify the court of the ultimate disposition of the child.

##### Adoption

1) Amend 4-1-7 CRS 1953 to provide for faster adoption hearings by adding a section to the effect that when the petitioner is not a relative or a stepparent of the child to be adopted, the petition shall be filed no later than 10 days after the date on which the child is first placed in the adoptive home. The court shall then fix a date for hearing no less than 30 days after the filing of the petition.

##### Dependency

1) Amend 22-1-6 CRS 1953 to provide another method of disposition in dependency cases by allowing awards of temporary custody to be made by the court.

##### Delinquency

1) Amend 22-8-1-(2) CRS 1953 to provide a modern definition of delinquency and to set forth clearly that one act of delinquency constitutes delinquency.

2) Amend 105-1-7 CRS 1953 to change the commitment age at Golden to less than 18 years of age, instead of less than 16 years of age.

3) Amend 22-8-1 and 22-8-11 CRS 1953 so that all delinquency decree provisions are deleted from 22-8-1 and set forth clearly in 22-8-11.

4) Amend 105-1-8 and 105-2-31 CRS 1953 to eliminate the authority of the boys' school and girls' school to return incorrigible youngsters to the courts which committed them to those institutions.



At the present time only 12 counties are able to employ full time probation officers. These include all the second class counties and the City and County of Denver. El Paso and Pueblo are the only two counties which fall in the 70,000 to 100,000 bracket by the last federal census. The other Class II counties with more than 25,000 and less than 70,000 population include: Adams, Arapahoe, Boulder, Jefferson, Larimer, Las Animas, Mesa, Otero, and Weld.

Present population estimates<sup>1</sup> indicate that the 1960 census will show the following county populations:

- (1) Over 100,000 population - Denver, El Paso, Jefferson, Pueblo, and possibly Arapahoe;
- (2) 70,000 to 100,000 population - Adams and Weld; and
- (3) 25,000 to 70,000 population - Boulder, Larimer, Las Animas, Mesa and Otero. (It is possible that Las Animas may drop slightly below 25,000)

Present county population trends indicate that not one of the 51 smaller counties, now limited by statute to an annual probation officer salary of \$1,200, will have grown enough to have more than 25,000 population by the 1960 census. Possibly four counties-- Arapahoe, El Paso, Jefferson and Pueblo-- would be eligible to have separate juvenile courts, and two (Adams and Weld) could employ five probation officers instead of two. The status of the other five Class II counties would remain the same, except that Las Animas might fall short of 25,000 in the next census.

Of the 12 counties with more than 25,000 population, four have yet to employ a full time probation officer - Arapahoe, Larimer, Otero, and Weld. Three of the other eight counties employ more than one probation officer -- Denver, El Paso and Pueblo. The remaining five counties have one full time probation officer - Adams, Boulder, Jefferson, Las Animas, and Mesa.

#### Delinquency and Probation in Colorado in 1957

Figures on the number of delinquency cases before the court, as well as the number of juveniles placed on probation, are necessary before an evaluation can be made as to the adequacy of present probation statutes. Unfortunately, prior to 1958 there was no central collection of data dealing with juveniles before the courts, although the Denver Juvenile Court and a few of the larger county courts compiled these statistics for their own case loads. Confronted with this lack of information, the Children's Laws Committee, in cooperation with the Child Welfare Division of the State Department of Welfare and the County Judges Association, set up a comprehensive juvenile statistical reporting system. This statistical program has two goals: (1) the compilation of data on juvenile cases before the courts in the past few years,

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1. Estimates of the State Planning Division as of July, 1957.

with emphasis on 1957, and (2) the creation of a current, continuous reporting system on juvenile cases. The inauguration of this program marks the first time any state-wide collection of juvenile court data in Colorado has been made. Fifty-four counties provided the committee with this information for 1957. Statistics for four other counties were obtained from questionnaires mailed to all county courts by District Judge James Noland, Durango, Chairman of the Colorado Judicial Council Committee on County Courts. Counties for which no information was available from either source included Costilla, Douglas, Otero, Pitkin, and Rio Grande.

These data on juvenile case load and probation are the most accurate that can be developed for 1957. There are three reasons, however, why they might not be a correct measure of delinquency and probation. First, many judges hold informal hearings on less serious cases. Because of incomplete record keeping on these cases, there is no assurance that all these cases have been reported. Second, informal probation may result from these informal hearings upon agreement between the judge and the juvenile's parents. Again there is no assurance that all these cases have been reported. Third, many juveniles whose acts might constitute delinquency if brought to court are shortstopped by the sheriff, local police department, or district attorney's office. This practice is fairly widespread, according to information received by the Children's Laws Committee at its regional meetings.

Even with these shortcomings, the committee believes the information shown in Table I provides an adequate index of the delinquency problem in Colorado in 1957.

TABLE I

Juvenile Delinquency Cases  
and Number of Juveniles Placed on Probation  
By County for 1957

<u>County</u>	<u>Population<sup>1</sup></u>	<u>Number of Delinquency Cases<sup>3</sup></u>	<u>Number Placed on Probation<sup>2</sup></u>
Adams	75,000	304	200
Alamosa	11,000	22	6
Arapahoe	95,000	94	94 <sup>a</sup>
Archuleta	3,000	0	0
Baca	7,800	1	1
Bent	8,800	4	1
Boulder	60,000	55	33
Chaffee	7,200	18	13
Cheyenne	3,300	0	0
Clear Creek	3,400	3	2

TABLE I  
Continued

<u>County</u>	<u>Population<sup>1</sup></u>	<u>Number of Delinquency Cases<sup>3</sup></u>	<u>Number Placed on Probation<sup>2</sup></u>
Conejos	10,000	19	10
Costilla	6,000	b	b
Crowley	5,100	3	3
Custer	1,500	0	0
Delta	18,000	33	6
Denver	515,000	1,244	663
Dolores	2,100	0	0
Douglas	4,100	b	b
Eagle	4,700	2	2
Elbert	4,300	0	0
El Paso	118,000	418	300 <sup>c</sup>
Fremont	19,300	77	71
Garfield	12,500	2	2
Gilpin	850	50	31
Grand	4,100	3	3
Gunnison	5,800	0	0
Hinsdale	275	0	0
Huerfano	9,800	46	19
Jackson	2,100	2	2
Jefferson	105,000	193	100 <sup>c</sup>
Kiowa	2,800	0	0
Kit Carson	8,300	2	0
Lake	7,600	18	12
La Plata	20,300	31	22
Larimer	49,500	75	40
Las Animas	24,300	70	59
Lincoln	5,600	0	0
Logan	21,100	18	15
Mesa	53,200	154	50
Mineral	650	0	0
Moffat	6,700	22	12
Montezuma	12,200	30	13
Montrose	16,400	32	13
Morgan	22,200	39	36
Otero	25,800	b	b

TABLE I  
Continued

<u>County</u>	<u>Population<sup>1</sup></u>	<u>Number of Delinquency Cases<sup>3</sup></u>	<u>Number Placed on Probation<sup>2</sup></u>
Ouray	2,100	12	4
Park	1,800	7	4
Phillips	4,800	4	2
Pitkin	2,300	b	b
Prowers	14,800	14	11
Pueblo	116,000	636	377
Rio Blanco	4,800	5	4
Rio Grande	12,900	b	b
Routt	8,900	20	19
Saguache	5,200	13	10
San Juan	1,300	2	2
San Miguel	2,900	2	1
Sedgwick	4,900	8	6
Summit	1,200	1	1
Teller	2,800	14	6
Washington	7,300	6	6
Weld	75,500	98	64
Yuma	10,500	2	1
Total 58 Counties	1,628,575	3,927	2,552
Projected Total 63 Counties	1,678,675	4,050	2,650

1. Estimated by the State Planning Division as of July, 1957.
2. As reported to the Legislative Council unless otherwise indicated.
  - a. As reported on Judge Noland's County Court questionnaire.
  - b. Did not report.
  - c. Estimated - includes unofficial probation or cases continued unofficially.

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These data on juvenile delinquency cases in Colorado courts in 1957 show that delinquency is not a problem limited mainly to Denver and the other metropolitan areas. Denver and the Class II counties had the greatest number of cases; however, many of the smaller counties had a higher incidence of delinquency than the larger ones when compared with estimated county population and with school population for

the 1956-57 year. Sixteen counties had a higher incidence of delinquency in 1957 in relation to population than did Denver: Adams, El Paso, Las Animas, Mesa, and Pueblo were the only Class II counties in this group. The others were Chaffee, Fremont, Gilpin, Huerfano, Jackson, Moffat, Montezuma, Ouray, Park, Saguache, and Teller.

Eleven counties also showed a higher incidence of delinquency than Denver in 1957, when compared with school population.<sup>2</sup> Included in this group were these Class II counties: Adams, El Paso, Pueblo, and the following smaller counties: Fremont, Gilpin, Huerfano, Jackson, Moffat, Ouray, Park, and Washington.

Probation proved the type of disposition most used in juvenile delinquency cases in 1957. Information covering 3,769 case dispositions was compiled by the committee. Sixty-eight per cent of that total were probation placements; 16 per cent were dismissed; 11 per cent resulted in institutional commitments; and 6 per cent were disposed of in some other way, e.g., a fine and restitution of damage or loss, transfer to a social agency for counseling, or case work services.

If the 594 dismissals are subtracted, probation was the recommended disposition in 80 per cent of the cases in which a finding of delinquency was made. The extensive use of probation by Colorado county and juvenile judges places emphasis on the need for qualified juvenile probation officers.

#### Juvenile Probation Personnel

Only eight counties had at least one full time probation officer in 1957. These counties - Adams, Boulder, Denver, El Paso, Jefferson, Las Animas, Mesa, and Pueblo - handled 75 per cent of the juveniles placed on probation in 1957.

The fact that almost 2,000 of the juveniles placed on probation in 1957 were placed under the supervision of a full time probation officer does not mean necessarily that such supervision was adequate. Assuming that all of these full time probation officers were qualified, the size of their case loads, in most instances, was too large to allow sufficient time for the contact and guidance of each juvenile placed under their supervision.

The optimum size of a probation officer's case load depends on skills of the officer, amount of time involved in travel, kinds and extent of clerical services available, and quality of supervision provided each officer.<sup>3</sup> In general, 50 juvenile probationers is recognized as an ideal optimum case load per officer. That number may be too high if the worker is also preparing social histories or is responsible for administrative or other assigned duties.

- 
2. School census of all persons between the ages of six and 21 made by the State Department of Education.
  3. Standard for Specialized Courts Dealing with Children prepared by the Children's Bureau, U.S. Dept. of Health, Education, and Welfare in Cooperation with the National Probation and Parole Association and the National Council of Juvenile Court Judges, 1954, p.71.
  4. Ibid.

The number of juveniles placed on probation in 1957 does not reflect the actual number of juveniles on probation during the year. Many times juveniles are placed on probation for a two-year period; consequently, many youngsters placed on probation in 1956 were still under supervision in 1957. Considering only the number of juveniles placed on probation in 1957, most of the eight counties with a full time probation officer did not have a staff of sufficient size to keep case loads at reasonable levels.

Adams County had one full time probation officer for 200 juveniles placed on probation in 1957.

El Paso County had four full time probation officers for an estimated 300 juveniles placed on probation in 1957.

Jefferson County had one full time probation officer for an estimated 100 juveniles on probation in 1957.

Pueblo County had three full time probation officers for 377 juveniles placed on probation in 1957.

The average case load for the probation officers of the Denver Juvenile Court was 125 for boys and 100 for girls. Boulder, Las Animas, and Mesa counties had few enough juveniles placed on probation in 1957 to be handled by one full time probation officer, provided a great deal of time was not required for travel. Juvenile probationers carried over from the previous year would increase these case loads beyond the number which could be handled adequately by one probation officer.

Data for three of the four Class II counties with part time probation officers in 1957 show that 94 juveniles were placed on probation in Arapahoe County, 40 in Larimer, and 64 in Weld. Arapahoe and Weld counties had one part time probation officer, and Larimer had two.

All of the 51 counties with less than 25,000 population had part time, and usually untrained, probation officers in 1957. Information available for 45 of these counties shows the following:<sup>5</sup>

- 1) in 19 counties there is no probation officer;
- 2) in 17 counties the sheriff serves as a part time probation officer;
- 3) in two counties attorneys serve as part time probation officers;
- 4) in two counties teachers serve as part time probation officers;
- 5) in two counties the district court probation officer serves as a part time probation officer;
- 6) in one county an auto dealer serves as a part time probation officer;
- 7) in one county a justice of the peace serves as a part time probation officer; and
- 8) in one county the county court clerk serves as a part time probation officer.

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5. From the questionnaire filled out by county judges for District Judge James Noland and supplemented by the regional meetings of the Legislative Council Committee on Children's Laws.

The 19 counties<sup>6</sup> with no probation officer had a total of 110 delinquency cases in 1957, with 81 juveniles placed on probation. Presumably the judge in these counties handled probation supervision or else this responsibility was given to a volunteer probation officer in the county.

The 17 counties in which the sheriff serves as a part time probation officer<sup>7</sup> had a total of 130 delinquency cases in 1957, with 53 juveniles placed on probation. The nine counties<sup>8</sup> in which part time probation services were provided in some other way had 404 delinquency cases in 1957, with 254 placed on probation.

