

LEAVING HOME: HOW RUNNING AWAY IMPACTS THE LIVES OF JUVENILES AND SOCIETY AS A WHOLE

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I. INTRODUCTION

This Article addresses the issues associated with running away.¹ Running away is an offense that only a minor can commit.² A juvenile running away from his or her home faces serious legal implications, social challenges, and educational hurdles, as well as long term mental, physical, and economic hurdles.³ These juveniles are often left to navigate these hurdles alone.⁴ Without the aid of those who are willing to help them, or the law that should protect them, these juveniles remain alone to fend for themselves and often end up doing so illegally.⁵

The second Section of this Article will address why juveniles run away.⁶ Specifically, it will define exactly what “running away” means and the various legal definitions associated with running away.⁷ In addition, the second Section will overview the classification systems used when dealing with runaways in the legal system.⁸ This Article will give a brief explanation of the most common reasons why juveniles choose to leave home.⁹ Lastly, it will address the risks associated with running

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¹ *Infra*, Section II.

² *Infra*, note 91.

³ *Infra*, Section IV.

⁴ *Infra*, note 175.

⁵ *Infra*, Section II (C).

⁶ *Infra*, Section II.

⁷ *Infra*, Section II.

⁸ *Infra*, Section II.

⁹ *Infra*, Section II.

away from home.¹⁰

The third Section of this Article will address the question, “Is running away a crime?”¹¹ Specifically, it will address the complexity of that question and some of the various reasons for that complexity.¹² This Article will also provide a brief history of the juvenile justice system as it relates to the juvenile justice system’s original purpose and its function in dealing with wayward juveniles.¹³ Section three will give a brief introduction to the various theories of juvenile justice that are applicable to juveniles who have run away.¹⁴ Lastly, Section three will give a brief overview of what the runaway statutes are today in the United States.¹⁵

The fourth Section of this Article will address the long-term effects that running away can have on the juvenile who chooses to run away.¹⁶ It will briefly address the economic, social, mental, medical, and criminal implications correlated to running away as a juvenile.¹⁷ Finally, the fifth Section of this Article will be the author’s own thoughts on what the juvenile justice system needs going forward and the implications of maintaining the current runaway system.¹⁸

II. WHY RUN AWAY?

The reasons why juveniles run away from home are extensive.¹⁹ They are as diverse and complicated as the juveniles themselves.²⁰ Here, this Article will define exactly what the term “runaway” means, address why some juveniles choose to run away, and introduce the reader to some of the various risks associated with the decision to run away.

¹⁰ *Infra*, Section II.

¹¹ *Infra*, Section III.

¹² *Infra*, Section III.

¹³ *Infra*, Section III.

¹⁴ *Infra*, Section III.

¹⁵ *Infra*, Section III.

¹⁶ *Infra*, Section VI.

¹⁷ *Infra*, Section VI.

¹⁸ *Infra*, Section V.

¹⁹ *Infra*, Section II(B).

²⁰ NAT’L RUNWAY SWITCHBOARD, WHY THEY RUN: AN IN-DEPTH OVERVIEW AT AMERICA’S RUNAWAY YOUTH 1 (2010), https://www.1800runaway.org/wp-content/uploads/2015/05/Why_They_Run_Report.pdf.

A. Defining “Running Away”

The National Runaway Switchboard defines the term runaway as a “youth who [has] left home—albeit willingly and without their family’s knowledge.”²¹ However, the U.S. Department of Justice defines a runaway as “a child who leaves home without permission or does not return home when expected and stays away overnight.”²² This latter definition is much broader than the first and opens the door for the term runaway, which is a crime in some places, to include juveniles who have broken curfew, lost track of time, or forgotten to inform their parents or guardians of their whereabouts.²³ The definition of the term throwaway is a “youth who [has] left home . . . reluctantly at the hand of their guardians.”²⁴ However, each state is free to define the term runaway in their own terms.

The definitions of what constitutes a runaway is as complex and varied as each individual state.²⁵ Alabama defines a runaway as “[a] child who voluntarily absents himself or herself from the control of his or her custodian with intent to remain away indefinitely,”²⁶ while Alaska defines a runaway as “a minor evading the minor’s legal custodian.”²⁷ Some states have time restrictions like Georgia, which requires a minor to be absent from the home for at least twenty-four hours,²⁸ while others like Oklahoma have an intent requirement.²⁹ Other states, like Washington, require that the child be gone for more than twenty-four hours on at least two separate occasions.³⁰ As if defining what constitutes a runaway is not hard enough, the states then begin to classify runaways

²¹ *Id.*

²² STATUS OFFENSE REFORM CENTER, RUNAWAY YOUTH: A RESEARCH BRIEF 1 (2014), http://www.statusoffensereform.org/wp-content/uploads/2014/05/Running-Away_Final.pdf.

²³ *Id.*

²⁴ NAT’L RUNWAY SWITCHBOARD, *supra* note 20, at 1.

²⁵ ALA. CODE § 13A-13-8 (1975); ALASKA STAT. ANN. § 47.10.141 (2007); GA. CODE ANN. § 15-11-381 (West 2014); OKLA. STAT. tit. 10A, § 2-1-103 (2014).

²⁶ § 13A-13-8.

²⁷ § 47.10.141.

²⁸ § 15-11-381.

²⁹ tit. 10A, § 2-1-103.

³⁰ WASH REV. CODE ANN. § 13.32A.030 (West 2013).

using various terms.³¹

The states have many differing terms used when describing runaways.³² These terms are mostly derogatory.³³ Washington describes runaways as “at-risk youths.”³⁴ North Carolina describes runaways as “undisciplined juveniles.”³⁵ Tennessee and Ohio describe runaways as “unruly children.”³⁶ New York describes runaways as destitute children.³⁷ Fifteen states use some form of child or family in need of care, services, or supervision.³⁸ Three states describe runaways as missing children.³⁹ Eleven states classify running away as a status offense.⁴⁰ And two states classify runaways as delinquents.⁴¹

All of these various definitions and classifications of runaways naturally lead to the question, “Why do these differences matter?” In a study conducted by the National Runaway Switchboard (“NRS”), which interviewed juveniles from Chicago and Los Angeles either in shelters or living on the street, 30% stated that they had run away, 48% stated that

³¹ N.C. GEN. STAT. ANN. § 7B-1501(West 2011); N.Y. SOC. SERV. LAW § 371 (McKinney 2012); OHIO REV. CODE ANN. § 2151.022 (West 2017); TENN. CODE ANN. § 37-1-102 (West 2016); § 13.32A.030.

³² See § 7B-1501; § 371; § 2151.022; § 37-1-102; § 13.32A.030.

³³ See § 7B-1501; § 371; § 2151.022; § 37-1-102; § 13.32A.030.

³⁴ § 13.32A.030.

³⁵ § 7B-1501.

³⁶ § 37-1-102; § 2151.022.

³⁷ § 371.

