

“THOSE TO WHOM EVIL IS DONE DO EVIL IN RETURN”:
THE IMPORTANCE OF IMPROVING CHILDREN’S
WELFARE POLICY FOR THE PREVENTION OF JUVENILE
DELINQUENCY IN THE UNITED STATES

by

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The United States' policy towards addressing juvenile delinquency has repeatedly vacillated between so-called "tough" on crime and "smart" on crime, and the field of juvenile justice continues to develop and change. New evidence detailing the ways in which neurobiological and psychological factors influence adolescent development could guide this evolution towards an increased focus on prevention rather than purely rehabilitation or punishment of juvenile offenders. This paper examines the relationship between children's welfare and juvenile delinquency, using Bronfenbrenner's Ecological Models of Human Development to guide an analysis of risk and protective factors. Additionally, this paper investigates international policies for children's welfare – specifically the United Nations Convention on the Rights of the Child – and proposes an adaptation of this document for Lane County, Oregon.

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Introduction

Juvenile delinquency and the effects of juvenile crime in the United States are important social issues to examine, particularly considering the staggering incarceration rates in the country. The United States currently incarcerates a larger population of its people than any other country in the world. Since the 1970s, the U.S. prison inmate population has been on a steep and steady climb. Today, 7 million people (or approximately 1 in every 31 adults) are either incarcerated, on parole or probation, or under some other form of state supervision (Glaze 2010). Many of these individuals entered the criminal justice system for the first time at a very young age. In fact, young people who become involved with the justice system at a young age are more likely to become chronic adult offenders (Cicchetti, 1993 as cited in Alltucker, et al., 2006). Therefore, juvenile crime should be taken very seriously.

Historically, the United States has vacillated between more punitive (so-called “tough” on crime) and more rehabilitative (“smart” on crime) policies for addressing the issue of juvenile delinquency. However, new evidence detailing the ways in which neurobiological and psychological factors influence adolescent development could further inform juvenile justice system reforms, and could lead the U.S. to become “smart” instead of “tough” on crime.

One of the ways to become smart on crime is identifying and treating risk factors associated with delinquent or anti-social behavior¹ in order to prevent it. Many of these risk factors – which include early exposure to violence and abuse and/or neglect – are directly related to children’s welfare. According to one author, “Until we

¹ Antisocial behaviors are acts that violate social rules and the basic rights of others. They include conduct intended to injure people or damage property, illegal behavior, and defiance of generally accepted rules and authority, such as truancy from school (Clark et al., 2002).

correct our value system (the one we live by, not the one we proclaim), until we destroy the deadly germ from which the poison growth of delinquency has sprung, it is a hopeless challenge that we face” (Barnosky, 2006: 323). Research evidence supports the claim that properly directed investment in the early years can have very substantial and sustained effects on the well-being of children today, on their lives tomorrow, and on the long-term well-being of their societies as a whole (UNICEF, 2013). Therefore, by demonstrating to policy-makers, government officials, and voters that juvenile delinquency is a significant problem and a consequence of poor child welfare, it is possible that children’s well-being will be prioritized over “tough on crime” policies, and “smart on crime” policies can be developed to further strengthen the continuum of child welfare laws.

However, policy-makers and legislators in the United States have been slow to recognize the connection between children’s well-being and juvenile crime. Juvenile crime should be concerning not only for the ramifications of the crimes committed, but also for what it reveals about the development of the perpetrating youth. Furthermore, the United States has yet to prioritize children’s welfare in its laws and policies, the most prominent oversight being the failure to ratify the United Nations’ Convention on the Rights of the Child. In considering the numerous hurdles to ratification by the U.S., it is apparent that an alternate solution must be explored. Therefore, the culmination of the investigation detailed in this paper is a proposal for a condensed version of the UN’s Convention to be adapted for Lane County, Oregon. This proposal may then act as a model for other counties and states, which will hopefully develop into a national movement.