These 45 smaller counties with either a part time probation officer or none had a total of 644 delinquency cases in 1957 (16 per cent of the state total), with 388 juveniles placed on probation (15 per cent of the state total). Excluding dismissals, probation was granted in 72 per cent of the juvenile case dispositions in the 45 small counties as compared with 82 per cent in the eight counties with at least one full time probation officer.

#### Juvenile Probation Needs

Analysis of the statistical data on juvenile delinquency and probation led the Legislative Council Committee on Children's Laws to these conclusions:

- 1) in most large counties with at least one full time juvenile probation officer, the juvenile probation case loads are so large that it is extremely difficult to provide adequate services without an increase in staff;
- 2) the large counties without full time probation officers have sufficient case loads to justify the employment of at least one such officer; and
- 3) the small counties do not have trained people (some have none at all) supervising juvenile probation. The juvenile probation case loads in most of these counties are not large enough to justify a full time probation officer; therefore, it would be necessary to group these smaller counties in order to provide adequate juvenile probation services.

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6. Baca, Bent, Chaffee, Conejos, Crowley, Custer, Dolores, Eagle, Elbert, Grand, Gunnison, Hinsdale, Jackson, Lake, Mineral, Rio Blanco, Routt, Saguache, and San Miguel.

7. Archuleta, Cheyenne, Clear Creek, Delta, Kiowa, Kit Carson, Moffat, Ouray, Park, Phillips, Prowers, San Juan, Sedgwick, Summit, Teller, Washington, and Yuma.

8. Teachers in Alamosa and Montezuma; attorneys in Huerfano and Weld; district court probation officers in Fremont and Gilpin; an auto dealer in La Plata; a justice of the peace in Logan, and the county court clerk in Montrose.

These conclusions reached by the committee were substantiated at its regional meetings attended by judges, other public agency personnel working with juveniles, and interested lay people. The judges from the smaller counties were in general agreement that their probation programs were not adequate. In trying to improve juvenile probation services, they felt they were faced with a three-fold problem: 1) case loads which are not large enough to keep a full time probation officer busy; 2) the statutory annual salary limitation of \$1,200 for probation officers; and 3) the reluctance of county commissioners to appropriate money for juvenile probation services. These observations were generally confirmed by school and welfare officials, and other professional and lay people who attended the meetings.

In the larger counties with less than 25,000 population, such as Fremont, La Plata, Logan, and Morgan, the lack of an adequate probation staff is a more acute problem than in the smaller counties, because there are enough juvenile delinquency cases to make a full time probation officer desirable, but these counties are subject to the same salary limitations and county commissioners' attitudes.

The 1956 amendment to the probation statutes was of great help to the counties with more than 25,000 population in that it made it possible for these counties to employ full time probation officers. Some of the judges and the other people from these counties told the committee that it is difficult to employ qualified people at the salaries which county commissioners are willing to pay. Another problem is the statutory limitation on the number of probation officers who may be employed in counties of more than 25,000 population. This limitation is troublesome at present only in El Paso County, where probation case loads have grown too large to be handled adequately by the five probation officers allowed by statute. If juvenile delinquency continues to increase, other of the larger counties may face the same problem.

#### Exchange of Information

A major problem confronting not only the courts but the institutions and other agencies dealing with juveniles is the lack of information exchange. In most of the counties the courts rarely know if a juvenile probationer from another part of the state takes up residence there. Most of the county courts may not know if a juvenile probationer is leaving the county, or if so, where he is moving. Even if it is known to which county he is moving information is seldom forwarded to the new county.

The two juvenile institutions complained that very few county courts send any information on juveniles committed to them. In turn, the courts and other local agencies complained that they seldom have any knowledge that juveniles committed to the training schools have returned on parole.

Those attending the meetings also expressed concern over the lack of information exchange and cooperation among agencies on the community level, although there were notable exceptions in some communities. It was generally agreed that the exchange of information and cooperation on all levels could be greatly improved if the courts were staffed with qualified probation personnel to make complete social investigations, to provide the institutions and interested agencies with copies, and to work with these agencies in carrying out the functions of probation supervision.



The need for improved probation services was accentuated by Judge Phillip Gilliam, Denver Juvenile Court. Judge Gilliam told the committee that national estimates indicate that the delinquency rate will double in the next ten years. It is expected that at least half of this increase would result from population growth alone, with the other half caused by an increase in the incidence of delinquent acts. This anticipated rise in the delinquency rate is not expected to be limited to metropolitan areas. Consequently, unless juvenile probation services are improved in the less populous parts of the state, the courts will be even more ill-equipped than at present. The lack of adequate probation services could easily lead to an increase in the commitments to the juvenile institutions, which could strain already crowded facilities.

#### Delinquency Cases not Handled by Courts

At these regional meetings, the committee also learned that many delinquency cases are not reaching the courts. In Greeley, the police department uses "police probation" to the extent that almost 40 juveniles are being supervised on probation by the police department. Youngsters may be placed on police probation for minor offenses, upon consent of their parents. This same sort of probation program is carried out by the District Attorney for the Sixth Judicial District in Durango. Approximately the same number of juveniles are being supervised in Durango as in Greeley. In many small counties, this practice is used by the sheriff or town marshal. In many instances, this type of probation program is carried out because of a lack of trained personnel in the courts.

The Children's Laws Committee sees several dangers in the continuation of these extralegal probation programs. First, the juvenile is deprived of his day in court, with the proper safeguards, even though he is somewhat protected by his parents' agreement to this type of probation. Second, law enforcement officers, especially in small communities, may not have the training and experience for providing adequate probation supervision. Third, with juveniles the seriousness of the offense may not be an indication of how seriously disturbed the offender is. Law enforcement personnel do not have the training or the time to determine what exactly would be best for some of the juvenile offenders (e.g., commitment, diagnosis and treatment, work with the family, special counseling). Fourth, while these "police probation" programs are being handled at present by dedicated law enforcement officials, with the best interest of the juveniles in mind, they lend themselves to abuse if operated by less interested, less qualified law enforcement personnel.

#### Development of a Juvenile Probation Program in Colorado

In the judgment of the Committee on Children's Laws, juvenile probation services in Colorado should be strengthened to provide qualified probation personnel throughout the state in sufficient quantity to accomplish:

- 1) adequate supervision for all juveniles placed on probation;
- 2) preparation of comprehensive social histories which will assist the court in the proper disposition of each case, and which will help the institutions or public agencies on which the court may place the responsibility for the handling of juvenile offenders;

- 3) cooperation with other local agencies in working with delinquent juveniles; and
- 4) exchange of information and supervision with other county courts for those juveniles on probation who change their county of residence.

In developing adequate juvenile probation services, the small counties are just as important as the larger ones, even though they have fewer delinquency cases. A youngster in trouble should have access to the same types of services, regardless of place of residence. The absence of some of these services -- school social workers, mental health clinics, trained child welfare workers -- in some of the smaller counties makes adequate probation services even more important. The rate of delinquency in the small counties is expected to increase in the same proportion as in more populated areas. Besides, current case loads do not accurately measure the problem, because of the number of delinquents who are shortstopped before they get to court.

Improvement in probation services would not only strengthen the court's hand in dealing with delinquency, but would help its development as the focal point for community cooperation on this important problem.

Annual probation costs are currently about one-tenth of the expense of maintaining a juvenile in an institution for the same period of time. Adequate juvenile probation supervision has a greater potential than either institutional commitment or juvenile parole for deterring youngsters from becoming habitual violators. Curbing the potential habitual violator early may mean the saving of years of incarceration at state expense.

While it is difficult to determine the rate of probation success exactly, it is generally agreed that at least 85 per cent of the juveniles placed on probation are deterred from becoming habitual violators.<sup>9</sup> The rate of failure on juvenile parole is two to three times as great. Improvement in probation services may not at first save money. Closer and better probation supervision could result temporarily in more probation violations being discovered, which could lead to more institutional commitments. Juvenile probation costs and possible reduction in other state expenses are of utmost importance, but the Children's Laws Committee feels that it is neither possible nor desirable to place a dollar value on the reclamation of a human being.

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9. "Of the 15,000 delinquent children who came before the Denver Juvenile Court between 1941 and 1955, about 15 per cent were committed to institutions. The remaining 85 per cent were handled on a probationary basis by probation counselors and were rehabilitated." Report of the Denver Juvenile Court, 1956. This proportion is also borne out by the 1956 Probation Progress report of the California Youth Authority. In the foreword to the report, Heman G. Stark, Youth Authority Director, commented that experience has indicated that of every 100 juvenile offenders, 85 are handled at the county level and 15 at the state level (meaning institutional commitment).

## Recommendation for Improving Juvenile Probation Services

There are several ways in which juvenile probation services might be improved in Colorado. The first step in such a program should be the elimination of present statutory restrictions on the number of probation officers who may be hired in counties of more than 25,000 population, and the elimination of the statutory \$1,200 annual salary limitation for probation officers in counties with less than 25,000 population.

Elimination of these restrictions, however, would not necessarily result in improved juvenile probation services. The case loads of most of the 51 counties with less than 25,000 population are not at present large enough to require a full time probation officer. The payment of a larger salary to part time probation officers might encourage more trained people to apply for the job, but probation supervision cannot be satisfactory when performed on a part time basis as a second occupation. The result would be a continuation of the uneven level of services which presently exists.

For those counties whose case loads would justify one or more full time probation officers, the elimination of the restrictions on salary and number of probation officers would not automatically insure the employment of a sufficient number of qualified probation officers. Only one of the 12 counties with more than 25,000 population (excluding Denver) has now employed the maximum number of probation officers allowed by law, even though the size of their case loads indicate a need for additional officers. The county commissioners in many counties have been reluctant to spend money for juvenile probation services because of the expense, and because of a lack of understanding of the purposes and usefulness of a juvenile probation program. In some counties this reluctance has kept the court from expanding its staff; in others, the salary the county is willing to pay is insufficient to attract qualified people.

### State Juvenile Probation Agency

One approach to providing adequate juvenile probation services considered by the committee would involve the creation of a state agency to handle juvenile probation and perhaps juvenile parole supervision as well. The central headquarters of this agency would be in Denver, and probation officers would be located around the state in sufficient number to handle the case load. Some of these officers would be required to handle juvenile probationers in a multi-county area. All of the small counties would have their probation handled in this way, while the larger counties, with their own juvenile courts or full time probation staffs, could choose to participate in the program.

The Children's Laws Committee felt that such an agency could solve probation service needs through employment of qualified personnel at the state level and at state expense. However, no probation program, no matter how well constructed, can be successful if not accepted by the courts and local communities.

The general feeling expressed by judges, other officials, and lay people who met with the committee was that probation is a local matter -- a community treatment program -- and its direction and responsibility belong at the local level under the county court. There was considerable reluctance to accept state juvenile probation officers, even if such officers resided in the area in which they served. Most judges felt that they would lose control over an important court function if their probation officers were responsible to a state official. Judges in the larger counties took pride in the probation services provided by their courts and looked upon the proposed state program as unnecessary in their counties.

While there was a general feeling against a state juvenile probation agency, there was also general recognition that many counties either could not afford or were reluctant to spend money for improved juvenile probation services. It was suggested that counties be allowed to join together in providing juvenile probation services, with each county paying its proportionate share of the cost. This suggestion was endorsed by a number of judges in counties with insufficient case loads for a full time juvenile probation officer.

Although there was very little support for a state juvenile probation agency, many of the judges and other people meeting with the committee looked favorably upon some sort of state aid to juvenile probation as long as local control was retained. State aid might be justified because of the anticipated effect a good probation program would have in holding down the rate of institutional commitments.

#### Recommendations of the Children's Laws Committee

In making its final recommendations, the committee weighed carefully the possible advantages of a state juvenile probation agency against the opposition to such an agency expressed by judges, other officials, and lay people around the state. The committee decided that such an agency could not be successful, as lack of acceptance by the courts and the communities would render it ineffective and not fully utilized. The committee feels that creation of such an agency may be desirable in the future, if juvenile probation services are not improved considerably though its recommendations as outlined below:

- 1) control and responsibility of the juvenile probation program should remain with the county or juvenile judge;
- 2) legislative restrictions on the number of probation officers and their salaries should be removed;
- 3) counties should be allowed to group together for the purpose of providing juvenile probation services;
- 4) state aid up to one-half of each probation officer's salary or \$200 a month for each probation officer, whichever is less, should be provided if the following conditions are met:
  - a. each county or group of counties must have a population of 25,000 by the last federal census;
  - b. each probation officer for whom state aid is desired shall meet the qualifications for the position as established by the Personnel Director of State Civil Service Commission.

- 5) juvenile or county courts shall transfer records of any juvenile on probation who changes his county of residence to the juvenile or county court of the county to which that juvenile moves, along with a request that probation supervision be assumed by that court.

In the committee's opinion, these recommendations meet the criticisms voiced at the regional meetings, while offering the possibility of definite improvement in juvenile probation services. The committee gave careful consideration to the mandatory grouping of counties for probation services. It was decided that it would be difficult to develop arbitrary multi-county districts which would be acceptable to the counties involved, even though such districts could be drawn up on the basis of case load.