³⁸ KAN. STAT. ANN. § 38-2202 (West 2016); MASS. GEN. LAWS ANN. ch. 119, § 21 (West 2013); MINN. STAT. ANN. § 260C.007 (West 2015); MISS. CODE ANN. § 43-21-105 (West 2016); MONT. CODE ANN. § 41-5-103 (West 2015); NEV. REV. STAT. ANN. § 62B.320 (West 2015); N.H. REV. STAT. ANN. § 169-D:2 (2013); N.M. STAT. ANN. § 32A-3B-2 (2009); tit. 10A, § 2-1-103; S.D. CODIFIED LAWS § 26-8B-2 (2004); TEX. FAMILY CODE ANN. § 51.03 (West 2015); VT. STAT. ANN. tit. 33, § 5102 (West 2016); VA CODE ANN. § 16.1-228 (West 2016); § 13.32A.030; WYO. STAT. ANN. § 14-6-402 (West 2016).

³⁹ 325 ILL. COMP. STAT. ANN. 55/1 (West 2016); N.J. STAT. ANN. § 52:17B-9.8a (West 2017); W. VA. CODE ANN. § 49-1-209 (West 2015).

⁴⁰ ALA. CODE § 12-15-201 (2008); § 15-11-381; IDAHO CODE ANN. § 20-521 (West 2012); KY. REV. STAT. ANN. § 600.020 (West 2016); § 43-21-105; NEB. REV. STAT. ANN. § 43-245 (West 2016); S.C. CODE ANN. § 63-1-40 (2008); § 51.03; § 16.1-228; § 49-1-202; § 14-6-402.

⁴¹ § 31-37-1-1; IND. CODE ANN. § 31-37-2-2 (West 2016); § 16.1-228.

their parents or guardians had thrown them away, and 22% said that their situation was a combination of their parent or guardians throwing them away and running away.⁴²

However, research suggests that the terms are interchangeable in most situations.⁴³ In fact, the National Incidence Studies of Missing, Abducted, Runaway, and Thrownaway Children (“NISMART”), in an effort to remove the distinction between these two categories, has placed them together creating the classification of a runaway-throwaway combination.⁴⁴ They suggest that the distinction is mostly created when a juvenile classifies themselves as a throwaway and their guardian classifies them as a runaway.⁴⁵

However, some studies have suggested using the term “unaccompanied youth” which includes a much broader range of juveniles and “deemphasizes the housing status of youth.”⁴⁶ One study conducted using this term identified three subcategories within the term “unaccompanied youth.”⁴⁷

The first subcategory is “Transient but not connected.”⁴⁸ This category included juveniles who “had fewer mental health or substance use issues but were most unstable in terms of housing and school connections and showed the most extensive histories of homelessness.”⁴⁹ The second subcategory is “High-Risk.”⁵⁰ This category included juveniles who “were more likely to report a history of sexual abuse, had more sexual partners, were more likely to have dropped out of school, and struggled the most with depression, conduct, and substance abuse

⁴² NAT’L RUNWAY SWITCHBOARD, *supra* note 19, at 7.

⁴³ U.S. DEP’T OF JUSTICE, RUNAWAY/THROWNWAY CHILDREN: NATIONAL ESTIMATES AND CHARACTERISTICS 2 (2002), <https://www.ncjrs.gov/pdffiles1/ojjdp/196469.pdf>.

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ CONG. RES. SERV., RUNAWAY AND HOMELESS YOUTH: DEMOGRAPHICS AND PROGRAMS 6 (2016), <https://fas.org/sgp/crs/misc/RL33785.pdf>.

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ *Id.*

problems.”⁵¹

The third subcategory is “Low-Risk.”⁵² This category included juveniles who “showed the least extensive histories of homelessness and housing instability and had the fewest issues with behavior or substance use.”⁵³ This category system allows for the inclusion of any juveniles who are living in shelters or on the streets regardless of how they got there.⁵⁴ This allows for the elimination of the distinction between runaways and throwaways and further allows for the programs that are seeking to help them to provide accurate services.⁵⁵

The last definition addressed is the term “missing”. According to NISMART, the classification of “missing” requires that the caretaker of the juvenile have concerns about the juvenile’s whereabouts.⁵⁶ In the instances of throwaway juveniles, this is simply not the case.⁵⁷ The classification of “missing” does not apply to these juveniles because no one is looking for them or alarmed that they are gone.⁵⁸

B. Reasoning Behind Running Away

According to the National Law Center on Homelessness & Poverty (“NLCHP”), juveniles who run away tend to leave because of abuse or neglect by a parent, conflict in the family, issues relating to a parent’s mental health, or substance abuse.⁵⁹ The NRS study found that often significant family conflict led to juveniles leaving home.⁶⁰ The NLCHP states that “43% of homeless youth report being beaten by a caretaker; 25% of homeless youth have had caretakers request sexual activity; [and]

⁵¹ *Id.*

⁵² *Id.*

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ *See Id.* at 3 .

⁵⁶ U.S. DEP’T OF JUSTICE, *supra* note 43, at 3.

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ NAT’L LAW CTR. ON HOMELESSNESS & POVERTY & NAT’L NETWORK FOR YOUTH, ALONE WITHOUT A HOME: A STATE-BY-STATE REVIEW OF LAWS AFFECTING UNACCOMPANIED YOUTH (Sept. 2012), https://www.nlchp.org/Alone_Without_A_Home.

⁶⁰ NAT’L RUNWAY SWITCHBOARD, *supra* note 20, at 8.

20% of homeless youth had conflicts with their parents around their sexual orientation which caused them to leave.”⁶¹

In addition many juveniles fear physical or sexual abuse if they return or if forced to return.⁶² In some cases returning home would increase the danger to these juveniles.⁶³ The reasons for these minors to leave home and seek a new life, independent of the caretakers responsible for them, vary greatly.⁶⁴ However, the consistent theme is that the places where these juveniles were living were no longer safe.⁶⁵

C. Risks Associated with Running Away

Although these juveniles are running away in order to find someplace safer to call home, this is not a realistic option. Due to lack of safe shelter, these juveniles often experience serious negative outcomes such as “engaging in high risk behaviors” in order to survive and being subject to further victimization.⁶⁶ Some research suggests that the location of the runaway determines the likelihood of having greater negative consequences of running away.⁶⁷ One study states that:

[s]urveying youth who live on the streets may lend to the perception that all runaway and homeless youth are especially deviant. Youth surveyed in locations with high rates of drug use and sex work, known as “cruise areas,” tend to be older, to have been away from home longer, to have recently visited community-based agencies, and to be less likely to attend school than youth in “non-cruise areas.”⁶⁸

This suggests that where a juvenile lives and from where he or she runs away can have as great an impact on for what a juvenile is at risk and at what level.

⁶¹ NAT'L LAW CTR. ON HOMELESSNESS & POVERTY & NAT'L NETWORK FOR YOUTH *supra* note 59, at 5.

⁶² U.S. DEP'T OF JUSTICE, *supra* note 43, at 8.

⁶³ *Id.* at 9.

⁶⁴ *Id.* at 6.

⁶⁵ *Id.*

⁶⁶ CONG. RES. SERV., *supra* note 46, at 1.

⁶⁷ *Id.* at 3.