Juvenile Delinquency

In the past ten years, the U.S. has experienced a decline in juvenile crime. According to the Office of Juvenile Justice and Prevention (OJJDP), juvenile arrest rates for all crimes are currently at their lowest levels since 1980. Additionally, the Juvenile Violent Crime Index arrest rate reached a historic low in 2010 and is down 55% from its 1994 peak. However, from 2001 through 2010, arrests of juvenile females decreased less than male arrests in several offense categories (e.g., aggravated assault, simple assault, larceny-theft, vandalism, drug abuse violations, and driving under the influence). In 2010, females accounted for 29% of juvenile arrests (Puzzanchera, 2013)

Female trajectories into delinquency are significantly different than their male counterparts. It is a common misconception that female delinquency can be explained in the same way as male delinquency. In reality, females have different risk factors for offending – they often commit different types of crimes, are treated differently by the justice system, and require different forms of treatment (Leve & Chamberlain, 2004). Although official rates of female delinquency have been rising steadily since the 1960s, the overwhelming dominance of young men represented in crime rates, arrest rates, prisons, and courtrooms is an indisputable phenomenon (Carrington, 2006). There is a great wealth of information to be explored surrounding female delinquency; however, for the purposes of this paper the focus will be only on young men, as males are involved in about 72% of delinquency cases (Knoll, 2011).

There are many possible explanations for the decline in juvenile crime. One factor is that youth under age 18 represent a decreasing percentage of the population (Howden, 2011). Another theory is that the ban of leaded gasoline in the 1980s – which

affects children's learning behavior and development – is partially responsible for the overall decline in violent crime, as there is a great deal of research linking early childhood lead exposure with delinquent and aggressive behavior later in life (Nevin, 1999). Other theories include the rise in video games as an outlet for kids and a means of taking them “off the street” (Cunningham et al., 2011), and even the lasting impact of *Roe v. Wade* (fewer unwanted children) (Donahue & Levitt, 2001).

Despite the recent decline, juvenile violence and crime is still a significant issue currently plaguing the United States. Youths (5–17 years) account for 18.9% of the total United States population (Howden & Meyer, 2011), but are responsible for approximately 14% of all violent crime, and 22% of all property crimes (Puzzanchera, 2013). According to the Office of Juvenile Justice and Delinquency Prevention (OJJDP), over 1.5 million youths were arrested in 2012. Additionally, during the 2009–10 school year, 85% of public schools recorded that one or more crime incidents had taken place at school, amounting to an estimated 1.9 million crimes. From July 2010, through June 2011, there were 11 homicides and 3 suicides of school-age youth (ages 5–18) *in schools* (Robers & Truman, 2013).

Juvenile crime significantly impacts the individual, their family, their friends and peers, and their communities. To begin with, individuals who enter the justice system at a young age are more likely to continue to be involved throughout their lives. In fact, youth arrested before age 14 are two to three times more likely to become chronic adult offenders, compared with youth arrested after age 14 (Loeber et al., 2000). Like the adult system, the juvenile justice system also suffers from Disproportionate Minority Contact – meaning the disproportionate number of minority youth who come

into contact with the juvenile justice system. For example, African American youth are 17% of the U.S. juvenile population, but they make up 30% of arrested juveniles and 62% of minors prosecuted in the adult criminal system (Arya, 2008).

Juvenile crime also comes at a considerable financial cost. Cohen (1998) estimated the total cost (including law enforcement, juvenile justice, incarceration, treatment, and other societal costs) of one high risk juvenile offender engaging in four years of crime as a juvenile, then 10 years of subsequent adult criminality, ranged from \$1.7 million to \$2.3 million (Alltucker et al., 2006). This is something that taxpayers and policy-makers should be concerned about. However, for the uninformed, it is often easier to shoulder this financial burden than to invest in new methods of addressing the issue.

Despite the fact that juveniles are involved in a proportionately small number of murders each year, violent crime by juveniles elicits widespread media coverage. Bernard (1992) noted that every generation for the past 200 years or more has held the belief that the current cohort of juvenile delinquents is “the worst ever” and commits more crime than other groups. The public and political/legislative response to juvenile violence has been to be more “tough” on crime – demanding more accountability and punishment – resembling that of the adult criminal justice system (Lawrence, 2008). This reaction is based on the mistaken assumption that juveniles commit more crimes because the laws are too lenient. Despite the annual decrease in juvenile crime over the past couple decades, perceptions of a juvenile “crime wave” and lenient laws prompted a number of changes away from the original juvenile justice philosophy of treatment towards more severe sanctions and a punitive philosophy.