Instead, the committee set as one of the conditions of state aid a population of at least 25,000 for each county or group of counties. This provision would make it possible for large counties to retain their own probation departments and would encourage small counties to group together in sufficient quantity to insure state aid. If as a result of the first two years experience with this program, isolated counties are found which have not been included in any juvenile probation district, it may be necessary to attach them to probation districts through mandatory legislation.

#### Qualifications for Probation Officer

An increase in the quantity of probation officers is not all that is needed to improve probation services. In so far as possible, probation officers should be qualified personnel. The committee believes that if the state is willing to bear a portion of the expense for juvenile probation services, certain personnel standards should be met to insure maximum benefits.

The committee takes a realistic view toward minimum qualifications for probation officers. It recognizes that top standards for the position would require a graduate degree in social work, with one or two years' experience. Possibly, some people with this training may be employed. Realistically, the level may have to be set at college graduation with considerable work in the social sciences and/or psychology and one or two years' experience in probation work or a related field such as counseling, recreation, vocational guidance, teaching, or psychology. Allowances may have to be made for those people who have had considerable experience and have performed capably even though they may lack formal educational requirements.

The committee's observations on qualifications for the position have been made to the State Director of Personnel, who assured the committee that his office could perform the functions of setting standards and reviewing qualifications if so required by law.

The recommendation relating to exchange of probation records and transfer of probation supervision would outline by law a procedure by which probation supervision might be continued even though the county of residence has changed. If followed by the courts it would eliminate many of the problems resulting now from such change of residence.

Cost of the Program

The annual cost of state aid for probation, if fully implemented at \$200 per month for each probation officer, would be approximately \$125,000, apportioned as follows:

Counties without full time probation officers at present.....	\$ 38,000
Class II counties with full time probation staffs at present.....	32,000
Denver Juvenile Court.....	55,000
	<u>\$125,000</u>

This cost estimate is probably high, at least for the first two years of the program's operation, because it is unlikely that all counties either individually or in groups will move immediately to take full advantage of state aid. It is also unlikely that each probation officer will be hired at a salary of at least \$4,800, the amount necessary to get the maximum state aid of \$200 per month per officer.

In presenting its recommendations, the committee recognizes that the desired improvement in juvenile probation services is not necessarily guaranteed. It also recognizes that improvement in juvenile probation services is only one of several steps which must be taken in dealing more adequately with juvenile delinquency. The committee feels, however, that if the county and juvenile courts take full advantage of this proposal, a great stride will have been made toward the desired goal -- prevention of habitual delinquent and criminal behavior.

## II

### JUVENILE PAROLE

Juvenile parole is the supervision and guidance provided for the juvenile offender after his release from a training or industrial school. It is a community treatment program in much the same way as juvenile probation, except that the purpose of juvenile probation is to help the delinquent without institutional commitment, while the goal of juvenile parole is the successful return of the youngster to society after his period of commitment.

Juvenile parole is extremely important because the juveniles on parole from institutions are among the 15 per cent who couldn't be reached through probation. Usually they have spent eight to 15 months in the training school,<sup>1</sup> the possibility of their success on parole is by no means certain; and they may be returning to the same home environment which contributed to their delinquent behavior patterns in the first place.

The success of a juvenile parole program depends upon the ability of the youngster to adjust to the environment which he will face upon his release. This adjustment depends both upon changes in the individual and the environment to which he is returned. Even the best adjusted juvenile may not succeed in some environments. The date of release should be geared to the time the youngster has received his maximum benefit from the institutional program and is considered ready to try it again "on the outside." Pre-parole plans should be made, in so far as possible, so that the community and the juvenile's family are ready to accept him and a school or work program developed for him. It may even be necessary to remove the youngster from his home environment, and such plans should be developed in advance of the parole release date. Parole supervision should be carried out by a qualified parole officer whose case load is not too large to prevent him from making frequent contacts with the juvenile and from working with the family, the school, and other community agencies to restore the juvenile as a productive member of society.

The importance of the juvenile parole process is clear when it is recognized that juvenile parole may offer the last opportunity to deter a juvenile from continued criminal acts leading to imprisonment in the reformatory or penitentiary.

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1. An average of eight months at the Boys' Industrial School in Golden and 12 to 15 at the Girls' Training School in Morrison.

Juvenile Parole Supervision

Juvenile parole supervision is presently the responsibility of the two juvenile institutions -- the Boys' Industrial School in Golden and the Girls' Training School in Morrison. Golden has two parole officers to handle a case load of 420 boys, and Morrison has one parole officer to handle a case load of 100 girls.<sup>2</sup> The parole officer at Morrison also serves as the intake officer at the institution, which limits the amount of time she can devote to parole supervision. These case load totals represent the latest data available to the committee and are generally representative of parole case loads at the juvenile institutions during the past two years.

More than 54 per cent, or 229, of the parolees from Golden are in the City and County of Denver. An additional 25 parolees are in the Denver metropolitan area. Thirty-eight per cent or 38 of the parolees from Morrison are in the City and County of Denver, with an additional nine in the Denver metropolitan area. The rest of the parolees from the two institutions are scattered around the state as shown in Table II.

TABLE 11

Location of Juvenile Parolees  
from Golden and Morrison, October, 1958

<u>Denver Metropolitan</u>	<u>Boys</u>	<u>Girls</u>	<u>Southern-Arkansas Valley</u>	<u>Boys</u>	<u>Girls</u>
Adams	12	7	Bent	2	
Arapahoe	8	1	El Paso	10	3
Denver	229	38	Fremont	8	2
Douglas	1		Huerfano	5	1
Jefferson	4	1	Las Animas	7	6
Total	<u>254</u>	<u>47</u>	Prowers	2	
			Pueblo	53	2
			Otero	8	
			Total	<u>71</u>	<u>13</u>
Per cent of State Total	60.5%	47%	Per cent of State Total	18.9%	13%

2. Parolees from the Boys' School as of October 20, 1958; an additional 27 boys were on parole out of state. Parolees from the Girls' School as of September 30, 1958.



Table II Continued

<u>North East</u>	<u>Boys</u>	<u>Girls</u>	<u>Middle Mountain</u>	<u>Boys</u>	<u>Girls</u>
Boulder	8		Chaffee	1	
Larimer	6	1	Clear Creek	1	
Logan	4		Eagle		1
Morgan	4	3	Lake	5	1
Sedgwich	2	1	Park	1	
Weld	6	3	Total	8	2
Total	<u>30</u>	<u>8</u>			

Per cent of  
State Total

7.1%      8%

Per cent of  
State Total

1.9%      2%

<u>San Luis Valley</u>	<u>Boys</u>	<u>Girls</u>	<u>Western Slope</u>	<u>Boys</u>	<u>Girls</u>
Alamosa	8		Delta	3	2
Conejos	2	2	Mesa	16	12
Rio Grande	8	6	Moffat	4	
Saguache	4		Montrose	2	2
Total	<u>22</u>	<u>8</u>	Routt	1	
			Total	<u>26</u>	<u>16</u>

Per cent of  
State Total

5.3%      8%

Per cent of  
State Total

6.2%      16%

<u>San Juan Basin</u>	<u>Boys</u>	<u>Girls</u>
La Plata	5	4
Montezuma	3	2
Ouray	1	
Total	<u>9</u>	<u>6</u>

Per cent of  
State Total

2.1%      6%

Superintendents of both juvenile institutions say that proper parole supervision is not being provided. The two parole officers at Golden divide up the case load so that one works in Denver and the other tries to cover the remainder of the state. According to the school superintendent, the best this parole officer can do is hit the high spots. His most frequent visits are to Pueblo, Boulder, Greeley, and Colorado Springs. He might get to Durango and the western slope once a year and to Alamosa and the San Luis Valley three times a year, if he can spare the time from supervising the case load nearer Denver.

The parole officer at Morrison tries to make at least two trips a year to the Western Slope. The major portion of her time is spent at the institution and in working with girls in the Denver area.

This lack of juvenile parole supervision was criticized at the committee's regional meetings. The judges, other public officials, and lay people who met with the committee in general had four complaints:

- 1) parolees are either inadequately supervised or not supervised at all;
- 2) the courts and communities are seldom notified when a juvenile parolee returns;
- 3) many of these unsupervised juvenile parolees, especially boys, are disruptive influences and become ring leaders in fomenting delinquent behavior; and
- 4) often these parolees are returned to the same poor environment which helped produce their delinquency originally.

In some parts of the state, the county court attempts to help the parolees from Golden. This is the situation in Pueblo and Mesa counties. In these two counties, the boys' school notifies the county court of the release of parolees to that area, and also suggests that the parolee contact the county court. Usually, the case load of the county probation officers is so large as to preclude any but cursory supervision of parolees.

#### Effect of Insufficient Parole Supervision

It is difficult to measure the effect the lack of juvenile parole supervision has on the individual parolee. The rate of recidivism (return to the institution for parole violation) was about 20 per cent at the girls' school during the 1957-58 fiscal year. At the boys' school the rate has been slightly less than 33 per cent during the past three years. But the proportion of parolees who return to the institution does not tell the whole story. A significant number of the boys paroled from Golden (estimated at 24 per cent by the superintendent) end up in other correctional institutions as a result of graduating to offenses carrying reformatory or penitentiary sentences. It is likely, as well, that some of the girls released from Morrison end up either in the reformatory or penitentiary.

While lack of parole supervision may be a major cause of many parolees' return or commitment to another correctional institution, there is little doubt that a number of parole violations go undetected because of the infrequent contacts between the parole officer and the parolees.

Even with the limitations of information available, it can be safely assumed that at least 20 per cent of the girls and perhaps as many as 50 per cent of the boys either return to the juvenile training schools or are committed to other correctional institutions. It is surprising that the rate isn't higher when it is considered that these juvenile parolees receive little if any supervision; their return seldom is known to the community; in many cases they are not accepted in the community; and often they are returned to a bad environment without sufficient parole planning.

### Parole Case Loads

Juvenile parole officers should have a case load roughly comparable to that of the juvenile probation officer. In addition, they should have the same qualifications, skills, and experience as prerequisites for the job. On the basis of the current number of parolees and their locations, it would take at least two parole officers for girls and at least five or six for the boys.

The juvenile institutions cannot be criticized for the lack of parole officers in sufficient quantity and quality to provide adequate supervision. In their past two budgets, the superintendents of both institutions have requested additional parole officers in order that case loads might be reduced sufficiently so that adequate supervision could be provided. Increasing the parole staffs at the juvenile institutions is one of several ways in which improved juvenile parole services might be provided. There is some disagreement, however, as to whether parole supervision should be a function of the juvenile institutions. This subject will be discussed in the section on Proposals for Improved Juvenile Parole Services.

### Parole Release and Pre-Parole Planning

Each of the two juvenile institutions uses a different method of determining when a youngster should be released on parole.

Girls' School. The board of control at the girls' school reviews the record of each girl referred to it by the superintendent, usually after a 12 to 15 month stay in the institution. The board considers each girl's deportment, adjustment, and progress, as reported by the superintendent, in determining whether or not she should be released. The superintendent's recommendations are also considered in each case.

Boys' School. The boys' school uses a system of marks to determine eligibility for release or parole. The accumulation of a sufficient number of marks makes the juvenile eligible for parole. Each boy is rated monthly by his teachers, cottage counselor, and work supervisor on such items as self control, living together, attitude, trustworthiness, effort, personal care, and activities. A boy may earn extra marks for working overtime in one of the departments and for a clean record for a three or six month period. Marks are deducted for misconduct, for attempting or actually effecting an escape, and violations of institution rules.

The boys' school has recently set up a classification committee composed of the superintendent, the assistant superintendent, the psychologist (position now vacant), rehabilitation counselor, the school principal, and the social case worker. This committee meets periodically to review and discuss each boy's progress.

There is also a parole committee consisting of the superintendent, the administrative assistant, the chief cottage counselor, one or both of the two parole officers and the work detail officer. Some of the classification committee members may also sit with the parole committee from time to time.

The classification committee may make recommendations to the parole committee regarding parole readiness or parole planning. In general, the parole committee determines parole release on the basis of the number of marks earned, rather than on recommendations of the classification committee. Occasionally a boy may be released on parole even if sufficient marks have not been accumulated, while others may be denied parole even though they have the necessary marks.

#### Evaluation of Release Procedures

Girls' School. The release procedure at the girls' school is not subject to the rigidity imposed by the use of the mark system at Golden. The girls stay in Morrison for a longer period than boys at Golden (in some instances twice as long), so that the staff has a longer period in which to get to know them and work with them.

The girls' school has been handicapped by a lack of professional personnel such as social workers, a psychologist, and a rehabilitation and training officer. This lack has been partially corrected through the partial staffing of the new guidance center rapidly nearing completion at the institution. There are plans for additional staff. Such professional personnel form the backbone of a classification committee, which the girls' school has yet to establish. Through its review, discussion, and planning for each youngster in the institution, a classification committee brings professional insight to the decision of when the juvenile is ready for release.

It is commendable that the board of control, composed of unpaid lay people, has been able to achieve the present degree of success in determining parole release, without the professional assistance of a classification board. Its decisions are based primarily on the case history developed by the parole officer and the recommendations of the superintendent. However, professional insight is extremely important because good behavior and adjustment in the institution are not necessarily an indication of a youngster's readiness to return to society. To a large extent, it is institutional behavior and adjustment upon which parole readiness is now based.