⁶⁸ CONG. RES. SERV., *supra* note 46, at 3-4.

With this in mind, another study found that juveniles in shelters are less likely to have had a prior experience with homelessness and that their homeless period is shorter compared to those found living on the streets.⁶⁹ While out on their own, juveniles who have run away are vulnerable to mental health issues, drug use, and exploitation.⁷⁰ Additionally, one study determined that if a juvenile has a friend who has run away, that juvenile is more prone to deviant behaviors and low performance in school.⁷¹

II. IS RUNNING AWAY A CRIME?

This Section of the Article will address the question: “Is running away a crime?” Further, it will give a brief history of the juvenile justice system, an introduction to the policies behind criminalizing and decriminalizing running away, and an overview of what runaway statutes in the United States look like today.

The question of whether running away is a crime is a hard question to answer. The answer is dependent upon the jurisdiction from which the juvenile has fled or where the juvenile is living when found.⁷² This creates much confusion among those who are attempting to assist these juveniles and often prevents the juveniles from seeking help.⁷³ There are many policy reasons for both criminalizing and decriminalizing the act of running away.⁷⁴ Both points have interesting arguments, which this Article addresses. Additionally, Section three will provide a brief examination of the various legal statutes controlling the legal ramifications of running away in the United States. But first, Section three will provide a brief history of the juvenile justice system that these runaway juveniles must navigate.

⁶⁹ *Id.* at 5.

⁷⁰ U.S. DEP’T OF JUSTICE, *supra* note 43, at 8-9.

⁷¹ CONG. RES. SERV., *supra* note 46, at 7.

⁷² NAT’L LAW CTR. ON HOMELESSNESS & POVERTY & NAT’L NETWORK FOR YOUTH *supra* note 59, at 5.

⁷³ CONG. RES. SERV., *supra* note 46, at 5.

⁷⁴ See Kara A. Nyquist, *Is it Against the Law to Run Away From Home?*, AM. BAR ASS’N (Aug. 2005), https://www.americanbar.org/newsletter/publications/law_trends_news_practice_area_e_newsletter_home/runaway.html.

A. *History of the Juvenile Justice System*

The concept of a separate juvenile justice system designed solely for dealing with individuals who have not yet reached the age of majority is relatively new.⁷⁵ The system was originally designed in order to protect young offenders from the negative influences of adult offenders.⁷⁶

The first facility in America, created solely for the housing of juvenile offenders, opened in 1825 in New York.⁷⁷ Another house of note was the Chicago Reform School which opened in 1855.⁷⁸ The design of these places of housing was for rehabilitative purposes.⁷⁹ Specifically, their goal was to redirect juvenile offenders away from criminal activities and onto a better path for their lives.⁸⁰ Punishment was not the objective of these schools, however, involuntary confinement was still a method used in order to provide for the “best interests of the child.”⁸¹

Judge Julian Mack was among the first juvenile court judges.⁸² He characterized that court, located in Cook County, Illinois, as a place where:

[t]he child . . . be made to know that he is face to face with the power of the state, but he should at the same time, and more emphatically, be made to feel that he is the object of it’s care and solicitude. The ordinary trappings of the courtroom are out of place in such hearings. The judge on the bench, looking down upon the boy standing at the bar, can never evoke a proper sympathetic spirit. Seated at a desk, with the child at his side, where he can on occasion put his arm around his shoulder and draw the lad to him, the judge while losing none of his judicial dignity, will

⁷⁵ *Dialogue on Youth and Justice*, AM. BAR ASS’N, http://www.americanbar.org/content/dam/aba/administrative/public_education/resources/DYJfull.authcheckdam.pdf. (last visited Apr. 18, 2018).

⁷⁶ *Id.*

⁷⁷ *Id.*

⁷⁸ *Id.*

⁷⁹ *Id.*

⁸⁰ *Id.*

⁸¹ *Id.*

⁸² *Id.*

gain immensely in the effectiveness of his work.⁸³

This is not how we typically think of the juvenile justice system today.⁸⁴ The warmth and comfort of a judge putting his arm around a juvenile offender is not the norm in today's juvenile courts.⁸⁵ In fact, they more so represent the very environment that Judge Mack wanted to avoid "[t]he judge on the bench, looking down upon the boy standing at the bar."⁸⁶ The original concept of creating a juvenile court which would be somewhere between social services and criminal court has slowly been eroding away.⁸⁷

In the 1940s New York created an entirely new category for runaways and other youthful offenses that would not be crimes if committed by adults.⁸⁸ They titled this category of juveniles as Persons in Need of Supervision or "PINS."⁸⁹ This concept of creating a separate category for these offenders caught on, and thus the term "status offender" was born throughout the United States.⁹⁰ A status offense is an offense that is only illegal because a juvenile commits the act.⁹¹ Hence the name status offense: an offense only committed by a person who has the status of a juvenile.⁹² One author suggests that this category of offenses was solely created because these juveniles were unable to place their own needs above their own desires and act in their own best interests.⁹³

These offenses do not actually constitute crimes but nevertheless result in arrests, court proceedings, and involuntary detention.⁹⁴ Such

⁸³ *Id.*

⁸⁴ *Id.*

⁸⁵ *Id.*

⁸⁶ *Id.*

⁸⁷ THOMAS J. BERNARD & MEGAN C. KURLYCHEK, *THE CYCLE OF JUVENILE JUSTICE* 82-83, 95 (2010).

⁸⁸ JEFFERY FERRO, *JUVENILE CRIME* 47 (2003).

⁸⁹ *Id.*

⁹⁰ *Id.*

⁹¹ DONALD J. SHOEMAKER & TIMOTHY W. WOLFE, *JUVENILE JUSTICE: A REFERENCE HANDBOOK* 26 (2005).

⁹² BERNARD, *supra* note 87, at 15.

⁹³ FRANKLIN E. ZIMRING, *AMERICAN JUVENILE JUSTICE* 8 (2005).

⁹⁴ FERRO, *supra* note 88, at 9.

offenses include running away, disobeying parental orders, skipping school, and possession of alcoholic beverages.⁹⁵

By the 1950s the court began to shift from the best interests of the child to punishment as a deterrent.⁹⁶ The original purpose of the juvenile court had failed. Author Franklin Zimring wrote:

The saga of the status offender was one of the great failings of the interventionist theory of juvenile courts. In the original legislation, the noncriminal behaviors later to be called status offenses were simply another behavior that could justify a finding of delinquency, as well as any placement that the juvenile court was justified in ordering for a delinquent. Kids who ran away from home or were disobedient or truant could be committed to the same institutions that were dispositional options for the juvenile burglar or auto thief.⁹⁷

The same author goes on to write that such a system is both grossly unfair and manifestly ineffectual.⁹⁸ Firstly, as to being grossly unjust, the system was punitive in effect.⁹⁹ The system locks up kids who do not deserve institutionalization and it imposes higher punishment than needed for slight offenses.¹⁰⁰ Secondly, the author stated that “there was no evidence that the punitive treatment of delinquents in twentieth-century juvenile justice was effective either as therapy or social control.”¹⁰¹

The sole purpose of the juvenile court was to redirect wayward juveniles onto a path on which they would be happy, participating members of society.¹⁰² The system has failed to attain this goal.¹⁰³ The question becomes: what to do next?