The History of Juvenile Justice in the U.S.: “Tough” vs. “Smart” on Crime

A look at the history of the juvenile crime debate offers insight on an important question: Why have we shifted from rehabilitative to punitive crime policies? The United States has not always prioritized punitive over rehabilitative methods when dealing with crime and delinquency. The juvenile justice system is driven by two main goals: protecting both public safety and the welfare and rehabilitation of young offenders who break the law (Brown, 2012). At its inception, the belief was that youths could be held responsible for their unlawful behavior and society could be protected through an informal justice system that focused on treatment and “the best interests of the child”. This approach is still appropriate and effective for the majority of juvenile offenders (Lawrence, 2008).

The roots of juvenile justice in United States date back to 15th century English common law. In the English system, Chancery courts were created to consider petitions of those in need of aid or interventions, generally women and children, who were in need of assistance because of abandonment, divorce, or death of a spouse. Through these courts the king could exercise the right of *parens patriae* (“parent of the country”), and the courts acted *in loco parentis* (“in place of the parents”) to provide services in assistance to needy women and children. The principle of *parens patriae* became the basis for juvenile courts in the United States, in which the courts are given authority over youth in need of guidance and protection, and the state (or children’s welfare agency) may then act *in loco parentis* to provide guidance and make decisions concerning the best interests of the child (Lawrence, 2008).

In 18th-century America, children who broke the law were treated much the same as adult criminals. The law made no distinction based on the age of the offender, and there was no legal term of *delinquent*. Rather, parents were responsible for controlling and disciplining their children. The Society for the Reformation of Juvenile Delinquents in New York advocated for the separation of juvenile and adult offenders (Krisberg, 2005), and in 1825 the New York House of Refuge was established to take in dependent, neglected, and delinquent youths. Other houses of refuge were soon established in other major cities, which were soon followed by state reform schools (Lawrence, 2008).

The early juvenile reform schools were intended for education and treatment, not for punishment, but hard work, strict regimentation, and whippings were common. Discriminatory treatment against African Americans, Mexican Americans, American Indians, and poor whites was also a problem in the schools. By the mid-1800s, many began to question whether youths benefited from being taken into custody. Subsequent legal decisions revealed that judges in the 19th century were committing minors to reformatories for non-criminal acts on the premise that the juvenile institutions would have a beneficial effect (Pisciotta, 1982). In a legal challenge (*People v. Turner*, 55 Ill.280 [1870]) the Illinois Supreme Court ruled, “we should not forget the rights which inhere both in parents and children... The parent has the right to the care, custody, and assistance of his child.” The Court further ruled that the state should intervene only after violations of criminal law and only after following due process guidelines (Lawrence, 2008).

The failure of the houses of refuge and early reform schools brought more interest in the welfare of troubled youth who were abandoned, orphaned, or forced to work under intolerable conditions (Lawrence, 2008). This led to the outbreak of what has become known as the “child-saving movement” in American juvenile justice. The child-savers were a group of reformers who, at the end of the nineteenth century, helped to create special judicial and correctional institutions for the labeling, processing, and management of “troublesome” youth. In this system, juveniles were treated as naturally dependant, requiring constant and pervasive supervision. The movement called attention to, and in a way “invented,” new categories of youthful misbehavior such as sexual license, drinking, roaming the streets, begging, frequenting dance halls and movies, fighting, and being seen in public at night. Child-saving was heavily influenced by middle-class women who extended their housewifely roles into public services and emphasized the dependence of the social order on the proper socialization of children (Platt, 1969). According to Platt, “Although the child savers were rhetorically concerned with protecting children from the physical and moral dangers of an increasingly industrialized and urban society, their remedies seemed to aggravate the problem” (Platt, 1969).

The child-savers based their reformations on their ideas about the biological and environmental origins of crime. They approached crime and delinquency with the medical imagery of pathology, infection, and treatment, and with Social Darwinian views about the intractability of human nature and innate moral defects. They were compelled to believe that “a large portion of the unfortunate children that go to make up the great army of criminals are not born right” (Cooper, 1883). “They are born to

crime,” wrote the penologist Enoch Wines in 1880, “brought up for it. They must be saved.” (Platt, 1969).

Although many of their motives and methods may now be seen as misdirected, the child-savers were extremely influential in the development of the juvenile justice system and the values of children’s welfare and early intervention. Charles Chute, a zealous supporter of the child-saving movement, claimed: “No single event has contributed more to the welfare of children and their families. It revolutionized the treatment of delinquency and neglected children and led to the passage of similar laws throughout the world” (Chute, 1949). Although this particular allegation is highly debatable, at the very least the child-savers must be given credit for their accomplishment in the creation of the first juvenile court.