The question has also been raised as to whether a lay board, no matter how dedicated and interested, should be given the responsibility for determining parole release. Many states have given this function to an outside professional board such as a youth authority, or placed the responsibility upon institutional professional boards such as a classification committee.

Boys' School. There has been increasing criticism of the use of the mark system for determining parole release. In fact, a somewhat similar mark system at the reformatory was abolished by the 41st General Assembly in the second session. The classification committee approach was substituted for it, as has been the case in many other states.

The chief criticisms of the mark system are: 1) the criteria on which the marks are based are not related to a juvenile's readiness for return to society, but rather as a measure of his conformance to the institutional program; 2) an "institution wise" juvenile can accumulate enough marks for release without any improvement in his attitude or adjustment and without being ready for successful integration in

society; and 3) the mark system imposes a rigidity on the persons responsible for parole release, because if a few boys are released before acquiring the necessary number of marks it may have a bad effect on the boys in the institution with the same number of marks who have not been released, and may impair the effect of the institutional program upon them. Conversely, it might also make boys who are retained in the institution beyond their expected release date hostile to the institutional program.

The superintendent has defended the use of this system, which he says enables his staff to measure quantitatively their observations of the boy and his adjustment while in the institution. He feels, too, that it lets each boy know where he stands. He admits that a boy who is "institution wise" can get enough marks for release without benefiting from the institutional program, but it is his contention that some of these boys could also fool a professional classification committee.

While the boys' school has a classification committee of relatively recent origin, it has not yet been involved in parole release determination to any appreciable extent. As long as the mark system is continued at the boys' school, it is unlikely that the classification committee will play a very important role in parole release determination, because it represents a very different approach to parole release, quite unrelated to the mark system.

#### Pre-Parole Planning

Before a youngster is released from an institution on parole, the parole plan or program should be established. Such a program should include where the juvenile is to live -- with parents, foster home, or elsewhere; determination of whether he is to work or to go to school, with assistance in achieving either or both of these objectives; association with the parole officer who will provide supervision; discussion with parents or foster home parents; and notification to the school, court, and perhaps the welfare department that he is returning or coming to the community.

In the preparation of a parole program, careful attention should be given to the juvenile's needs and problems. This could require special program planning. Such a program might include continued medication, referral to a community mental health clinic for outpatient treatment, or a special school program. Close investigation should be made of the youngster's precommitment environment to see if it would be satisfactory for the youngster's return or if it might become satisfactory if either the parole officer or a local welfare worker worked with the family. If the former environment is not or cannot be made satisfactory, alternate plans should be made, even though it might result in the youngster's retention in the institution for an additional period of time.

If the above outline is used as the criteria for an adequate pre-parole planning program, then neither juvenile institution is doing all that might be done. It was pointed out that with few exceptions county courts and other community agencies do not know when a juvenile parolee is returning. The Children's Laws Committee learned at its regional meetings that in a few instances the field

staff of the State Child Welfare Division had been asked by the boys' school to assist in planning for a small number of parolees. Judge Charles Simon, El Paso County, told the committee that the girls' school had followed, in so far as it was able, his recommendations regarding parole placement of girls he had committed to Morrison to get them away from a bad home environment. By and large, however, there has not been very much assistance requested from other concerned agencies by either juvenile institution.

The institutions have been handicapped by a lack of trained staff, by a shortage of available foster homes or other alternate placements, and by capacity institutional populations which make it necessary to release youngsters as rapidly as possible so as not to interfere with the operation of the type of program now carried on at the two institutions.

The superintendent of the boys' school has indicated that a pre-parole cottage would be desirable and that he would like to incorporate such a cottage into the institutional program when staff and facilities permit. A pre-parole cottage would make it possible to isolate those boys to be released and prepare them for return to society at the same time their parole plans are being developed. A similar facility and program has been developed for adult offenders at the penitentiary with the creation of the Adult Parole Department's pre-parole center.

The lack of suitable foster homes or other alternate placements many times leaves a return to a bad family environment as the only choice. An increase in trained personnel might make possible the development of alternate placement sources.

To a certain extent the girls' school makes use of school and work homes for parolees. The girl is sent to a home where she will do domestic work and receive compensation or to a home where she will live while attending school. Families who desire to take parolees are interviewed and have their references checked quite extensively before being placed on the accredited list.

The boys' school may allow a boy to stay with relatives if this seems satisfactory. Depending on the season of the year, it is sometimes possible to place boys on truck farms or ranches. The school has met with some success in placing boys in Boys' Town, Nebraska, from time to time. But none of these placements, as helpful as they are, are of sufficient quantity to provide a satisfactory solution for the majority of youngsters for whom a return to family or previous environment is not desirable.

Proposals for Improved Juvenile Parole Services

An effective plan for improving the juvenile parole program should embrace parole release procedures, pre-parole planning, and parole supervision. Improvement is necessary in all three in order to make juvenile parole more effective. The Children's Laws Committee has considered three approaches to improving juvenile parole services:

- 1) staff the institutions to do a more effective job;
- 2) give the county courts the responsibility for parole supervision; and
- 3) create a separate juvenile parole agency -- either as an independent department or as a division of an existing agency.

Each of these proposals was considered carefully by the committee before making its final recommendation.

### Improve the Institutional Parole Program

Improving the parole program by better staffing of the institutions is based upon the assumption that the various facets of the juvenile parole program are the proper responsibility of juvenile training and industrial schools. There is a national trend in this direction with an increase in the number of states which have integrated their institution and parole or after-care programs. It does not necessarily follow that this would be the best approach for Colorado.

The institutions maintain that they should continue to control the juvenile parole program, because they are more cognizant of the juveniles' problems from close association with them during their commitment. By having parole officers become acquainted with the boys and girls while institutionalized, they establish rapport and have added knowledge which is helpful during later supervision. It is also argued that the institutions are in better position than an outside agency to determine when juveniles are ready for parole. Both institution superintendents feel that a sufficient increase in the number of parole officers would allow them to do a satisfactory job of parole supervision, which they admit is not being done at the present time.

There are several reasons why it might not be desirable to retain institutional control of the juvenile parole program.

First, the institutions are not necessarily in a better position to determine readiness for release, at least not as long as the mark system is retained at the boys' school and a lay board makes the final determination at the girls' school.

Second, national trends have also been in the direction of creating classification committees and vesting in them the major responsibility for determining readiness for parole in those states where the institutional and parole programs have been integrated. The girls' school does not have such a committee, and there is little indication that this responsibility will be given to the classification committee at the boys' school.

Third, there is always the possibility that the institutions might be inclined to release juveniles on parole to reduce institution population or to get rid of problem youngsters, whether or not they are ready for parole.

Fourth, as part of the institution staff, paid by the institution and responsible to it, parole officers are less inclined to evaluate the institutional program in respect to how well it prepares juveniles for discharge.

Fifth, a separate juvenile parole agency would be able to call specific attention to parole needs, and its budget requests would not be measured against other institutional needs.

Sixth, there is no reason why a separate juvenile parole agency couldn't maintain resident officers at the juvenile institutions. (The adult parole department has resident officers at the reformatory and penitentiary.) In addition, the field parole officers could visit the institution from time to time to become acquainted with the program, the inmates, and their problems.

### Give the County Courts Juvenile Parole Supervision

It was the general opinion of all the groups who met with the Children's Laws Committee at its regional meetings that juvenile parole was a state responsibility. Several county judges and other public agency representatives suggested that it might be possible for the courts to assume parole supervision through their probation departments. Those who made this proposal recognized that it was not an ideal solution, but that it was better than having little or no supervision as at present. There would be one advantage to this proposal, in that in most cases the local community would know both the returning juvenile and the community situation.

The committee feels that adoption of this proposal would provide nothing in the way of improvement in parole release procedures and pre-parole planning. In addition, parole supervision would be completely removed from the parole planning process as well as any relationship with the institutional program.

At the present time very few counties in the state have qualified probation officers, and all of these officers are carrying more than maximum case loads. Even if the committee's proposal for improving juvenile probation services is put into effect, it will be some time before the courts build up their probation personnel to the point that adequate probation services are provided. It is difficult to see how they could be expected to do a good job with juvenile parole as well.

### Create a Separate Juvenile Parole Agency

Rather than improve the institutional parole program or turn the responsibility over to the county court probation departments, creation of a separate juvenile parole agency has been proposed. The arguments made in favor of such an agency are similar to the ones listed against improving the institutional parole program. Proponents of this approach go much further than just making parole supervision a responsibility of a separate agency. In addition they advocate removal of the responsibility for parole release from the institutions and suggest that a qualified professional board should be established for this purpose. If the board were not composed of professional people, this change would result in no substantial improvement over present release methods.

This recommendation calls for one juvenile parole officer in residence at each juvenile institution, with field parole officers visiting the institutions at regular intervals. These visits, coupled with residence of parole officers, would provide a means of liaison between the institutions and the parole agency without submerging the parole function in the institutional program.

Pre-parole planning could be done by the residential parole officer in cooperation with the institution's professional personnel. Eventually pre-parole cottages might be constructed at the juvenile institutions. This projected pre-parole program would provide a means for the gradual return of youngsters to society.

If a separate parole agency were set up, it would probably need, initially, the following complement of professional personnel: a director of juvenile parole; two resident parole officers, at least seven field parole officers (five for boys and two for girls) who would reside in the various areas of the state and who would be responsible for parole supervision in their respective areas.



The key to the possible success of a separate juvenile parole agency is the process by which youngsters are released. Any method of determining parole readiness which places emphasis on institutional behavior and adjustment rather than on a professional evaluation of the juvenile's possibility of returning successfully to society is likely to result in a number of premature releases. Unless the best possible professional effort is made to evaluate parole readiness, even a well-staffed parole agency will be unable to do much to reduce recidivism or prevent more serious criminal acts.

The same observation holds true for pre-parole planning. Unless every effort is made to place the returning juvenile in an atmosphere conducive to his further adjustment, parole supervision won't accomplish the job expected of it.

Parole release, pre-parole planning, and parole supervision should be inter-related functions, and doubt has been cast on the institutions' ability to do the total job even if their parole staffs are enlarged. However, by establishing an independent professional parole board which would base its release decisions on professional reports of the juvenile's progress and possibilities, the institutions would be prodded to develop functional classification committees and procedures in order to justify the release recommendations to the parole board's satisfaction.

This change in parole release responsibility would have the further effect of removing parental and political pressure from the institutions' superintendents. No longer would they be held publicly responsible for antisocial acts on the part of parolees. The superintendents, however, would make release recommendations to the parole board.

Under this proposal, some youngsters would be released in much less time than at present; most would remain in the institution for a longer period of time. Since they would be more closely supervised on parole than at present, it is possible -- at least initially -- that more youngsters would be returned for parole violations. These possibilities lead to the presumption that expansion of institutional facilities would be necessary. An increase in the professional staffs of both juvenile institutions would also be a result of the greater emphasis on professional evaluation and the development of treatment-oriented programs.

The costs of the program outlined above would not be limited to the staffing and equipping of a separate juvenile parole agency. To be realistic, expenses of expanded institutional facilities and professional staffs must also be considered. Therefore, the decision to adopt this approach to juvenile parole necessitates a decision as to the direction the juvenile institution program is to take. Simultaneously the increased expenditures necessitated by such a program must be considered as a vital part of the over-all program.

### Agency Organization

There are several alternatives for the placement of a separate parole agency within the state's organizational structure. These include: 1) as a section of the Child Welfare Division; 2) as an independent department; 3) as a division of the Adult Parole Department; and 4) as a division of the Department of Institutions.

Child Welfare Division. Proponents of placing the juvenile parole agency under the Child Welfare Division point out that the training schools and the parole (or after care) program are a child welfare function and that this type of organization works well in other states. In addition, the director of the Child Welfare Division is the administrator of the interstate compact on juvenile probation and parole.

While it is agreed that the placement of juvenile institutions and parole under Child Welfare in other states has been successful, it is pointed out that Colorado is too small a state to fractionalize its institutional program and functions. A cooperative approach could be worked out between a juvenile parole agency, not part of the Child Welfare Division, and the director of the interstate compact on juvenile probation and parole.

Independent Agency. An independent agency would have some advantages in that its program could be developed relatively free from existing departmental considerations. The creation of such an agency would add to the great number of separate agencies and departments now in existence and further complicate the organizational structure of state government. As long as there is a possibility of appending a juvenile parole agency to some other department, the committee feels there is little justification for setting up an independent department.

Adult Parole Department. By adding the juvenile parole program to the Adult Parole Department, advantage could be taken of an existing administrative structure as well as a nucleus of professional workers. However, most of the authorities in the parole field recommend strongly against mixing adult and juvenile parole services. The problems of parole supervision are different for juveniles and adults and need a different type of officer, and a careful guard would have to be kept against the association of adult and juvenile parolees at the department's various field offices. These objections might be met by setting up the juvenile parole agency as a separate division within the adult department, with its own director, staff, and quarters. This division would be attached to the Adult Parole Department for administrative purposes only. One further question arises in this instance: could the juvenile parole agency retain its identity under such an arrangement?