Today the process of entering the juvenile justice system begins with

⁹⁵ *Id.* at 26.

⁹⁶ BERNARD, *supra* note 87, at 95.

⁹⁷ ZIMRING, *supra* note 93, at 43.

⁹⁸ *Id.*

⁹⁹ *Id.* at 170.

¹⁰⁰ ZIMRING, *supra* note 93, at 170.

¹⁰¹ *Id.*

¹⁰² *Id.* at 38.

¹⁰³ *Id.* at 170.

mere contact with a law enforcement officer.¹⁰⁴ An officer can make this contact because he or she personally observed the juvenile committing a crime, including a status offense, or because any person reported that the juvenile committed a crime.¹⁰⁵ Once the officer makes contact, he or she then has the decision to either take the juvenile into custody or release them without further incident.¹⁰⁶ The officer must conduct a mini investigation to determine which of these two options is best for the given situation.¹⁰⁷ If the officer decides to take the juvenile into custody, the process of the various juvenile justice systems, — depending on state — start moving and there is no going back for the juvenile.¹⁰⁸

B. Policy Behind Criminalizing Running Away

There are some individuals who believe that the crime control model is the best model to use when dealing with juvenile offenders.¹⁰⁹ This model emphasizes punishment of juvenile offenders over their rehabilitation.¹¹⁰ The theory is that punishment is instructive and instills morals into these juveniles.¹¹¹ Those who believe in this model argue that juveniles in need of correction and punishment are not in need of psychological care.¹¹² Rather, they believe that these juveniles are only in need of punishment to deter them from committing crimes or committing undesirable behaviors in the future.¹¹³

C. Policy Behind Decriminalizing Running Away

According to the National Law Center on Homelessness & Poverty, juveniles who have run away must overcome the legal barriers which often keep them from being able to meet their own basic needs.¹¹⁴ These

¹⁰⁴ FERRO, *supra* note 88, at 82.

¹⁰⁵ *Id.*

¹⁰⁶ *Id.*

¹⁰⁷ *Id.*

¹⁰⁸ *Id.* at 83.

¹⁰⁹ *Id.* at 93.

¹¹⁰ *Id.*

¹¹¹ *Id.*

¹¹² *Id.*

¹¹³ *Id.*

¹¹⁴ NAT'L LAW CTR. ON HOMELESSNESS & POVERTY & NAT'L NETWORK FOR

legal barriers often keep juveniles from reaching individuals and organizations who could offer help.¹¹⁵ These juveniles are often afraid of seeking help out of fear that the authorities will force them to go somewhere they do not want to go or that they know is unsafe.¹¹⁶

In their book, *Juvenile Justice*, Donald J. Shoemaker and Timothy W. Wolfe argue that there should be more emphasis on prevention and treatment of runaway juveniles and less emphasis on incarceration and punishment.¹¹⁷ The group of juvenile offenders that they have titled “status and minor offenders” includes the offense of running away.¹¹⁸ Shoemaker and Wolfe contend that these juveniles will naturally mature out of such behaviors and removal from the criminal justice system as quickly as possible is in the juvenile’s best interests.¹¹⁹ Decriminalization is the term used when referring to this ideology.¹²⁰

Proponents of decriminalization argue that repealing the laws that create status offenders, and therefore decriminalizing status offenses entirely, is the correct approach.¹²¹ The basis of this ideology is that the court’s system involvement actually makes the situation worse.¹²² Proponents of decriminalization contend that social services are the correct avenues to help juveniles who would otherwise fall into the classification of a status offender.¹²³

Still another group contends that deinstitutionalization, not decriminalization, is the correct avenue to take going forward.¹²⁴ Proponents of deinstitutionalization argue that not all juvenile offenders are the same and that different levels of offenses require different strategies for redirecting the youths in question.¹²⁵ Proponents of

YOUTH, *supra* note 59, at 5.

¹¹⁵ *Id.*

¹¹⁶ NAT’L RUNWAY SWITCHBOARD, *supra* note 20, at 14.

¹¹⁷ SHOEMAKER, *supra* note 91, at 75.

¹¹⁸ *Id.* at 76.

¹¹⁹ *Id.*

¹²⁰ BERNARD, *supra* note 87, at 16.

¹²¹ *Id.*

¹²² *Id.*

¹²³ *Id.*

¹²⁴ *Id.*

¹²⁵ SHOEMAKER, *supra* note 91, at 75.

deinstitutionalization believe that juveniles who are status offenders should go through the juvenile justice system.¹²⁶ However, they contend that such juveniles should never suffer from any form of institutionalization.¹²⁷ Proponents of deinstitutionalization contend that by removing status offenders from the sphere of offenders who have committed greater crimes, they will be less likely to escalate into those crimes.¹²⁸

Furthermore, it is not clear that incarcerating or institutionalizing these juveniles makes them safer.¹²⁹ The institutions in which these runaways find themselves are often unsafe due to overcrowding and lack of staff.¹³⁰ One statistic states that “[n]early 20% of status offenders . . . and non-offenders are placed in living units with youth who have killed someone and more than 25% reside with felony sex offenders.”¹³¹ This would seem to support the belief that institutionalizing these juveniles places them in greater danger of exposure to violence and criminal activity.¹³² At the very least, these institutionalized juveniles are not receiving the help they need.¹³³ One author states that “[g]irls who commit status offenses typically run away from home, mostly to escape physical, emotional, or sexual abuse.¹³⁴ After their arrest, these female status offenders are placed in juvenile detention centers with little or no specialized treatment for their previous abuse.”¹³⁵ These juveniles are

¹²⁶ BERNARD, *supra* note 87, at 16.

¹²⁷ *Id.*

¹²⁸ SHOEMAKER, *supra* note 91, at 76.

¹²⁹ COALITION FOR JUVENILE JUSTICE, *RUNNING AWAY: FINDING SOLUTIONS THAT WORK FOR YOUTH AND THEIR COMMUNITIES 2* (2014), http://www.statusoffensereform.org/wp-content/uploads/2015/06/Runaway-Emerging-Issues-Brief-FINAL_0.pdf.

¹³⁰ NAT’L LAW CTR. ON HOMELESSNESS & POVERTY & NAT’L NETWORK FOR YOUTH, *supra* note 59, at 2.

¹³¹ Nancy Gannon Hornberger, *Improving Outcomes for Status Offenders in the JJDP A Reauthorization*, JUVENILE & FAMILY JUSTICE TODAY (Summer 2010), <http://www.juvjusticeco.org/sites/default/files/resource-files/Improving%20Outcomes%20for%20Status%20Offenders%20in%20the%20JJDP%20A%20Reauthorization%20-%20Youth%20Today.pdf>.

¹³² *See, e.g., Id.*

¹³³ SHOEMAKER, *supra* note 91, at 50.