The first juvenile court was established in Chicago, Illinois in 1899, which was followed shortly by one in Denver, and by 1945 all states had juvenile courts (Ferdinand, 1991). Under juvenile court jurisdiction, children who violated the law were not to be treated as criminals. Rather, children were considered less mature and less aware of the consequences of their actions, so they were not to be held legally accountable for their behavior in the same manor as adults (Lawrence, 2008). With this philosophy of juvenile justice, young offenders were designated as “delinquent” rather than as criminal, and the primary purpose of the juvenile justice system was not punishment but rehabilitation (Mennel, 1972). Additionally, the focus was on the offender and not the offense, emphasizing the importance of individualized justice for juvenile offenders.

As a consequence of this distinction, young offenders were denied many of the legal rights entitled to adults, such as formal notice of their charges and the right to legal counsel. Delinquency was viewed more as a social problem and a breakdown of the family than a criminal problem. Thus, social workers, probation officers, and psychologists took the place of lawyers and prosecutors. These professionals also examined the background and social history of each child as well as the family environment in order to assess the child's individual needs and develop a treatment plan to change delinquent juveniles (Lawrence, 2008). A ruling by the Pennsylvania Supreme Court in the case of *Commonwealth v. Fisher* in 1905 supported the juvenile court's purpose, and illustrates how the court's role in training delinquent children superseded the rights of children and their parents:

The design is not punishment, nor the restraint imprisonment, any more than is the wholesome restraint which a parent exercises over his child... Every statute which is designed to give protection, care, and training to children, as a parental duty, is but a recognition of the duty of the state, as a legitimate guardian and protector of children where other guardianship fails. No constitutional right is violated. (*Commonwealth v. Fisher*, 213 Pa. 48 [1905])

Thus, in line with the *parens patriae* doctrine, the juvenile court judge was expected to be more like a father figure than a legal jurist (Ferdinand, 1991).

Juvenile crime has long been a state and local concern, while federal laws are more concerned with resolving jurisdictional issues (Barnosky, 2006). There is variation among states in how they describe the purposes of juvenile court and administer juvenile justice. The purpose clause of several states is based on the Standard Juvenile Court Act, which was originally issued in 1925 but has been revised numerous times. The most influential appears to be the 1959 version, which states:

Each child coming within the jurisdiction of the court shall receive . . . the care, guidance, and control that will conduce to his welfare and the best interest of the state, and that when he is removed from the control of his parents the court shall secure for him care as nearly as possible equivalent to that which they should have given him (Snyder & Sickmund, 2006, p. 98)

Other states have drawn from the *Legislative Guide for Drafting Family and Juvenile Court Acts*, a publication from the late 1960s that lists four main purposes for the juvenile court: (1) To provide for the care, protection, and wholesome mental and physical development of children involved with the juvenile court; (2) to remove from children committing delinquent acts the consequences of criminal behavior, and to substitute therefore a program of supervision, care, and rehabilitation; (3) to remove a child from the home only when necessary for his welfare or in the interests of public safety; (4) to assure all parties their constitutional and other legal rights (Snyder & Sickmund, 2006, p. 99). The most common purpose clauses among states today have components of Balanced and Restorative Justice that give equal attention to three concerns: (1) public safety, (2) individual accountability to victims and the community, and (3) the development of skills to help offenders live law-abiding and productive lives (Lawrence, 2008).

The federal government's role in juvenile justice was virtually nonexistent until about the 1960s. The U.S. Congress in the Juvenile Delinquency Prevention and Control Act of 1968 recommended that children charged with non-criminal or status offenses be removed from formal adjudication and commitment to detention centers and juvenile institutions. Advocates of such practices argued that involvement in status offenses was the first step toward more serious delinquency and that early intervention might prevent serious delinquency. Opponents noted the unfairness of punishing youths

for minor deviant behavior, and voiced concerns about the adverse effects on status offenders being housed with older, hard-core juvenile offenders. In 1974, Congress passed the Juvenile Justice and Delinquency Prevention Act, which required as a condition for receiving formula grants the deinstitutionalization of status offenders and non-offenders, as well as the separation of juvenile delinquents from adult offenders. In the 1980 amendment, Congress added a requirement that juveniles be removed from adult jail and detention facilities (Lawrence, 2008). The reforms that began in the 1960s continued into the 1970s as community-based programs, diversion, and deinstitutionalization became the highlights of juvenile justice policy changes (Snyder & Sickmund, 2006).