Department of Institutions. The Department of Institutions at present exists as a skeleton agency. While it has the statutory responsibility for direct control and management over five state institutions, and general supervision over seven others,<sup>3</sup> the department consists of a director and his secretary.<sup>4</sup> There has been considerable interest, as a result of recent legislative and administrative agency studies, in developing the Department of Institutions into an over-all coordinating agency for institutional programs. The placement of the Juvenile Parole Agency in the Department of Institutions is looked upon by some as an initial step in building up the department.

If the Department of Institutions is developed into an operative central coordinating agency, the establishment of the Juvenile Parole Agency as a division thereof would provide a means of coordination with the juvenile institutions, as these institutions would also be under control of the Department of Institutions. Others argue that until the department has been strengthened or replaced by some other central coordinating agency, there is little advantage to placing a juvenile parole agency within the department.

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3. 3-11-4 and 3-11-5 CRS 1953; Institutions Under Direct Control:
- a. The Colorado state penitentiary, at Canon City;
  - b. The Colorado state reformatory, in Chaffee County;
  - c. The Colorado state hospital, at Pueblo;
  - d. The state home and training school, both at Ridge and Grand Junction;
  - e. The state industrial school for boys, at Golden.

Institutions and Department under supervision:

- a. The state soldiers' and sailors' home;
  - b. The board of industries for the blind;
  - c. The bureau of child and animal protection;
  - d. The board of control of the Colorado state children's home;
  - e. The board of control of the state industrial school for girls;
  - f. The department of public welfare;
  - g. The state board of control for state homes for the aged.
4. Two part time psychiatrists have recently been added to the staff to provide psychiatric services at the reformatory and the two juvenile institutions.

Recommendations of the Children's Laws Committee  
for Improvement of Juvenile Parole Services

After careful consideration of the various possibilities of improving juvenile parole services, the Children's Laws Committee reached these conclusions.

- 1) Strengthening of the parole release process, pre-parole planning, and parole supervision are all necessary for the improvement of the juvenile parole process.
- 2) In so far as possible, these related functions should be handled by one agency or within the framework of an over-all coordinating department.
- 3) While a good argument can be made for retaining parole as a responsibility of the juvenile institutions, a more satisfactory solution can be found in the creation of a separate parole agency and a professional parole board.
- 4) The improvement of the parole program is directly related to improvement in the institutional programs and both would benefit from the development of a central agency responsible for the administration and development of institutional programs and facilities.

Based on these conclusions, the Committee on Children's Laws makes these recommendations.

- 1) A division of juvenile parole should be established within the Department of Institutions, to be staffed by a director of parole and such qualified juvenile parole officers as are necessary to supervise more than 500 juvenile parolees.
- 2) One parole officer should be resident at Golden and one at Morrison to provide liaison between the institution and the parole program, and these two officers should develop pre-parole plans with the assistance of the institutional professional staffs.
- 3) Field officers should visit the institutions at intervals to become acquainted with the inmates and the institutional programs.
- 4) A part time professional juvenile parole board should be created to determine release of juvenile parolees; such a parole board should consist of one member of the professional staff of the Department of Education, Child Welfare Division, and Department of Institutions, with the director of the Juvenile Parole Division serving ex-officio.
- 5) Parole release should be determined by this board by review of professional evaluations and recommendations prepared by the institution classification committees and upon the recommendations of the superintendents of the respective juvenile institutions.

Cost of Program

The estimated annual salary cost of this program is \$52,500, plus administrative and clerical expenses. This estimate is based on the employment of nine parole officers at an average salary of \$5,000 and a director of parole at \$7,500. At

present the institutional parole program is costing approximately \$14,000 annually in salaries for three parole officers. Therefore, the increased salary expense for staffing the new division would be less than \$40,000.

It should be remembered that adoption of this juvenile parole program implies acceptance of improved institutional programs, which means expansion of professional staff and facilities -- improvements which the Children's Laws Committee feels are necessary as part of an over-all program for providing juvenile services.

### III

#### THE EMOTIONALLY DISTURBED DELINQUENT

There has been increasing recognition that a significant number of juvenile delinquents have emotional problems, some of them so deep-seated that only long-term treatment offers any possibility of help. Instead of the formula of arrest, conviction, and possible commitment, the question is now asked: Could this behavior have been prevented, and if so, how and when? To find the answer the courts are making increasing use of diagnostic services. The assistance of the psychiatrist and the psychologist has been requested in deciding the course of action in the more difficult delinquency cases. This emphasis on the delinquent's emotional problems does not imply that delinquents should not be held accountable for their actions. Rather, it is evidence of a growing understanding that delinquency has a number of causes, and that punitive action is not always appropriate.

Just as all delinquents are not emotionally disturbed, not all youngsters who are emotionally disturbed are delinquents. Many in this latter group may express their problems in more socially acceptable ways; they may withdraw and turn their problems inward, or they may never have been caught committing a delinquent act. Many of these non-delinquents with emotional problems are actually pre-delinquents -- youngsters of 9, 10, or 11 who are not doing well in their school work, who are behavior problems in school, or who have started being truants.

At the committee's regional meetings, many school officials pointed out that by the third grade they could identify youngsters who were potential delinquents, or who might have serious problems later. Except in a few communities very little is done for these youngsters once they have been identified.

Most schools do not have psychologists or case workers on their staffs, and most communities do not have mental health clinics. Even when these resources are available, often parents do not understand or make use of them.

It is unfortunate that more help is not provided at the pre-delinquent level. The earlier that disturbed youngsters can be identified and treated, the better the chance of helping them. The longer these juveniles go without help, the less chance there is of doing anything for them except through long-term intensive and expensive treatment. Many of them begin a cycle of delinquent and criminal behavior which usually results in confinement for many years, and at considerable expense to society, in industrial schools, reformatories, and penitentiaries.

#### Who, Where, and How Many?

It is extremely difficult to tabulate the number of emotionally disturbed juveniles in Colorado. This difficulty arises from the variety of ways in which these youngsters become identified and the lack of any comprehensive central collection of data.

## Identification of Disturbed Juveniles

State Institutions. Many of the juveniles committed to Morrison or Golden are known to be emotionally disturbed before commitment. Others are identified at the institutions, either through psychological testing or through referral to the Diagnostic Center for analysis and evaluation. These referrals are usually the consequence of observed behavior while in the institution.

Juvenile and County Courts. Juveniles before the court on charges of delinquency may be referred to a community mental health clinic or to the Diagnostic Center by the judge.

Social Agencies. Through the provision of case work and other welfare services, many youngsters with emotional disturbances become known to public and private welfare agencies. If it is possible, these juveniles may be referred to community mental health clinics or some other source for professional evaluation.

Schools. As cited above, school behavior and attendance are excellent indicators of emotionally troubled youngsters. It is difficult in many instances to get a professional evaluation because of lack of such resources and/or parental consent.

## The Number Known

Institutions. Tests given by the staff clinical psychologist show that one-third, or approximately 80 boys, at the boys' school are emotionally disturbed. This proportion holds as well at the reformatory and penitentiary, as shown by studies made by the psychologists at these two institutions. Ninety of the patients in the state hospital in Pueblo are under the age of 21.

County and Juvenile Courts. During the period from August 1, 1955, through September, 1957, 445 youngsters were referred to the Diagnostic Center at Colorado General Hospital by the courts in 47 counties. The City and County of Denver is not included in this total, because it is excluded by law from use of the Diagnostic Center. Only occasional use of the Diagnostic Center was made by the courts in Arapahoe, El Paso, Larimer and Weld counties, because these county courts make extensive use of their county mental health clinics.

Social Agencies. A study made by the Denver Area Welfare Council indicated that during the three month period on which the study was based, at least 497 emotionally disturbed juveniles were known to public and private social agencies, schools, and courts, in Adams, Arapahoe, and Jefferson counties, and the City and County of Denver.<sup>1</sup>

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1. A Study of the Needs of Emotionally Disturbed Children in the Denver Area, Denver Area Welfare Council, September 1958, p.1.

These incomplete data provide a partial indication of the scope of the problem with emotionally disturbed juveniles and indicate clearly the need for compilation of more adequate information.

### Existing Mental Health Facilities

An over-all plan for emotionally disturbed juveniles should consist of adequate diagnostic services and treatment programs for the different levels of disturbance indicated by diagnosis. Some other services, such as the foster home program and case work services with the juvenile and his family, are also important parts of the total program.

### Community Mental Health Clinics

For those youngsters outside state institutions and not before the courts, the community mental health clinics provide the major source of diagnosis and treatment at moderate cost. These services are also available to those youngsters before the court upon referral of the judge.

There are ten community mental health clinics in Colorado at the present time. These are located in Adams, Arapahoe, Boulder, El Paso, Jefferson, Larimer, Logan, Mesa, Otero, and Weld counties. The clinic in Logan County serves the six county northeast public health district, which includes Morgan, Phillips, Sedgwick, Washington, and Yuma counties in addition to Logan County. In addition, the City and County of Denver operates a clinic at Denver General Hospital, and Colorado General Hospital has an outpatient clinic for adults and juveniles. The clinics in Boulder and El Paso counties are for youngsters only; the others provide services for both juveniles and adults.

These clinics are financed in a variety of ways, including the Community Chest, United Fund, county health departments, city and county governments, and school districts, contributions by service clubs and other organizations, funds made available by the State Department of Public Health, and nominal charges to persons using the clinic, based upon ability to pay. Most of the clinics receive funds from at least two of these sources. Professional personnel may also be provided from time to time by Colorado General Hospital or the State Department of Public Health.

Most of the community clinics operate on a part time basis which varies from two days a month in Otero County and northeast Colorado to two and a half days a week in some of the larger counties. El Paso County's Child Guidance Clinic and the ones in the City and County of Denver are operated on a full time basis. The clinics are staffed by psychiatrists, clinical psychologists, and psychiatric social workers; the psychiatrists spend fewer hours at the clinics than the others.

These clinics provide diagnostic evaluation as well as treatment for those youngsters whose diagnoses indicate that outpatient treatment is needed. The demand for these services far exceeds the amount that can be provided by these clinics. Consequently, all of them have long waiting lists, and sometimes it is several months before a youngster can be seen. Lack of funds and a shortage of professional personnel are the reasons these clinics have not expanded their operations to meet the demands for service.



There are still no community clinics in the San Luis Valley, the San Juan Basin, the Huerfano-Las Animas County area, and in most of the western slope and Arkansas Valley counties. Pueblo is in the process of setting up a clinic; people from the San Luis Valley and the San Juan Basin expressed an interest in community clinics at the Children's Laws Committee meetings in Alamosa and Durango.

### The Diagnostic Center

The Diagnostic Center was created as a pilot operation by the Colorado General Assembly in 1935.<sup>2</sup> Since that time, the center has been housed on the campus of Colorado General Hospital and has been staffed through the Division of Psychiatric Services of the University of Colorado Medical School.

There are two sources of referral to the Diagnostic Center: 1) county courts may refer any juvenile who might be committed to a state institution; and 2) state institutions to which juveniles have been committed (Golden, Morrison, and the State Home and Training schools at Grand Junction and Ridge) may refer juveniles through the Department of Institutions.

The Diagnostic Center studies, tests, and evaluates these youngsters, and returns them to the referral source with recommendations as to treatment or other disposition. As a result of Diagnostic Center evaluation, juveniles may be transferred from one institution to another by the Director of Institutions. Occasionally a youngster has been committed to either Golden or Morrison, whose evaluation showed the training school at Ridge or Grand Junction to be the best institution for him, because of a low I.Q. Conversely, there have been youngsters committed to Ridge and Grand Junction whose evaluations showed they didn't belong there.

During the period of evaluation, the youngsters referred from the county courts are housed at the State Children's Home and are transported to and from the Colorado General Hospital campus. Counties were originally charged \$2.00 a day for their youngsters who were housed at the children's home while undergoing testing and evaluation. The rate was raised to \$6.50 as of July 1, 1958. There is no room at present for housing these youngsters on the medical school campus. The Diagnostic Center has no building of its own, using office space belonging to the hospital's outpatient psychiatric clinic.

Since the center was established on a pilot basis, the City and County of Denver was excluded from its use, because of other resources available to Denver which were not available to most of the counties. The center's budget was set at \$50,000 for its first year of operation, and it has had the same annual appropriation for the past three years.

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2. 124-3-26 through -33 CRS 1953.

In addition to the 445 youngsters referred from the county courts in 47 counties, 180 juveniles were referred from state institutions. The girls' school referred 80; the boys' industrial school, 59; the state childrens' home, 28; the state home and training school at Ridge, 19; and the state home and training school at Grand Junction, 4.

The Diagnostic Center has been well received around the state and, as the statistics show, many county judges have made use of it. The question of the Diagnostic Center's expansion has been discussed quite fully by the committee, the center's staff, and the Colorado Medical School administration. Expansion of the program is being considered for these reasons: 1) the medical school needs the present Diagnostic Center quarters for its outpatient psychiatric clinic; 2) the housing of Diagnostic Center youngsters at the children's home has not been very satisfactory, because the center staff loses the opportunity to observe the youngsters in a group setting and the children's home feels these youngsters do not fit in with the home's program; 3) there is sufficient demand for Diagnostic Center services to justify an expanded program; and 4) the Denver Juvenile Court would like the opportunity to make use of the center.

The future of the Diagnostic Center is tied in with the development of an over-all mental health program for juveniles. This relationship is discussed in detail in the section on Program Needs for Emotionally Disturbed Juveniles.