¹³⁴ *Id.*

¹³⁵ *Id.* at 51.

often placed in these detention centers because there is simply no other place for them to stay.¹³⁶

D. Runaway Statutes

The statutes that govern runaways are complex and vary by state.¹³⁷ This can make it very difficult for runaways to get assistance.¹³⁸ Having different legal standards that vary drastically according to jurisdiction, makes it hard for people who wish to provide assistance to runaways to do so while remaining within the legal boundaries.¹³⁹ These people and organizations do not always know what the exact law is in the particular jurisdiction where they are working.¹⁴⁰ In addition to concerns about their legal requirements these individuals must also be cautious of their actions because in some places helping a runaway can constitute a crime.¹⁴¹

Forty-five out of fifty states allow law enforcement officers to take a youth or child whom they reasonably believe to be a runaway into custody without a warrant.¹⁴² The only states that prohibit law

¹³⁶ *Id.* at 51.

¹³⁷ U.S. DEP'T OF JUSTICE, *supra* note 43, at 5.

¹³⁸ *Id.*

¹³⁹ U.S. DEP'T OF JUSTICE, *supra* note 43, at 5.

¹⁴⁰ *Id.*

¹⁴¹ *Id.*

¹⁴² ALA. CODE § 12-15-128 (1975); ALASKA STAT. ANN. § 47.10.141 (West 2005); ARIZ. REV. STAT. ANN. § 8-303 (2014); CAL. WELF. & INST. CODE § 625 (West 2016); COLO. REV. STAT. ANN. § 19-3-401 (West 2016); FLA. STAT. ANN. § 984.13 (West 2000); GA. CODE ANN. § 15-11-410 (West 2014); HAW. REV. STAT. ANN. § 571-31 (West 2016); IDAHO CODE ANN. § 20-516 (West 2012); 705 ILL. COMP. STAT. ANN. 405/3-4 (West 2008); IND. CODE ANN. § 31-37-4-2 (West 2016); IND. CODE ANN. § 31-37-2-2 (West 2016); IOWA CODE ANN. § 232.19 (West 2016); KAN. STAT. ANN. § 38-2231 (West 2016); KY. REV. STAT. ANN. § 600.030 (West 2016); LA. CHILD. CODE ANN. ART. 736 (1993); ME. STAT. tit. 15 § 3501 (2004); MD. CODE ANN., CTS. & JUD. PROC. § 3-8A-14 (West 2012); MASS. GEN. LAWS ANN. ch. 119, § 39H (West 2013); MICH. COMP. LAWS ANN. § 712A.14 (West 2012); MINN. STAT. ANN. § 260C.175 (West 2015); MO. ANN. STAT. § 211.131 (West 2016); NEB. REV. STAT. ANN. § 43-248 (West 2016); NEV. REV. STAT. ANN. § 62C.010 (West 2009); N.H. REV. STAT. ANN. § 169-D:8 (2013); N.J. STAT. ANN. § 5:16-1 (West 2017); N.M. STAT. ANN. § 32A-2-11 (West 2003); N.Y. SOCIAL SERVICES LAW § 398 (McKinney's 2012); N.C. GEN. STAT. ANN. § 7B-1900 (West 2011); N.D. CENT. CODE ANN. § 27-20-13 (West 2015); OHIO

enforcement from taking a runaway into custody without a warrant are Arkansas, Connecticut, Delaware, Mississippi, and Montana.¹⁴³ Of these five states, two, Delaware and Arkansas, do not address runaways in their legislation.¹⁴⁴

Twenty-eight states require the police or the person taking the child into custody to notify the parents or guardians immediately upon taking the juvenile into custody.¹⁴⁵ Twenty-six states require the person who took the juvenile into custody to return the juvenile to his or her parents or guardian.¹⁴⁶ Of these thirty-six states only twenty-seven allow for the

REV. CODE ANN. § 2151.31 (West 2017); OKLA. STAT. tit. 10A, § 2-1-101 (2014); OR. REV. STAT. ANN. § 419B.150 (West 2001); 42 PA. STAT. AND CONS. STAT. ANN. § 6324 (West 2003); 14 R.I. GEN. LAWS ANN. § 14-1-25 (West 2016); S.C. CODE ANN. § 63-19-810 (2008); S.D. CODIFIED LAWS § 26-8B-3 (2004); TENN. CODE ANN. § 37-1-113 (West 2016); TEX. FAMILY CODE ANN. § 51.01 (West 2015); UTAH CODE ANN. § 78A-6-112 (West 2008); VT. STAT. ANN. tit. 33, § 5301 (West 2016); VA. CODE ANN. § 16.1-246 (West 2016); WASH. REV. CODE ANN. § 43.185C.260 (West 2013); W. VA. CODE ANN. § 49-4-705 (West 2015); WIS. STAT. ANN. § 938.19 (West 2016); WYO. STAT. ANN. § 14-6-405 (West 2016).

¹⁴³ ARK. CODE ANN. § 9-27-313 (West 2015); CONN. GEN. STAT. ANN. § 17a-185 (West 2017); DEL. CODE ANN. tit. 11, (West 2015); MISS. CODE ANN. § 43-21-303 (West 2017); MONT. CODE ANN. § 41-5-321 (West 2016).

¹⁴⁴ DEL. CODE ANN. tit. 11, § 1902 (2018); § 9-27-313.

¹⁴⁵ ARK. CODE ANN. § 9-27-313 (2018); CONN. GEN. STAT. § 17a-185 (2017); HAW. REV. STAT. § 571-31 (2016); IDAHO CODE § 20-516 (2015); 705 ILL. COMP. STAT. ANN. 405/4 (1999); IND. CODE § 31-37-4-4 (2017); IOWA CODE § 232.19 (2018); LA. CHILD. CODE ANN. art. 736 (1993); ME. STAT. tit. 15 § 3501 (2003); MD. CODE ANN., CTS. & JUD. PROC. § 3-8A-14 (LexisNexis 2018); MASS. GEN. LAWS ch. 119, § 39H (2013); MINN. STAT. § 260C.175 (2017); MO. REV. STAT. § 211.131 (1957); NEB. REV. STAT. § 43-250 (2016); NEV. REV. STAT. § 62C.010 (2015); N.J. STAT. ANN. § 2A:4A-33 (West 2018); N.C. GEN. STAT. § 7B-1901 (2017); OHIO REV. CODE ANN. § 2151.31 (LexisNexis 2017); 42 PA. CONS. STAT. § 6326 (2018); S.C. CODE ANN. § 63-19-810 (2008); UTAH CODE ANN. § 78A-6-112 (2018); VT. STAT. ANN. tit. 33, § 5303 (2018); VA. CODE ANN. § 16.1-247 (2018); WASH. REV. CODE § 43.185C.265 (2015); W. VA. CODE § 49-4-705 (2017); WYO. STAT. ANN. § 14-6-406 (2018).

