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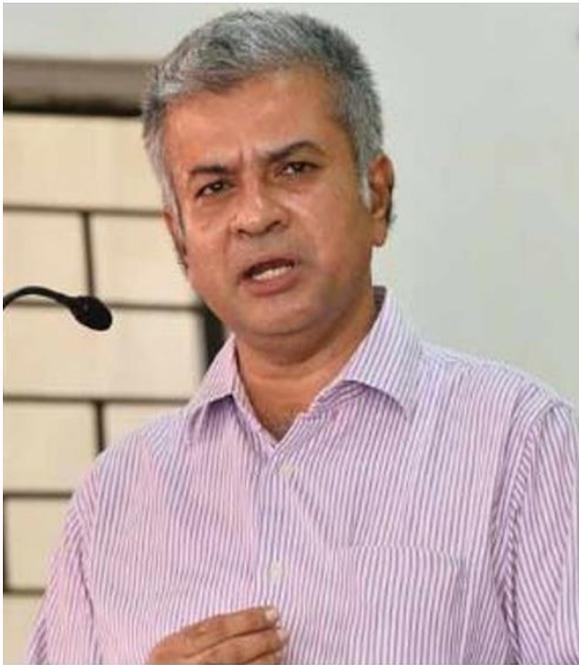
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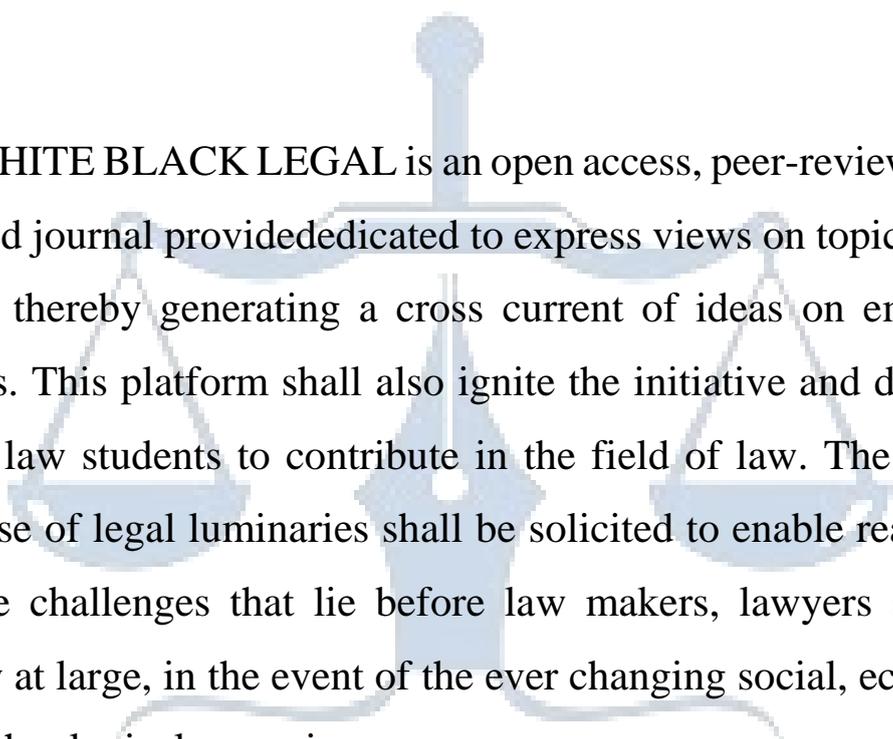


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With this thought, we hereby present to you



# **STATUS OFFENCE UNDER JUVENILE DELIQUENCY**

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## **ABSTRACT:**

Juvenile justice system is a legal frame work, which more over helps in bringing justice over the juveniles under our legal system. According to this act the maximum tenure of the punishment given to the juvenile who is offenders is three years and this punishment is mostly applicable for the heinous crime, more likely to be what is the status of juvenile commit status offence under the juvenile delinquent act .The second most type of delinquent act is one that would not normally be a crime had an adult performed it .These are typically known as “status offence” since its considered an offence because of the persons age the most common example of status offence are alcohol possession or consumption and driving without license . The parents required to pay cost for them in the courts. To avoid such circumstance, there must be a minimum punishment of penalty or imprisonment over a subsequent day as much possible.