In the 1980s, widespread fear over the crack epidemic and the violence that accompanied it lit the fire under “tough on crime” policies in the United States. Addressing juvenile crime policy specifically, Feld argued, “The intersection of race, guns, and homicide fanned the political ‘panic’ that, in turn, led to the recent get-tough reformulation of juvenile justice waiver and sentencing policies” (Barnosky, 2006). Allen, in *The Decline of the Rehabilitative Ideal*, presented another hypothesis to explain the “get-tough” phenomenon, arguing that challenges from liberals and conservatives to the rehabilitative goals of penal policy have led to an overall move in American culture away from rehabilitation. Other scholars claim that the political and social turmoil of the 1960s led to a general cultural conservatism – particularly an embrace of “law and order” that manifested itself in calls for stiffer penalties for both adult and juvenile criminals (Barnosky, 2006).

A significant recent development in juvenile justice has been the increase in research and data on the subject. Today, more and better information is available to policymakers on the causes of juvenile crime and what can be done to prevent it. This includes important information about neurobiological and psychological factors and the effect on development and competency of adolescents. Findings by the MacArthur Foundation's Research Network on Adolescent Development and Juvenile Justice show that adolescent brains do not fully develop until about age 25, which affects mental abilities such as self-control and, thus, their ability to take responsibility for their actions (Katner, 2006).

Similar research has contributed to recent legislative trends to distinguish juvenile from adult offenders, restore the jurisdiction of juvenile court, and adopt scientific screening and assessment tools to structure decision-making and identify needs of juvenile offenders. Risk assessment instruments have been created to analyze an offender's level of risk, individual treatment needs, and to determine whether they should be held in secure detention. Recent research has also revealed that prolonged detention can actually be harmful for youth, therefore reform laws have shortened the length of time a juvenile may remain in detention. Competency statutes and policies have become more research-based, and youth interventions are evidence-based across a range of programs and services (Brown, 2012).

The past decade has witnessed the rise of evidence-based prevention and intervention programs, which provide treatment to youth and their families and are supported by rigorous outcome evaluations. Many state legislatures have recognized that prevention policies must facilitate collaboration with the justice system as well as

other youth-serving agencies. In recent years, legislative actions have diverted non-violent young offenders from juvenile or criminal justice systems through local community-based and pre-trial diversion programs. Investing in community-based alternatives to incarceration and evidence-based intervention programs, as well as multi-system coordination and cross-system collaborations are examples of how states are now better serving youth and addressing and preventing juvenile crime.

Ecological Models of Human Development

Urie Bronfenbrenner, an internationally renowned psychologist and authority on child development who helped found the federal Head Start program in the 1960s, was also well known for his pioneering theory of human development. Bronfenbrenner posited that in order to understand human development, one must consider the entire ecological system in which growth occurs. This system, known as the Ecological Model of Human Development, concerns the relationships between a growing and developing human being and the immediate settings in which the person lives. This process is affected by relationships between systems and by the larger contexts in which the settings are embedded. In order to begin to understand the principal concerns regarding children's welfare and to connect these to delinquency prevention measures, it is crucial to know what a child needs in order to grow and develop in a healthy way.

The Ecological Model is composed of five concentric social spheres, each contained within the next. These structures are referred to as the *Individual*, *Microsystem*, *Mesosystem*, *Exosystem*, and *Macrosystem*, which are defined as follows:

- *Individual*: inherent personal traits including sex, age, ethnicity, health, etc.

- *Microsystem*: a pattern of activities, roles, and interpersonal relations experienced by the developing person in a given setting with particular physical and material characteristics. The Microsystem encompasses the child's family, school, and peers.
- *Mesosystem*: comprises the interrelations among two or more settings in which the developing person actively participates. A mesosystem is thus a system of microsystems.
- *Exosystem*: one or more settings that do not involve the developing person as an active participant, but in which events occur that affect, or are affected by, what happens in the setting containing the developing person. The Exosystem encompasses settings such as the child's community, social welfare services, and the mass media.
- *Macrosystem*: refers to consistencies, in the form and content of lower-order systems (micro-, meso-, and exo-) that exist, or could exist, at the level of the subculture or the culture as a whole, along with any belief systems or ideology underlying such consistencies. The Macrosystem is mainly refers to the economic and political system in which the child is raised, as well as cultural factors that exist in the society (Bronfenbrenner, 1974).