¹⁴⁶ ALA. CODE § 12-15-127 (1975); ARIZ. REV. STAT. ANN. § 8-303 (2014); FLA. STAT. § 984.13 (2017); HAW. REV. STAT. ANN. § 571-31 (West 2016); IDAHO CODE § 20-516 (2015); 705 ILL. COMP. STAT. ANN. 405/4 (1999); IND. CODE § 31-37-5-3 (2013); IOWA CODE ANN. § 232.19 (WEST 2016); KAN. STAT. ANN. § 38-2232 (WEST 2016); LA. CHILD. CODE ANN. art. 736 (1993); MICH. COMP. LAWS. § 712A.14 (2012); MD. CODE ANN., CTS. & JUD. PROC. § 3-8A-14 (West 2012); MINN. STAT. § 260C.176 (2015); NEB. REV. STAT. § 43-250 (2016); NEV. REV. STAT. § 62C.010 (2016); N.H. REV. STAT. ANN. § 169-D:10 (2013); N.J. STAT. ANN. § 2A:4A-34 (West 2018); N.M. STAT. ANN. § 32A-

police or person who took the juvenile into custody to take that juvenile somewhere else.¹⁴⁷ The reasons required for not returning a juvenile to their parents or guardian include: parent or guardian is unable to provide care for the juvenile,¹⁴⁸ court order to bring the juvenile somewhere else,¹⁴⁹ reasonable cause to believe that the juvenile suffered abuse or it is not in the best interest of the child,¹⁵⁰ release of the juvenile would present a threat of harm to the juvenile, parent, or community,¹⁵¹ the juvenile is a chronic runaway or has a history of not appearing to court,¹⁵²

1-21 (2015); N.C. GEN. STAT. § 7B-1901 (West 2017); N.D. CENT. CODE § 27-20-15 (2018); OHIO REV. CODE ANN. § 2151.311 (West 2017); OKLA. STAT. tit. 10A, § 2-1-101 (2017); OR. REV. STAT. § 419B.165 (2017); 42 PA. CONS. STAT. § 6326 (2018); S.D. CODIFIED LAWS § 26-8B-3 (2018); S.C. CODE ANN. § 63-19-810 (2008); TENN. CODE ANN. § 37-1-115 (2018); UTAH CODE ANN. § 78A-6-112 (2018); VT. STAT. ANN. tit. 33, § 5303 (2018); VA. CODE ANN. § 16.1-247 (2018); WASH REV. CODE § 43.185C.265 (2015); W. VA. CODE § 49-4-705 (2017); WIS. STAT. ANN. § 938.20 (2016); WYO. STAT. ANN. § 14-6-406 (2018).

¹⁴⁷ ALA. CODE § 12-15-127 (1975); ALASKA STAT. § 47.10.141 (2005); IDAHO CODE § 20-516 (2015); 705 ILL. COMP. STAT. ANN. 405/4 (1999); IND. CODE ANN. § 31-37-5-3 (2013); IOWA CODE ANN. § 232.19 (WEST 2016); KAN. STAT. § 38-2232 (West 2016); LA. CHILD. CODE ANN. art. 736 (1993); MINN. STAT. § 260C.176 (2015); NEB. REV. STAT. ANN. § 43-250 (2016); NEV. REV. STAT. § 62C.010 (2016); N.H. REV. STAT. ANN. § 169-D:10 (2013); N.J. STAT. ANN. § 2A:4A-34 (West 2018); N.C. GEN. STAT. § 7B-1901 (West 2017); N.M. STAT. ANN. § 32A-1-21 (2015); OR. REV. STAT. § 419B.165, 419B.168 (West 2017); S.D. CODIFIED LAWS § 26-8B-3 (2018); 42 PA. CONS. STAT. § 6326 (2018); S.C. CODE ANN. § 63-19-810 (2008); TENN. CODE ANN. § 37-1-115 (2018); UTAH CODE ANN. § 78A-6-112 (2018); VT. STAT. ANN. tit. 33, § 5303 (2018); WASH REV. CODE ANN. § 43.185C.265 (2015); W. VA. CODE ANN. § 49-4-705 (2017); WIS. STAT. ANN. § 938.20 (2016); WYO. STAT. ANN. § 14-6-406 (2016).

¹⁴⁸ ALA. CODE § 12-15-128 (1975); S.D. CODIFIED LAWS § 26-8B-3 (2018); WIS. STAT. ANN. § 938.20 (2016); WYO. STAT. ANN. § 14-6-406 (2016).

¹⁴⁹ IDAHO CODE § 20-516 (2015); NEB. REV. STAT. § 43-250 (2016); NEV. REV. STAT. § 62C.010 (2015); N.C. GEN. STAT. § 7B-1901 (2017); OR. REV. STAT. § 419B.165 (2017).

¹⁵⁰ ALASKA STAT. § 47.10.141 (2005); KAN. STAT. ANN. § 38-2231 (West 2016); MINN. STAT. § 260C.176 (2015); N.J. STAT. ANN. § 2A:4A-31 (West 2018); WASH REV. CODE § 43.185C.265 (2015).

¹⁵¹ ALA. CODE § 12-15-128 (1975); IND. CODE § 31-37-5-3 (2017); N.M. STAT. ANN. § 32A-1-21 (2015); UTAH CODE ANN. § 78A-6-112 (2018); WYO. STAT. ANN. § 14-6-406 (2018).

¹⁵² ALA. CODE § 12-15-128 (1975); N.H. REV. STAT. ANN. § 169-D:10 (2013); IOWA CODE ANN. § 232.19 (West 2016).

detention is “warranted,”¹⁵³ or the juvenile does not wish to return or will not stay if returned.¹⁵⁴

Only five states give these juveniles any voice in what happens to them.¹⁵⁵ Only one state allows the police or person who took the juvenile into custody to release the juvenile¹⁵⁶ and that state specifies that the officer may only release the juvenile if they are over fifteen years old.¹⁵⁷ All of the other states require the officer place the juvenile in a detention home, shelter, group home, or with a close relative if their parent or guardian is unable or unwilling to take them.¹⁵⁸

IV. LONG-TERM EFFECTS OF RUNNING AWAY

This Section of the Article will address the impact that running away has on the lifetime of the juvenile who has chosen to run away. Jennifer Benoit-Bryan, a PhD Candidate from the University of Illinois, conducted a longitudinal study by examining the long-term effects of running away.¹⁵⁹

The study contended that “running away from home as an adolescent is correlated with important health, economic and juvenile justice outcomes in adulthood.”¹⁶⁰ The study used data from the National Longitudinal Study of Adolescent Health, comprised of 15,000 juveniles,

¹⁵³ 42 PA. CONS. STAT. § 6326 (2018); TENN. CODE. ANN. § 37-1-115 (2018).

¹⁵⁴ WASH REV. CODE § 43.185C.265 (2015).

¹⁵⁵ CONN. GEN. STAT. ANN. § 17a-185 (2017); FLA. STAT. § 984.13 (2017); IND. CODE § 31-37-4-4 (2013); WASH REV. CODE § 43.185C.265 (2015); WIS. STAT. ANN. § 938.20 (2016).

¹⁵⁶ WIS. STAT. ANN. § 938.20 (2016).