#### Court Services

The Denver Juvenile Court and the El Paso County Court have psychologists on their staffs who do testing and evaluation of youngsters before the court on charges of delinquency. The Denver Juvenile Court also has a consulting psychiatrist. In one other county the court has set up a professional program for helping emotionally disturbed juveniles. The Gilpin County Court in cooperation with the Gilpin County Welfare Department has set up a group therapy program for a small number of pre-delinquent boys. The program is under the direction of a psychiatrist and a group leader who meet weekly with the boys. Some financial aid for this program-- the only one of its kind in the state -- has been provided by the State Department of Health.

#### Institutional Programs

A significant proportion of the juveniles committed to Golden and Morrison are known to be emotionally disturbed. Some of these were committed because there were no other resources available. In the past, the institutions have not had either the professional personnel or the facilities to develop a program which would help this group of delinquents. Improvements have been made in the past two years, but not to the extent necessary to provide the proper services.

A guidance center is nearing completion at the girls' school and will be ready for use before the end of 1958. This unit will be used for those girls whose problems make it difficult for them to fit in with the institution's general program. The institution has added a clinical psychologist to the staff and is recruiting for a social worker and a director of social services to form the staff nucleus of a treatment-oriented program.

The boys' school had a clinical psychologist on its staff during most of 1958 (the position is now vacant). The function of the psychologist within the institutional program has not been worked out to the extent that maximum benefit was made of his services.

For the first time, psychiatric services are available to both juvenile institutions. The Department of Institutions has obtained the part time services of two psychiatrists who will give a total of 80 hours a month to the two juvenile institutions and the state reformatory in Buena Vista. If the other psychiatric team positions (psychologist and social worker) are filled on a full time basis at the juvenile institutions, it may be possible to carry out the treatment recommendations made by the Diagnostic Center. At the same time it may reduce the juvenile institutions' need for referral to the Diagnostic Center, since evaluations could be made at the institutions. To be successful in providing treatment, there will have to be a change in emphasis so that the cottages, school, and other aspects of the institutional program can complement treatment.

The State Hospital at Pueblo has 90 patients under the age of 21, with about 15 of these under the age of 16. Most of the youngsters under 16 have severe problems and some have withdrawn to the point that treatment is extremely difficult. It is also difficult to do much for these youngsters when they are mixed in with older people because of a lack of separate facilities.

#### Inpatient Treatment

With the exception of the state hospital in Pueblo, there is no medical setting in which permanently to house mentally ill juveniles. Colorado has no institution designed to provide intensive inpatient treatment for juveniles. An arrangement has been worked out between the Child Welfare Division, Department of Public Welfare, and the Forest Heights Lodge in Evergreen to provide treatment for a few seriously emotionally disturbed boys. The Forest Heights Lodge is a privately operated institution which has a capacity of 12 boys, many of whom spend several years receiving intensive inpatient treatment. The Child Welfare Division pays the school \$500 per month for youngsters receiving such treatment. While this treatment is extremely expensive, the cost are lower than in some other states and most other private institutions for comparable treatment.

At the present time, the state is paying for nine youngsters at Forest Heights Lodge. These youngsters have been referred from county welfare departments on the basis of evaluations and recommendations from either the Diagnostic Center or community mental health clinics.

In addition to the youngsters at Forest Heights Lodge, the State Department of Welfare has made other arrangements for treating emotionally disturbed juveniles. Twenty-six girls have been placed at the Convent of the Good Shepherd and are receiving psychiatric consultation at a cost of \$75 each per month, which also includes maintenance. Nine girls have been placed at Holland Hall, a private institution for emotionally disturbed girls; the monthly cost for these youngsters is \$150 each.

Three boys have been placed in the St. Francis Boys' Home in St. Francis, Kansas, at a monthly cost of \$152 each, and two boys have been placed in the Brown School in Texas at a monthly cost of \$400 each. These out of state placements are made when Forest Heights Lodge cannot take them.

Generally the more disturbed boys are placed in Forest Heights Lodge and the lesser disturbed are placed in the other available facilities. There are no facilities for seriously disturbed girls.

From this brief inventory of Colorado's facilities and programs for emotionally disturbed juveniles several conclusions can be drawn. First, considerable improvement has been made in the provision of diagnostic services by the creation of the Diagnostic Center at the University of Colorado Medical School and the growth of community mental health clinics. While diagnostic services have improved much more rapidly than treatment services, they have not kept pace with the demand to provide analysis and evaluation in a reasonably short period of time. Second, the relatively recent creation and growth of community mental health clinics have made it possible for many youngsters to receive outpatient treatment. These clinics are unable because of staff and financial limitations to meet the demands for such services. Consequently, each clinic has long waiting lists for outpatient treatment. Several areas of the state do not as yet have community clinics, even though there is a demonstrated need for them. Third, the juvenile institutions are moving in the direction of treatment oriented programs. Progress has not been made to the point that therapy can be provided to any great degree for the emotionally disturbed juveniles committed to them. Fourth, Colorado has no institution which provides intensive inpatient treatment for seriously disturbed juveniles.

#### Program Needs for Emotionally Disturbed Juveniles

Diagnosis of emotional problems without the means of providing the recommended treatment is similar to giving a patient aspirin when the diagnosis indicates an appendectomy. This has most often been the case in Colorado when diagnosis indicates that a youngster needs long-term inpatient treatment. In those cases where outpatient treatment is recommended, there is more chance of its being provided, but usually only after a long waiting period. In many cases this long waiting period results in help being offered too late.

#### Diagnostic Center Recommendations

Many youngsters who are evaluated by the Diagnostic Center are returned to their home communities or to the state institution of referral without the facilities or professional personnel available to carry out the recommended course of treatment. An analysis of 327 cases evaluated by the Diagnostic Center between July, 1955 and November, 1957 shows the following breakdown of the Center's recommendations:

Outpatient psychiatric treatment.....	38%
Case work services.....	28%
Foster home placement.....	16%
Inpatient psychiatric treatment.....	18%

Actually a greater proportion of the youngsters might benefit from inpatient psychiatric treatment, but the center, recognizing the lack of such services, has made other less desirable recommendations which it feels have more chance of being carried out.

The Diagnostic Center report to the Children's Laws Committee covering the period from July, 1955 to November, 1957, makes the following comment on availability of services and facilities.<sup>3</sup>

"Though facilities do exist within the state to provide some children with the services listed above (outpatient treatment, case work, foster homes) they are too limited for these recommendations to be carried out in more than a small percentage of the cases. In addition, the need for facilities beyond those already existing within the state continues to be a problem. On occasion, placement in out-of-state institutions has been recommended or admission to private institutions such as Forest Heights Lodge has been effected to meet some of the demand for facilities which do not exist at present. Even this does not begin to meet the need for inpatient psychiatric treatment indicated in 20-30% of the cases."

This observation of the Diagnostic Center's professional staff was concurred in by others at the Children's Laws Committee's regional meetings. The judges, other public officials, and lay people pointed out that they either had no resources or insufficient resources to carry out the recommendations of the Diagnostic Center. Mental health clinics were overcrowded in some communities and nonexistent in others. It was difficult to find suitable foster homes for emotionally disturbed juveniles, and except for the few for whom services could be purchased by the welfare department, there was no way in which inpatient treatment could be provided.

#### Denver Area Welfare Council Study

The study of emotionally disturbed youngsters in the Denver metropolitan area made by a committee of the Denver Area Welfare Council showed a breakdown of recommended treatment for 421 of the 497 problem juveniles in the three months period covered by the study. This information is shown in Table III.

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3. Children's Diagnostic Center, Summary Report, July 1955 -- November 1, 1957, p.6.

TABLE III

Recommended Treatment for 421 Emotionally Disturbed Juveniles,  
Denver Metropolitan Area, Selected Three Month Period, 1957.<sup>a</sup>

<u>Recommended Treatment</u>	<u>No. of Youngsters</u>	<u>Per Cent of Total</u>	<u>Youngsters provided treatment</u>	<u>Per Cent Treated of those recommended For Treatment</u>
Residential Treatment	74	17.6%	3	4.0%
Outpatient through clinic	185	44.0	44	23.8
Outpatient through psychiatrist <sup>b</sup>	49	11.7	33	67.3
Case Work	73	17.1	56	76.7
Foster Home	18	4.3	7	38.9
Group Care	17	4.0	10	58.8
Closed Facility	5	1.2	1	20.0
<b>Total</b>	<b>421</b>	<b>100.0%</b>	<b>154</b>	<b>36.6%</b>

- a. A Study of the Needs of Emotionally Disturbed Children in the Denver Area,  
Denver Area Welfare Council, September 1958, p.5.
- b. Youngsters referred to psychiatrists in private practice, because of family's ability to pay.
- c. Youngsters who needed not only residential treatment but also close supervision or isolation to prevent damage to others and themselves.

This table shows that residential treatment was recommended in almost 19% of the cases, very similar to the proportion recommended by the Diagnostic Center. More than half of these youngsters were recommended for outpatient treatment by a mental health clinic or a psychiatrist in private practice.

Approximately one-fourth of them were recommended for less drastic help through group care, case work service, or foster homes. These three, which are primarily social work services, were carried out to a greater extent than those recommendations which involved either inpatient or outpatient psychiatric help. Only four per cent of those youngsters for whom residential treatment was recommended received it. The results were better for those for whom outpatient treatment through clinics was recommended, but only 44 out of the 185 received such help. The fact that two-thirds of those for whom a private psychiatrist was recommended received such help is an indication of the financial standing of these youngsters' families as well as of their families' understanding of the need for such help.

The Denver Area Welfare Council Study also showed that effort was made to do something for many youngsters for whom the original recommendation of inpatient treatment was not carried out.<sup>4</sup>

"More than 40 per cent of the 71 children who needed -- but did not receive -- such care were provided casework service as a substitute. Despite its contributions, casework is not an adequate substitute for the 24-hour specialized care, including intensive and individual psychotherapy, needed by these children.

Fifteen of the 71 children received clinic outpatient care or treatment from a psychiatrist or psychologist in private practice. Seven were placed in a closed facility, either the Convent of the Good Shepherd or the State Hospital at Pueblo.

Ten of the 15 children in need of private psychiatric or psychological treatment received, instead, the service of caseworkers.

Casework agencies also worked with a majority of the children for whom recommended clinic treatment was unavailable. Again, despite the contribution which casework can make to individual rehabilitation, caseworkers were asked to perform a service which could not generally achieve the needed results."

#### Inpatient Treatment

The Diagnostic Center report and the Denver Area Welfare Council study point up the need for inpatient treatment facilities and increasing outpatient treatment both through the expansion of existing mental health clinics and the creation of new ones. The need was also shown for more foster and group care homes for emotionally disturbed juveniles and for additional trained personnel to provide case work services.

While a residential treatment facility appears to be the number one priority, it may be more desirable in the long run to provide other services first. The cost of treatment, the availability of personnel, and the number of juveniles who will receive such treatment all have a bearing on this decision.

Cost of Treatment. Residential treatment units are very expensive to construct and operate. The American Psychiatric Association recommends that the maximum size of unit should be 20 to 25 beds in order to provide the best treatment. It would be possible to have several of these self-contained units within the same institution. Construction costs of one of these units is estimated at \$200,000 or more, and operation costs are estimated at \$10,000 per bed annually or \$250,000 for a 25 bed unit.

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4. A Study of the Needs of Emotionally Disturbed Children in the Denver Area, Denver Area Welfare Council, September 1958, p.7.

Availability of Personnel. There is an acute nation-wide shortage of trained child psychiatrists and psychologists. Some prefer to remain in private practice, and the competition among states for those interested in public service is keen. Even with a more competitive salary scale, the shortage makes it doubtful that a sufficient number could be recruited to staff anything but a small inpatient treatment center without causing gaps in other levels of service.

Number of Juveniles. The cost of constructing and operating even one 20-25 bed residential treatment unit makes it unlikely that it would be financially possible for the state to build enough units in the immediate future to meet demands for this kind of treatment. It would cost at least \$800,000 to build enough units to take care of 100 juveniles at an annual operating cost of \$1,000,000. Patient turnover in residential treatment units is slow, because many youngsters may have to spend from two to five years before they are ready to return to society.

Because of the great expense involved for the treatment of so small a number of juveniles, inpatient treatment services must be considered within the framework of an over-all juvenile mental health program.

The case histories of most of the youngsters for whom intensive inpatient treatment is recommended show that they have been emotionally damaged over a period of several years. This indicates that either they haven't received any treatment or that the treatment received was incorrect or insufficient. In other words, the sooner an emotionally disturbed youngster is identified and diagnosed, the greater likelihood that outpatient treatment, foster home placement, or case work services will suffice.

If it is desirable to reach these youngsters as soon as possible, it can be argued that in developing a comprehensive program for emotionally disturbed juveniles, the initial emphasis should be placed on providing the services which will accomplish that goal. This should have the effect of reducing the number of juveniles who in the future may need inpatient treatment.

Cost is also a big factor in the decision as to which portion of the total program should be developed initially. Inpatient treatment units are a necessary part of the over-all program but limited funds and the shortage of personnel may make it difficult to construct and staff such a unit and develop any other part of the program at the same time. The \$450,000 which it would cost to construct and operate a 25-bed residential treatment unit might be spent more advantageously and reach more youngsters, if used to expand community mental health clinics and the treatment programs at Golden and Morrison.