**Key words:** Juvenile, status offence, Juvenile Delinquency

## **INTRODUCTION:**

In India this type of offence is not popular seen. Status offender is rare term which are to be most likely to be used in the case of juvenile delinquency. The status offender is an action which are prohibited to certain class of people, which are likely to be committed by minors. In this type of offence parents are the most affected one. There must no commitment of crime for status offender, but he may eligible of status offender by committing certain offence. Example skipping school, driving cars etc. In this days status offender are the most developing offence, youth commits this type of offence with the knowledge of the offence.

## **STATUS OFFENDER:**

Status offence is an action that is prohibited only to a certain class of people, and most offence applied only to offence committed by minors. It is a noncriminal act that is considered a law violation only because of a youth’s status as a minor<sup>1</sup>.

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<sup>1</sup> The upper age of juvenile delinquency and status offence jurisdiction varies by state

## **TYPES OF STATUS OFFENDER:**

1. Truancy
2. Runaways
3. Curfew violation
4. Underage drinking
5. Ungovernable/Incorrigible youth

### **TRUANCY:**

Truancy which means skipping of schools. The skipping of school is most significant part in the status offender. Parents are mostly liable of their children skipping of school. Juvenile do this kind of activity without being hesitation in the modern days. This type of juvenile do only wrong activities preferred to them. So to prevent this kind of activities, the school put strict order this kind of situation. The parents only pay the cause for this juvenile. They never get punishment change enough.

#### **ILLUSTRATION,**

The local prohibit school children from taking unexpected leaves. If they have been caught for skipping of school, the juvenile may be processed in juvenile court or processed informally. In some other states parents accountable for their children skipping of school, which may be lead to fine or jailed.

### **RUNAWAYS:**

The runaways share same sort of experience and circumstance, there is some variation in the classification of runaways juvenile. If a juvenile who leaves home without permission and stay away overnight is known as “situational runaways”. But in case of juvenile who leaves home and stays away for few nights and returns home are known as the long term “runaways”. In this area the juvenile mostly enter into field narcotics in this era. Juvenile proceeds to do other illegal activities like trafficking woman and rape.

### **CURFEW VOILATIONS:**

Although the juvenile curfew is common, there are some variability in so far as the specified hours, day of the week, location, whether school is in session, or to which age group the curfew pertains. Exception can be made for juvenile travelling to school or work-related events, religious events, and emergency situation.

## **UNDERAGE DRINKING:**

In this days drinking is the most common in the youths. The national survey on survey on drugs use in 2012 reported that youth who aged 12 to 20 drinks alcohol. The survey also report says that over 1.7 million youths are classified as heavy drinkers, consuming five or more drinks in one session on 5 days or more throughout the past month. The juvenile who are all drinking are called as the status offender. While in the case of drinking alcohol they may cause damage to the properties of their own or others, later they lead to severe damage or accident while driving bikes or cars. The parents should take the full responsibility of the juvenile who commits any such offence. In case there should happen a series crime also.

## **UNGOVERNABLE/INCORRIGIBLE YOUTH:**

When the youth disobedient is so severe that the family must seek legal assistance, the youth is subsequently classified as “incorrigible” a formal status offence in most states. Simply put, being beyond the control of parental authority is referred to a unruly, unmanageable, and incorrigible throughout various juvenile codes.

## **PENALTIES FOR STATUS OFFENCES:**

Juvenile who are comes to juvenile court the over the status offence. The kind of penalty which the court imposes vary from state to state. The penalties for status offence violation

1. Requiring the juvenile to pay fine or restitution
2. Putting the juvenile with some other than parent or guardian (such as relative, foster home, or group home)
3. Ordering the juvenile to attend a counselling or education program
4. Suspending the juvenile driving license

If a juvenile who violates the court order, most in case the court have the authority to order the juvenile’s detention at a secure, locked facility. In some other states the court order the juvenile parents to attend the counseling session or parenting classes.

## **Processing of Status Offenders**

Petitioned Status-offense cases which are adjudicated by the juvenile court. The cases that are adjudicated, While a juvenile status-offense case is being processed through the juvenile court system, juveniles are put into the secure detention at some point between referral and final disposition.

### **Petitioned Cases:**

A recent survey in U.S 2013 that, the majority of petitioned status-offense cases included truancy (51 percent), following underage drinking violations (15 percent), ungovernability (9 percent), curfew violations (9 percent), runaways (8 percent), and miscellaneous (8 percent). Although the percentage status-offense cases has been on decline, with a 46 percent decrease in the overall case from 2002 to 2013, the number of status offenders who processed through the juvenile courts which remains significant, with 109,000 status-offense cases petitioned in U.S. juvenile courts throughout 2013.