¹⁵⁷ *Id.*

¹⁵⁸ § 47.10.141; IND. CODE § 31-37-4-4 (2013); § 232.19 (West 2016); KAN. STAT. ANN. § 38-2232 (West 2016); MINN. STAT. § 260C.176 (2015); NEB. REV. STAT. § 43-250 (2016); NEV. REV. STAT. § 62C.010 (2015); N.H. REV. STAT. ANN. § 169-D:10 (2013); N.J. STAT. ANN. § 2A:4A-34 (West 2018); OHIO REV. CODE ANN. § 2151.311 (West 2017); 42 PA. CONS. STAT. § 6326 (2018); S.D. CODIFIED LAWS § 26-8B-3 (2018); UTAH CODE ANN. § 78A-6-112 (2018); WASH REV. CODE ANN. § 43.185C.265 (2015); W. VA. CODE § 49-4-705 (2017); WYO. STAT. ANN. § 14-6-406 (2018).

¹⁵⁹ Jennifer Beniot-Bryan, *The Runaway Youth Longitudinal Study*, NAT'L RUNAWAY SWITCHBOARD 1 (2011), <https://www.1800runaway.org/wp-content/uploads/2015/05/NRS-Longitudinal-study-executive-summary.pdf>.

¹⁶⁰ *Id.* at 2.

and used four longitudinal interview points, over a fifteen-year period.¹⁶¹ The following statements are the conclusions which resulted from the study.

The study determined that juveniles who have been in the foster care system are three times more likely to run away as compared to those juveniles who have not lived in foster homes.¹⁶² Juveniles who have been verbally abused are more than twice as likely to run away compared to those who have never been verbally abused.¹⁶³ Juveniles who have been physically abused are nearly three times more likely to run away compared to those juveniles who have not experienced physical abuse.¹⁶⁴ Juveniles who had been sexually abused are more than twice as likely to run away compared to those who have never been sexually abused.¹⁶⁵

This data indicates that juveniles who do not have a firm, safe home are more likely to leave the place where they reside in an attempt to find some sort of home elsewhere.¹⁶⁶ The decision that juveniles make — to leave the place where they reside in an attempt to find a home — has long-lasting effects.¹⁶⁷ The following paragraphs are the results of the study which indicate that the very act of running away drastically impacts the trajectory of the juvenile's life.

The study determined that running away had an impact in on health in adulthood.¹⁶⁸ Specifically, it found that there is “a significant correlation between former runaway status and lower self-reported health.”¹⁶⁹ Juveniles who had run away had a 53% greater likelihood of having an S.T.D. diagnosis than those individuals who had not run away.¹⁷⁰ Juveniles who had run away were more than twice as likely to have suicidal thoughts (in the twelve months preceding the study)

¹⁶¹ *Id.*

¹⁶² *Id.*

¹⁶³ *Id.* at 18.

¹⁶⁴ *Id.*

¹⁶⁵ *Id.*

¹⁶⁶ *See supra* text accompanying notes 144-47.

¹⁶⁷ *See supra* text accompanying notes 150-62.

¹⁶⁸ NAT'L RUNAWAY SWITCHBOARD, *supra* note 159, at 18.

¹⁶⁹ *Id.* at 20.

¹⁷⁰ *Id.* at 23.

compared to those who had never run away.¹⁷¹ Juveniles who had run away were nearly four times more likely to attempt suicide (in the 12 months preceding the study) as compared to those who had never run away.¹⁷²

Running away is clearly linked to the low self-esteem which leads these individuals to desire to and attempt to take their own lives in far higher rates than others.¹⁷³ The question this author would pose is: “Do these individuals desire to take their lives in higher rates or do they simply act upon those desires because of a lack of available help?” Unlike other juveniles, who have solid support systems, runaways face isolation from their families and other support systems due to the very act of running away.

The study found that education and use of public assistance were both correlated with having run away.¹⁷⁴ Juveniles who have run away were far less likely to gain a high school diploma.¹⁷⁵ Juveniles who have run away have a greater likelihood of having a member of their household on public assistance later in life.¹⁷⁶ The lack of housing and resources available to these runaway juveniles probably contributes to their inability to develop into well-rounded, fully educated members of society. But, as noted earlier, the ambiguity of the legal system in regards to assistance often keeps these juveniles from seeking assistance.¹⁷⁷ This fear of seeking help clearly has an impact on these juveniles’ entire lives.

Juveniles who had run away were more likely to use marijuana as adults than those who had never run away.¹⁷⁸ As far as further interaction with the legal system, the study found that juveniles who had run away are 2.72 times more likely to be arrested as adults than those who had never run away.¹⁷⁹ However, it also found that “[t]here is no association

¹⁷¹ *Id.* at 23-24.

¹⁷² *Id.* at 23.

¹⁷³ *See supra* text accompanying note 153.

¹⁷⁴ NAT’L RUNAWAY SWITCHBOARD, *supra* note 159, at 26, 32.

¹⁷⁵ *Id.* at 26.

¹⁷⁶ *Id.* at 32.

¹⁷⁷ *Id.* at 14.

¹⁷⁸ *Id.* at 26.

¹⁷⁹ *Id.* at 33.

between running away as an adolescent and committing a crime as an adult for damaging private property, stealing, buying, holding, or selling stolen property, committing financial fraud, and shooting or stabbing someone.”¹⁸⁰ Finally, the study found that juveniles who had run away are 99% more likely to sell drugs than those juveniles who had never run away.¹⁸¹

This is a staggering statistic. It is interesting that these juveniles were not more likely than their peers to commit many crimes. This author would pose the question that if these juveniles are not more likely than their peers to commit many crimes, why are we, as a society, institutionalizing them instead of providing assistance, no questions asked?

V. CONCLUSION

It is clear that the juveniles who choose to run away believe that they have a valid reason for doing so and that doing so is in their best interests.¹⁸² These juveniles, more often than not, are fleeing from situations that are violent, unhealthy, or dangerous.¹⁸³ The act of running away is their attempt to protect themselves.¹⁸⁴ It also seems that many of these juveniles leave their homes because their guardians force them to leave or, at least, the juveniles believe that they are being forced to leave.¹⁸⁵

Regardless of how or why it happens, there are many juveniles who have left home and are in need of assistance. However, it is clear that we, as a society, have failed these juveniles. The system which the legal community originally created to protect and guide these juveniles now serves mostly to punish them.¹⁸⁶ The notion that punishment is the correct course of action when dealing with runaway juveniles, who believe that they acted in the only manner possible to protect themselves,

¹⁸⁰ *Id.*

¹⁸¹ *Id.*

¹⁸² *See supra* text accompanying notes 50-54.

¹⁸³ *See supra* text accompanying notes 50-54.

¹⁸⁴ *See supra* text accompanying notes 144-47.

¹⁸⁵ *See supra* text accompanying notes 35-37.

¹⁸⁶ *See supra* text accompanying note 83.

only serves to create a generation of juveniles who believe that the courts, law enforcement, and society as whole do not care about them and are unsafe.