Diagnostic Services. While there are currently many more youngsters who need evaluation than can be diagnosed, there is little point in expanding diagnostic services further until substantial advances are made on the various treatment levels. All that would result from such an expansion of diagnostic services would be an increase in the number of youngsters for whom there is a prescription but no medicine.



Expansion of the community clinic program would increase both diagnostic and treatment services. This increase in diagnostic services at the community level might result in a lesser burden on the Diagnostic Center. With more diagnosis provided at the community level, expansion of the Diagnostic Center might be deferred in favor of the treatment aspects of the program.

The Colorado Medical Center has proposed an expansion of the Diagnostic Center program which would make it possible to evaluate 400 youngsters a year instead of the present 285. If such expansion is made, it is proposed that an office building and an inpatient unit to house 15 juveniles be constructed on the medical center campus.

This office building is requested so that the space now being used to house the Diagnostic Center may be returned to the psychiatric outpatient clinic. If the youngsters being evaluated were housed at the medical center it would give the Diagnostic Center staff the opportunity to observe the youngsters in a group setting and would eliminate the bother and time loss involved in transporting the youngsters to and from the state children's home.

The cost of construction for the office building and the inpatient unit is estimated at \$393,000; \$184,000 for each building, and \$25,000 for equipment. This increased program would also require a budget increase. Instead of the present annual budget of \$50,000, \$110,000 has been requested. This increase would provide for additional psychiatric and psychological services as well as for cottage parents to staff the inpatient unit. It would also cover the cost of housing and maintaining the youngsters in the inpatient unit and the Diagnostic Center's prorated share of the Medical Center's administrative overhead including personnel and financial administration and general services such as telephone, garage, supplies, and insurance.

As an alternative to the medical school proposal, it has been suggested that an expanded Diagnostic Center should be an adjunct to an inpatient treatment center, and that both should be under the same general administration. It is feared that unless the various aspects of the over-all program are coordinated, overlapping of some functions and gaps in others will result. The best time to develop proper coordination is when the program is in the planning stages, before the construction of buildings and the provision of staff commit the state to a degree that makes change difficult.

The Medical Center has indicated it is in fundamental agreement with this approach. At the public hearing held in September, 1958, on the development of a mental health program for juveniles by the Committee on Children's Laws, Dr. Robert Glazer, Dean of the Medical Center and Dr. Herbert Gaskill, Director of Psychiatric Services for the Medical Center recommended the planning of an over-all program and cautioned against making any commitments out of line with that program. While they were concerned with the future of the Diagnostic Center, which is in its fourth year of operation on a temporary basis, they felt that it could be operated on an expanded basis either at the Medical Center or in conjunction with inpatient treatment facilities.

Day Care treatment. A less costly method of providing inpatient treatment has been suggested by the Medical Center and the director of the mental health project for the Western Interstate Commission for Higher Education. Instead of, or in addition to, an inpatient treatment center, it is proposed that day care treatment centers be established. There are several advantages to the substitution of day care centers for residential treatment centers. 1) It is less expensive. The cost of constructing and operating day care centers is one-third to one-half less than for inpatient treatment centers. 2) It can be operated with a smaller staff than an inpatient treatment center - an important factor, considering the shortage of professional personnel. 3) It allows the juvenile to remain in his own environment when suitable, thereby maintaining family ties and a familiar social situation. If the home environment is not suitable, foster home placement can be substituted, which would still give the juvenile the benefit of a more normal social situation while undergoing treatment. 4) It can furnish all the treatment methods used in mental hospitals and residential centers.

While it probably would be necessary to have an inpatient treatment center for those youngsters who need to be confined continuously during treatment, day care centers could provide adequate treatment for a large number of juveniles. In endorsing the use of day care treatment, the University of Colorado Medical Center feels that the establishment of a pilot day care treatment center at the medical school would be a major contribution to the development of a total state program for the emotionally disturbed juvenile.

Development of Other Services. Emphasis should not be placed on the development of diagnostic and psychiatric treatment services to the extent that related functions are ignored. The courts, the schools, probation and parole departments, welfare agencies, and the boys' and girls' schools all play an important role in working with the emotionally disturbed juvenile. Usually it is one of these agencies which has the initial contact with the emotionally disturbed juvenile, makes the preliminary evaluation, and refers him for professional diagnosis and treatment.

In many instances these agencies are also involved in the treatment program; for example, case work services and foster home placement are provided by the welfare department, the two juvenile institutions have the opportunity to provide treatment during the period of commitment, and schools may provide counseling and special education programs.

Treatment is not limited to professional psychiatric and psychological services. In the broadest sense, it involves almost everyone who comes in contact with the juvenile during the time in which his problems prevent him from becoming an integrated, productive member of society. For this reason it is important that: 1) judges have a knowledge of the problems involved and courts are staffed with a sufficient number of qualified probation officers; 2) schools are staffed with psychologists and case workers; 3) juvenile parole officers are qualified and have manageable case loads; 4) welfare agencies have sufficient personnel to provide case work services and find additional foster homes; and 5) juvenile institutions develop the treatment aspects of their programs.

There are further reasons that concentration on a treatment-oriented program is necessary at the two juvenile institutions. First, all of the youngsters committed to these institutions will be released in a relatively short period of time. Little will be gained from these commitments if all possible effort is not directed toward making a successful return to society. Second, there is little justification for the state to provide costly inpatient treatment for youngsters who might have been helped at less expense in the institutions.

### Development of a Program for Emotionally Disturbed Juveniles

There are eight state agencies or institutions directly involved at present in some aspect of the diagnosis and treatment of emotionally disturbed juveniles:

<u>Agency or Institution</u>	<u>Function</u>
1. Mental Health Division, State Department of Public Health	State aid, personnel, and coordination for community clinics
2. Child Welfare Division, State Department of Public Welfare	Financing and placement of youngsters needing residential treatment, assistance to county departments in providing foster homes and carrying out other treatment recommendations
3. Mental Health and Special Institutions Division, State Department of Education	Assistance and consultation re: institutional education, treatment and rehabilitation programs
4. State Department of Institutions	Providing staff psychiatrists for juvenile institutions, statutory control of state hospital and boys' school, statutory supervision of girls' school
5. University of Colorado Medical School	Operation and staffing of Diagnostic Center, assistance to community clinics
6. Colorado State Hospital	Confinement of some emotionally disturbed juveniles
7. State Training School for Girls	Confinement of delinquents, construction and staffing of treatment center for disturbed girls committed to institution
8. State Industrial School for Boys	Confinement of delinquents, development of professional staff to work with disturbed boys committed to institution

## Central Planning and Direction

The number of agencies and institutions involved makes coordination of activities and joint program planning imperative to avoid duplication of effort and misallocation of personnel and resources. It is neither necessary nor feasible that the total program be under the direction of one department. Rather, there should be central control in so far as is practical with formal lines of coordination set up among the participating agencies.

The Department of Institutions has been suggested as the agency in which a considerable portion of control and coordination of the program might be placed. The department already has statutory control or supervision over the three institutions presently handling emotionally disturbed juveniles, and it works closely with the Mental Health and Special Institutions Division of the State Department of Education. Any new facilities on a state level might also be placed under the department's jurisdiction. The Department of Institutions might also be made responsible for program coordination with the welfare and health departments and the medical school.

Before the Department of Institutions can successfully undertake this major responsibility, it would have to be adequately staffed and the laws reviewed to determine the statutory changes needed to provide the proper statutory framework for its expanded operations. The department is presently staffed by a director, his secretary and two part time psychiatrists. The size of the department's staff and the virtual independence of the institutions make any effective coordination and control at the present time practically impossible.

Creation of a department of mental health or a department of mental health and corrections, with the abolition of the Department of Institutions, has also been suggested. This department would have the major responsibility for the correctional and mental health programs. Other plans, such as the creation of separate departments for corrections and mental health, with the transfer of juvenile and charitable institutions to the State Department of Welfare, have also been proposed.

This variety of proposals and the increasing concern with institutional coordination and planning demonstrates the interrelationship of a program for emotionally disturbed juveniles with other state responsibilities such as corrections, adult mental health, and mental defectives. Consequently, the Committee on Children's Laws has requested the Governor to consider the appointment of a committee to draft specific legislation to strengthen the Department of Institutions, and that such legislation be ready for consideration by the 1st session of the 42nd General Assembly. The Committee requested further that the Governor consider appointing to this committee professional staff personnel, legislators, and lay people who have been closely connected with institutional programs and problems, and that this committee review all of the recent institutional studies made by or for legislative and administrative agencies, before making its recommendations.

## Stages of Program Development

While central planning and coordination are the key to the development of a sound program for the emotionally disturbed juvenile, consideration must also be given to the sequence in which this program is developed. Considerable agreement

on a list of priorities was reached at the public hearing held on September 26 by the Children's Law Committee to which department heads and representatives of interested agencies were invited. The consensus of opinion indicated that the program should be developed in this order.

- 1) Determination should be made as to how more effective use can be made of services and facilities now available.
- 2) Emphasis should be placed on the development and expansion of community centers as these are the cornerstones of an over-all program. Residential centers should be set up in sparsely settled areas.
- 3) Establishment of a day care center should be the first step in providing a state inpatient treatment program. The development of a day care center should be related to an expansion of the foster home and foster care program.
- 4) Expansion of the Diagnostic Center should be determined by total program needs, and a permanent center should be set up in the best location for coordination of diagnostic and treatment services.
- 5) Establishment of an inpatient treatment center should be considered in relation to the total program.

#### Location of Diagnostic and Treatment Facilities

An excellent location for a complex of diagnostic and treatment facilities, in the opinion of the Children's Law Committee, would be the State Children's Home in Denver. There is a considerable amount of land already available, and the location is close enough to the University of Colorado Medical Center to facilitate an interchange of professional staff.

It also may be possible to use some of the home's present facilities for emotionally disturbed juveniles, if the population of the children's home can be substantially reduced through an accelerated foster home and adoption placement program. The Committee on Children's Law recommends that the Child Welfare Division, State Department of Welfare be given the responsibility for the adoption and foster home placement program, as it is much better staffed to perform these functions than is the children's home.

Before a comprehensive adoption and placement program is launched, it will be necessary to have a study made of the children at the home to determine their potential for placement and the type of environment to which they may be best suited. It is expected that a number of youngsters at the home will be found to have physical and emotional problems which make them presently unplaceable. It is likely that many of these youngsters are in need of the kinds of intensive treatment which would be provided as part of the program for emotionally disturbed juveniles. If such is the case, it might be possible to change the function of the children's home from the care of dependent children to the care of emotionally disturbed youngsters. Prior to making this proposed change, consideration should be given to the administration and organization of the children's home and its place in the state's institutional picture.

The need for a case by case study of the youngsters at the home and for review of that institution's organization and program prompted the Committee on Children's Laws to make a further request of the governor. The committee has asked him to consider the employment of the Child Welfare League of America to make a study of the home as soon as possible, the results of such study to provide a guide for the development of a program for intensive foster home and adoption placement so as to reduce the home's population and to serve as a basis for the future direction of the home's program.

This proposed study could be set up to dovetail with the case by case study of youngsters at the home now being made by the director of pediatrics at Colorado General Hospital. If this were done, this phase of the study, now estimated as needing eight months for completion, would be accelerated. The committee feels such acceleration is necessary in order to get the adoption and foster home placement program into operation as rapidly as possible. A year's experience with this placement program should provide a sufficient indication as to whether the present population of the home can be reduced sufficiently to shift the institution's emphasis away from the dependent child.

#### Other Possibilities

Federal surplus land at Ft. Logan has also been suggested as a possible location for setting up a complex of diagnostic and treatment facilities not only for juveniles, but for adults as well. Negotiations are currently under way between the state and national governments for the acquisition of this property.

The creation of an interstate facility for emotionally disturbed juveniles within the framework of the Interstate Compact for Juveniles, ratified by the Colorado General Assembly in 1957, has also been suggested. The agreement on interstate institutions signed by the 11 western governors is also comprehensive enough in scope to provide for the establishment of such a facility.

It is argued that interstate facilities would save money because of shared construction and operational costs. However, Colorado has more than enough emotionally disturbed juveniles of its own to fill completely any facilities which may be set up in the next few years.

#### Children's Laws Committee Recommendations

The Committee on Children's Laws recommends:

- 1) the diagnostic center be continued on its present basis until the details of an over-all program for emotionally disturbed juveniles are worked out;
- 2) steps be taken to develop a central institutional program;
- 3) consideration be given by the General Assembly to provide additional funds for the development of community and regional mental health clinics;
- 4) a day care center on pilot basis be set up as the first step in a residential treatment program; and
- 5) study and consideration of changing the functions of the state children's home, with the use of the grounds at the home for setting up a complex of diagnostic and treatment facilities, including a permanent Diagnostic Center.

## IV

### OTHER CHANGES IN LAWS RELATING TO CHILDREN

In addition to its study of juvenile probation and parole and the emotionally disturbed juvenile, the committee has considered several changes in the laws relating to relinquishment, adoption, dependency, and delinquency. The committee's recommendations on these statutes are based on its regional hearings and considerable discussion and consultation with county and juvenile judges and state and local child welfare officials.