### **Detention:**

There are huge number of petitioned status-offense cases that are mostly in the use of detention. Status-offense in the cases of runaways were also involve in detention, while in the cases of truancy were the least likely to involve in detention. Between the survey 1995 and 2013, the most number of petitioned status offense cases involving detention has been decreased 45 percent for curfew violations, 38 percent for runaways, 30 percent for truancy cases, 17 percent for underage drinking violations, and 9 percent for ungovernability cases. Despite of all these declines, there are still many noncriminal juvenile offenders who are institutionalized due to either technical violations.

### **Adjudication:**

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

### **Disposition:**

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

## **HARM OF INSTITUTIONALIZATION:**

While in the locked confinement may be one of the valid response to delinquent behavior in very utmost limited circumstances, incarcerating youth charged with status offence in locked facilities is both dangerous and ineffective<sup>2</sup>.

Research, reveals that locked confinement is mostly not based on the evidence based practice for court –involved youth, especially the status offenders. Institutionalization harm begins with the removing of youths from their families and their communities, which prohibits the youth from developing the strong social network and support system necessary to transition successfully from adolescence to adulthood<sup>3</sup>. Further instance, for youth who have committed status offenses, detention is ill equipped to address the underlying causes of the initial status offence, and fails to act as a deterrent to subsequent status-offending behavior<sup>4</sup>.

## **TRENDS IN STATUS OFFENCES:**

For the past 50 years ago, the juvenile justice system only handled the status offence, and strict punishment was administered. In 1970s, stages began to see status offence as warning signals that an adolescent needed supervision, or any other type of assistance to avoid recidivism. This how much true that, the research proves that status offence more often leads to later delinquency.

In 1974, the federal juvenile delinquency act has deinstitutionalized status offenses. Prosecutors now could remove status offence cases from juvenile court and turn them toward other agencies that would provide services to at-risk juveniles. Currently, states call status offenders “children or juvenile in need of supervision, services, or care.

State who tends to refer a child who commits a status offence to the states child welfare agency before incarcerating or detaining at-risk kids. The agency may begin the use of residential placement for offenders, community based program, and state-sponsored or private therapy programs. More states are enlisting the service of probation officers and social workers Therefore, it is extremely important to make sure a status offender is referred to a program with

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<sup>2</sup> The justice policy institute. (May 2009). The cost of confinement: why good juvenile justice policies make good fiscal sense. P. 16-19.retrieved form:

<sup>3</sup> Nelson, D.W. (2008).A road map for juvenile justice reform. Baltimore, MD: Annie E. Casey foundation.p.9.

<sup>4</sup> Id. At 5;

proven results. Research shows that using community- based program significantly improve outcomes and can influence an adolescent to be a positive member of society- juveniles who receive help in their own homes and schools can build connections to families and support system while still going to school, work, and after-school activities. Multi systemic therapy (MST) is one community- based therapy proven to transform the lives of troubled youth and their families.

### **MENTAL STATENESS OF STATUS OFFENDER:**

Most often in the case in the case of status offender state of mentally health is important to define the juvenile does the act with knowledge or not. The medical psychology says that if a juvenile does some offence without mere knowledge of the offence, he may punished with small penalties. But, if in the case of juvenile who does a serious offence with mere knowledge. He serious offender and he must be punished. If he is not punished he will do such status offence several more times. This made the juvenile to become a habitual offender. This is why the psychology says if a juvenile is done offence he must be get any counselling, or get watched period of time to get recovered. The juvenile will be become a habitual offender.

### **CONCLUSION:**

There are lots of development in all our surrounding, and also to be development in law also must take place. Because of the juvenile have intention and knowledge to do any type of offence. To get relief from such things. New laws must get added to the act and safeguard the juvenile from getting wrong.

### **SUGGESTIONS:**

The juvenile system is prominently better one. But in these era, the laws are not far enough for the juvenile. Because the juvenile offender does all the offence with mere knowledge. To control all these status offence certain steps should be taken,

1. Penalties must be increased for the juvenile status offence
2. Lock up of juvenile in the home or prison increased
3. The counselling must be far enough get out from offence
4. The juvenile should not give any type of exception to status offence punishment
5. Parents must not be punished for status offence, in case of exception