It is also clear that there is an association between running away and a great deal of negative consequences that tend to follow these juveniles into adulthood, and possibly for the rest of their lives.¹⁸⁷ This author does not know, nor does anyone else, what would happen if our society placed a higher interest in helping the juveniles where they are instead of trying to rehabilitate “run away behavior.”¹⁸⁸ Is it possible that these juveniles know something about their homes and situations that the court does not? Is it possible that these juveniles are more likely to associate the legal system with their abusers if all the legal system ever does is return them to the people who are hurting them? It is no surprise to the author that these juveniles are more likely to be arrested later in life.¹⁸⁹ We, as a society, have taught these juveniles to fear law enforcement and to see the legal system, and its members, as adversaries to their best interests instead of helping hands. It is no great shock that these juveniles have open disdain for the legal system and those associated with it.

The reality is that these juveniles need help.¹⁹⁰ They need guidance and assistance as they learn how to navigate through the rough situations which lead them to run away.¹⁹¹ Even more importantly these juveniles need help as they learn how to live with and restore their broken family relationships.¹⁹² In practical application these juveniles need help finding shelter, food, staying in school, finding jobs, navigating other legal problems, and understanding that there is help available to them.¹⁹³ However, if the legal system continues to insist that runaways,

¹⁸⁷ See *supra* text accompanying notes 150-62.

¹⁸⁸ NAT'L RUNWAY SWITCHBOARD, *supra* note 159, at 2.

¹⁸⁹ *Id.*

¹⁹⁰ Beth McDaniel, *Youth In Juvenile Justice System Need Help, Not Punishment Or Stigma*, MONTGOMERY ADVERTISER (Dec. 2017), <https://www.montgomeryadvertiser.com/story/opinion/columnists/2017/12/11/youth-juvenile-justice-system-need-help-not-punishment-stigma/931314001/>.

¹⁹¹ See *Id.*

¹⁹² See *Id.* (suggesting more juvenile justice system programs to provide support of parental awareness of community resources that assist in meeting family needs).

¹⁹³ NAT'L LAW CTR. ON HOMELESSNESS & POVERTY & NAT'L NETWORK FOR YOUTH, *supra* note 59, at 1-2.

throwaways, and unaccompanied minors are also unruly children, status offenders, and delinquents, these juveniles will never seek out the help of legal professionals.¹⁹⁴

One could not honestly ask an adult to seek help from a group which is open about their belief that he is guilty before ever hearing his side of the story. The same should not be expected of runaways. If the legal system insists upon degrading these juveniles and assuming that they have no valid reason to flee from their homes, then there is little to no hope of ever convincing them to come to legal professionals for help. Runaways have the odds stacked against them at home, on the streets, and in the courts.

The author believes that the only way to remedy this problem is to decriminalize the act of running away and to spend the money, time, and resources once used to incarcerate and institutionalize these juveniles on helping them rebuild their lives.¹⁹⁵ The legal system must make it clear to these juveniles that they can come to it when they need help and that they will be free from punishment if they seek its assistance.¹⁹⁶ The juvenile court's design was to bring comfort, help, guidance, and solutions.¹⁹⁷ The authors of the book *Juvenile Justice* lay out a list of things that the legal community should and should not do in order to bring positive reform to the juvenile justice system.¹⁹⁸ This author tends to agree with their assessment of the next steps, which would greatly benefit the plight of the status offender in the United States.¹⁹⁹ This list includes the following suggestions.²⁰⁰

The system should place a larger emphasis on preventing runaways from reaching the point where they believe that their only choice is to run away.²⁰¹ Instead of spending their resources fixing the problem of

¹⁹⁴ *Homelessness and Runaway Youth*, NAT'L CONF. OF STATE LEGISLATURES, <http://www.ncsl.org/research/human-services/homeless-and-runaway-youth.aspx>. (last visited Apr. 23, 2018).

¹⁹⁵ NAT'L RUNWAY SWITCHBOARD, *supra* note 20, at 2.

¹⁹⁶ NAT'L CONF. OF STATE LEGISLATURES, *supra* note 196.

¹⁹⁷ CONG. RES. SERV., *supra* note 46, at 7.

¹⁹⁸ AM. BAR ASS'N, *supra* note 75, at 76.

¹⁹⁹ *Id.*

²⁰⁰ *Id.*

²⁰¹ *Id.*

runaways, the legal system should spend more resources on preventing the problem from occurring in the first place.²⁰² Likewise, the juvenile justice system should stop utilizing incarceration and institutionalization as their primary resources when dealing with runaway juveniles.²⁰³ In addition to focusing more resources into prevention, the juvenile justice system should focus these resources on the juveniles and communities considered high risk.²⁰⁴

The juvenile justice system should refrain from placing status offenders into the criminal justice system.²⁰⁵ The design of the criminal justice system is to hold adults who have committed crimes, which by definition must be greater than a status offense.²⁰⁶ Additionally, the juvenile justice system should not punish status offenders by placing them on probation or institutionalizing them.²⁰⁷ The juvenile justice system should only provide probation for the juveniles who have committed greater crimes.²⁰⁸

The juvenile justice system should attempt to segregate the nonviolent juveniles from the legal system as quickly as possible.²⁰⁹ This includes refraining from placing status offenders in intensive programs designed to use fear or other emotionally manipulative means to correct "delinquent behavior."²¹⁰ Additionally, the juvenile justice system should spend its resources on providing treatment for the status offender's family as a whole.²¹¹ This treatment should focus on the various and extensive issues which plague the family as a whole and affect the juvenile specifically.²¹² The issues which tend to be present in these juveniles' homes include but are not limited to educational limitations, strained interpersonal relationships, and substance use and

²⁰² *Id.*

²⁰³ *Id.*

²⁰⁴ *Id.*

²⁰⁵ *Id.*

²⁰⁶ *Id.*

²⁰⁷ *Id.*

²⁰⁸ *Id.*

²⁰⁹ *Id.*

²¹⁰ NAT'L RUNWAY SWITCHBOARD, *supra* note 20, at 2.

²¹¹ Beth McDaniel, *supra* 192, at 1-2.

²¹² NAT'L RUNWAY SWITCHBOARD, *supra* note 20, at 2-3.

abuse.²¹³

Lastly, the court should refocus on the original purpose of the creation of the juvenile court.²¹⁴ The juvenile justice system should reexamine its goals to determine if the current goals are in step with the original goals of the court.²¹⁵ The original goals of the juvenile court included prevention and treatment but not punishment.²¹⁶ The juvenile justice system today should also focus on prevention and treatment but not punishment.²¹⁷

Most of these concepts are ideas that have already been addressed in this Article. However, it is vitally important that these ideas do not simply stay on the pages of the books, articles, and legal reform memos. These ideas must be further communicated to the court, law enforcement personnel, and legal professionals if the system has any chance of truly finding reformation. This author suggests that legal professionals initiate conversations about juvenile justice reform, challenge the purpose of the legal protocols that deal with runaways in their state, and research how to improve their specific areas of practice to better help not harm runaways.²¹⁸

²¹³ *Id.*

²¹⁴ SHOEMAKER, *supra* note 91, at 88-89.

²¹⁵ *Id.*

²¹⁶ *Id.*

²¹⁷ *Id.* at 76.

²¹⁸ *Id.* at 88-89.