#### Relinquishment

Relinquishment is the process by which parents voluntarily give up custody of their child or children. In Colorado, such relinquishment is necessary before the child or children can be legally placed for adoption, except for those children found by the court to be dependent. Upon such finding of dependency the court may terminate parental custody.

Four changes in the relinquishment law were considered by the committee:

1) elimination or curtailment of the court's authority to place relinquished children with "whomsoever" it shall see fit; 2) an addition to the section defining jurisdiction and venue to show the relationship between relinquishment and dependency proceedings; 3) an addition to the section on procedure and hearings which would give the court discretion in notifying the husband of a married woman desiring to relinquish a child alleged to be born out of wedlock; and 4) notification of the court of the disposition of a child placed with an agency for adoption.

Whomsoever Clause. Relinquishment is defined by 22-5-1 CRS 1953 as the process by which children are voluntarily released to the state children's home, county departments of welfare, or any licensed child placement agency. Relinquishment may also be made to certain named relatives through the provisions of 22-5-3 CRS 1953. The court is given the authority to award custody of relinquished youngsters to "whomsoever the court shall see fit" by 22-5-6 CRS 1953. The courts have used this provision to give custody of children to persons other than named relatives or designated agencies. Most judges make the majority of their placements through agencies or to relatives, however.

Welfare officials recommended that the "whomsoever" clause be repealed so that all awards of custody would have to be made either to agencies or relatives designated by statute. There were two major reasons for this recommendation. First, the welfare officials feel adoption placements should be made only through agencies qualified to make such placements. Second, restriction of adoption placement to agencies or relatives would eliminate possible pressures on the judge to place children in other ways and would eliminate possible pressures on the judge to place children in other ways and would limit the possibility of placing children with unsuitable families.

Most of the judges pointed out that they make most of their placements through the designated agencies or to relatives, but that on occasion they have need of the "whomsoever" clause. Occasionally parents refuse to relinquish children unless they can designate who shall receive the child. Welfare agencies refuse to place children if the parents know the adoptive family. Consequently, if it is in the child's best interest to be relinquished, the court must make use of the "whomsoever" clause. The judges pointed out further that removal of the "whomsoever" clause in the

relinquishment statute would necessitate a similar removal in the dependency statutes to make both processes uniform. The judges felt that "whomsoever" was even more important in dependency cases, because often they must take action promptly to remove a child from his environment, and the designated agencies do not always have a foster or group home available.

Rather than do away with the "whomsoever" clause entirely, the judges recommended that its use be modified through a provision requiring the court to have a welfare agency investigation of the home in which they have placed the child. This investigation would not be binding on the court but would assist it in determining whether the placement home is suitable. The judges contended that it would have a further advantage of focusing public attention on their placements through agency participation, so that public pressure could be brought to bear on judges misusing the "whomsoever" clause.

Child welfare officials were of the opinion that this compromise proposal would make them accessories after the fact and that similar provisions had not worked in other states. They did not believe that many judges would remove children if agency investigations showed homes to be unsatisfactory. In addition, such removal might have a bad emotional effect on the child, especially if his previous environment was not good. The agencies felt that adoption of this compromise proposal might lead to increased use of the "whomsoever" clause, because it would be given additional legal sanction. Rather than adopt the compromise, they preferred retention of the "whomsoever" clause in its present form.

The Committee on Children's Laws recommends that no change be made in the "whomsoever" clause at this time, because of the failure of welfare officials and judges to agree on any proposal for change.

Relationship Between Relinquishment and Dependency Proceedings. A section of the relinquishment statutes (22-5-3 CRS 1953) provides that no parent shall relinquish a child unless such relinquishment is in accordance with the relinquishment statutes, and that no person shall receive a child for adoption unless a child has been so relinquished. This provision is in conflict with the laws relating to dependency which allow the courts to sever parental custody if a finding of dependency or neglect is made. In effect, the relinquishment process provides for voluntary relinquishment and the dependency process for involuntary relinquishment.

The Committee on Children's Laws recommends that this conflict be resolved by adding a clause to 22-5-3 CRS 1953 to the effect that relinquishment must be made in accordance with the relinquishment laws except for involuntary relinquishment as provided for in the dependency statutes.

Children Born out of Wedlock to Married Women. Several of the judges recommended that the court be given the discretion as to whether to notify the husband of a woman who has a child allegedly born as a result of an extramarital relationship. It was contended that in many cases notification of the husband might result in the breakup of the marriage, which would be injurious to minor children. On the other hand, such discretion, loosely construed, might result in the deprivation of the husband's rights of due process.

It was also pointed out that the consent to adoption statute (4-1-6 CRS 1953) states that the mother of a child born in wedlock as the result of an extramarital relationship shall give consent to adoption if the illegitimacy of the child has been established by a court of competent jurisdiction and notice has been given to the husband of the mother of the child.



The judges who favored giving the court discretion in these matters contended that there should be no notice when there was sufficient evidence to indicate that the husband could not have fathered the child. An example of such evidence would be the absence of the husband from the home for a period of time which would have made it impossible for him to be the father. Welfare officials agree with the need to keep the family unit together if at all possible, but point out that they must follow the present statute.

The Committee on Children's Laws, after consideration of the ramifications of this problem, recommends that such discretion be given the judges and that 22-5-4 CRS 1953 dealing with relinquishment procedures and hearings be amended to include this provision phrased in such a way as to prevent its abuse. The determination by the court that such child was born out of wedlock shall establish the illegitimacy of the child in accordance with the provisions of 4-1-6 CRS 1953.

Notification of the Court Regarding Agency Placement. Several judges stated that they are not informed of the disposition of children relinquished to an agency for adoption placement. Agencies do not notify them of the disposition of children who are adopted in other counties. They indicated a desire for this information for their confidential case files. The welfare agencies indicated that they would be happy to supply the judges with this information.

The Committee on Children's Laws recommends that an amendment be added to 22-5-6 CRS 1953 to provide that any public or private child placement agency given custody of a relinquished child shall inform the court as to the ultimate disposition of such child. The committee recommends further that a similar amendment be added to 22-1-6 CRS 1953 to require notification of the court in the disposition of dependent children whose custody was placed with public or private agencies.

#### Adoption

One additional change in the adoption statutes was considered by the committee. The judges pointed out that a petition for adoption was not usually filed until the child had been in the adoptive home for a considerable period of time, sometimes as long as a year. The judges felt that this delay made it difficult for them to exercise judicial discretion, because failure to approve the adoption might be extremely upsetting to the child who had established roots in his new environment. In effect, the court hearing on adoption in these cases becomes a rubber stamp for agency action. The judges recommended that the petition be filed as soon after placement as possible, so that if denial of the adoption was deemed necessary, it would have a less severe effect on the child. It was pointed out that an early hearing coupled with the granting of an interlocutory decree would still leave the court an opportunity to deny the adoption at the time of the final decree, if it was absolutely necessary. In addition, the granting of an early interlocutory decree gives a legal status to the adoptive parents which they don't have if they have actual but not legal custody of the child for several months before the petition is filed. The welfare agencies were in agreement with this recommended change.

The Committee on Children's Laws recommends that the statute pertaining to adoption hearings (4-1-7 CRS 1953) be amended by adding a section to provide that when the petitioner is not a relative or a stepparent of the child to be adopted, the petition shall be filed no later than 10 days after the date on which the child is first placed in the adoptive home. The court shall then fix a date for hearing no less than 30 days after the filing of the petition.

## Dependency

Dependency is the process by which parental custody may be terminated by the courts if the child is found to be dependent, abandoned, or neglected as defined by 22-1-1 CRS 1953. Some of the changes in the dependency laws considered by the committee were related to the amendments to the relinquishment statutes suggested above.

One further change was recommended to the committee by the judges and welfare agencies. At present 22-1-6 CRS 1953 provides only for termination of parental rights if a finding of dependency is made. It was pointed out by judges and welfare officials that in many cases the child may be found dependent, but other steps short of severing parental custody might be taken to improve the situation while keeping the child with his family. It is proposed that a provision be added to 22-1-6 CRS 1953 which would allow the court to issue an order for temporary protection and custody of the child, and outlining those steps which may be taken, short of terminating parental rights, when such orders are issued.

The Committee on Children's Laws recommends that a section be added to 22-1-6 CRS 1953 which would provide for the following: 1) award of temporary custody to either or both parents, an appropriate relative or other person, a foster home or any public or private institution or child placement agency; and 2) authorization to the court in its discretion to require those persons legally responsible to support the child, to require either parent to stay away from the home, to forbid conduct by either parent harmful to the child, to permit either parent to visit the child, and to require parents to carry out or refrain from such acts as the court may find necessary for the child's welfare.

## Delinquency

The committee has given consideration to revision of four statutes pertaining to delinquency. Two of the four are related to court hearings on delinquency, and the other two deal with institutional commitments.

Definition of Delinquency. The present statutory definition of delinquency (22-8-1 (2) CRS 1953) has been interpreted by the Colorado Supreme Court to mean that one act of delinquency does not constitute delinquency, but only the second and/or subsequent acts. Many judges feel that they do not have any jurisdiction over a juvenile who has committed only one delinquent act. If such youngsters are brought before them, usually an informal hearing is held. In order to provide the courts with proper jurisdiction over juveniles who commit their first delinquent act, the committee has considered redefining delinquency. The committee has drawn on the Model Juvenile Court Act prepared by the National Probation and Parole Association in developing a modern definition of delinquency.

The Committee on Children's Laws recommends that the definition of delinquency be changed to read: 1) any juvenile under 18 years of age who has violated or attempted to violate either once or more than once, any federal, state, or local law, or municipal ordinance, other than traffic ordinances, regardless of where the violation occurred; 2) any juvenile under 18 years of age who is habitually truant

from school; and 3) any juvenile under 18 years of age who is beyond the control of his parent, guardian, or other lawful custodian to the extent that his welfare or that of others is seriously endangered.

Delinquency Decree Provisions. At present each of two statutes, 22-8-1 and 22-8-11 CRS 1953, outline in part the ways in which the court may dispose of a delinquency case. There is some conflict between the provisions of these statutes. For example, 22-8-1 (4) CRS 1953 limits juvenile probation to two years, while 22-8-11 places no limit on the time a juvenile may be on probation. Many of the judges have requested that these statutes be revised so that all of the delinquency decree provisions are enumerated in one place. Such statutory revision would be editorial for the most part rather than substantive.

The Committee on Children's Laws recommends that all delinquency decree provisions be enumerated clearly in 22-8-11 CRS 1953, and that the decree provisions in 22-8-1 CRS 1953 be deleted. In making this revision, juvenile probation shall be limited to a two year period.

Increase in Admittance Age at Golden. Under present commitment laws (105-1-7 CRS 1953) boys 16 years of age or older can not be committed to the boys' industrial school in Golden. A boy in this older age group may be committed to the state reformatory under the provisions of 22-8-1 (3) CRS 1953, but only if his delinquency is chronic or would constitute a felony if prosecuted under the criminal laws in district court. Many judges have suggested that the age limit at Golden be raised to include all boys of less than 18 years. They point out that many boys between 16 and 18 should be sent to the boys' school rather than the reformatory. The question has also been raised as to whether it is constitutional to commit a juvenile to the reformatory (which is a criminal penalty) as a result of a trial or hearing which the statutes plainly characterize as a civil proceeding.

The director of the State Department of Institutions has opposed an increase in the commitment age at Golden, because he feels that the resultant mixing of boys who range in age from 10 to 18 would have a detrimental effect on the institution's program. He would be agreeable to such an age change only if the institution were provided with the necessary funds for constructing separate facilities and operating separate programs within the institution. The development of different programs within the institution on the basis of age and/or degree of reformability is a desired goal, in the opinion of the committee. Such segregation may be necessary as a result of the anticipated increase in institutional population, even if the age limit for commitment is not changed.

The Committee on Children's Laws recommends that the age limit for commitment to the boys' industrial school be changed to include boys less than 18 years of age. This recommendation can be carried out through an amendment to 105-1-7 CRS 1953. Along with this recommendation, the committee suggests that the Department of Institutions and the superintendent of the boys' school give consideration to developing a plan for segregating the boys by age groups providing different programs within the present institutional framework.

Return of Incurable Juveniles. At the present time both juvenile institutions have the statutory authority as provided in 105-1-8 (boys' school) and 105-2-31 (girls' school) to return incurable juveniles to the courts which committed them. Since incurability is included in the present definition of delinquency as well as in

different language in the committee's suggested redraft, it is inconsistent to allow the institutions to return a youngster for behavior which caused his commitment. The committee feels that the institutions should be required to keep those juveniles who are committed to their care. If these youngsters pose problems, the institutions should make use of the psychiatrists and psychologists whose services are now available to them.

The Committee on Children's Laws recommends that 105-1-8 and 105-2-31 CRS 1953 be amended to exclude authority to return incorrigible juveniles to the courts which committed them. The committee recommends further that 105-1-8 CRS 1953 also be amended to provide that boys given weekend or home leave in accordance with another provision of this statute be placed under the supervision of the juvenile parole agency during the period of such leave. The committee has added this recommendation so that supervision on home or weekend leave can be tied in with its proposed juvenile parole program.

1. See Chapter II for the recommendations on juvenile parole.