This framework provides an idea of elements to consider when evaluating and addressing children's well-being.

Risk & Protective Factors for Juvenile Delinquency

In order to introduce a correlation between children's welfare and juvenile delinquency, it is first necessary to discuss the risk and protective factors commonly

associated with delinquent behavior. Some aspects of children's behaviors, such as temperament (which Bronfenbrenner recognized as the Individual System of Development), are established in the womb or during the first five years of life. This foundation, combined with children's exposure to certain risk factors, influences their likelihood of engaging in delinquent behavior at a young age. Protective factors are equally important to consider, because they act as buffers from the negative consequences of exposure to risks by either reducing the impact of the risk or changing the way a person responds to the risk. Although there is no such thing as a "magic solution" for juvenile delinquency, identifying risk and protective factors is essential in developing and implementing prevention and intervention measures (Wasserman et al., 2003).

Compared with juveniles whose delinquent behavior begins later in adolescence, early starters (youth arrested before, and including age 14) face a greater risk of becoming serious, violent, and chronic juvenile offenders. There is evidence that early starters often have a deviant development process that takes place over several years, and that contextual variables (i.e. risk and protective factors) influence the process (Cicchetti, 1993 as cited in Alltucker, et al., 2006).

Risk and protective factors for juvenile delinquency operate in the same domains outlined by the Ecological Model: the individual child; the child's family, peer group, school, and neighborhood; the child's larger community; the media; social services; as well the policies, economy, and culture in which the child is raised. There is no single factor that leads a child to delinquency. Rather, the likelihood of a juvenile to offend increases as the number of risk factors increase and protective factors decrease.

Additionally, the most predictive patterns and particular combinations of risk and protective factors vary from child to child. Most professionals agree that early on in a child's life, the most significant risks stem from individual and family factors. As the child grows older and becomes more integrated into society, new risk factors related to peer influences, school, and community begin to play a larger role (Wasserman, et al., 2003). This investigation will focus mainly on the three innermost levels: the Individual, the Microsystem, and the Mesosystem.

Individual Factors

Individual risk and protective factors may include a child's genetic, emotional, cognitive, physical, and social characteristics. For example, early antisocial behavior is one of the best predictors of later delinquency. Antisocial behavior is behavior that shows a lack of consideration for others and includes various forms of oppositional rule violation and aggression such as theft, physical fighting, and vandalism (Wasserman et al., 2003). In one study, researchers found physical aggression in kindergarten to be the best and only predictor of later involvement in property crimes. In contrast, pro-social behavior such as helping, sharing, and cooperation, appeared to be a protective factor (Haapasalo & Tremblay, 1994).

Another individual factor that may contribute to or reduce delinquency is the way in which children express their emotions, particularly anger. Children typically respond to a new stimulus or punishment in one of two ways: behavioral inhibition or behavioral activation. Behavioral inhibition includes fearfulness, anxiety, timidity, and shyness, while behavioral activation includes novelty and sensation seeking, impulsivity, hyperactivity, and predatory aggression. High levels of behavioral

activation and low levels of behavioral inhibition are risk factors for antisocial behavior. For example, studies have shown that youth who are impulsive are more likely to commit delinquent acts at 12-13 years of age than those who are anxious (Wasserman, et al., 2003). Additionally, a favorable attitude towards delinquent behavior is a significant risk factor for this behavior in youth (Hawkins et al., 1992). However, there is no firm evidence as to whether these early emotional characteristics are causes or simply correlates of later antisocial behavior.

Early emotional and cognitive development also appears to play an important role in the development of delinquent behavior in youth. These factors, which include IQ, language development, social cognition, academic achievement, and neuropsychological function, may affect the learning of social rules, interactions with adults and peer groups, and school attachment and success/failure (Wasserman et al., 2003). Hyperactivity has also been shown to be a significant risk factor for delinquency. For example, motor restlessness (hyperactive or hyperkinetic behavior), as rated by kindergarten teachers, was a better predictor of delinquency between ages 10 and 13 than lack of pro-social behavior and low anxiety (Tremblay et al., 1994).

Microsystem Factors

A healthy upbringing greatly depends on parents' and other socializing agents' (peers, teachers, neighbors, etc.) consistent investments in the care, education, and supervision of the children, which instill in them a sense attachment, commitment, and obligation to these agents. Thus, when confronted with opportunities to engage in antisocial behaviors, children with extensive and strong social ties will have a greater

stake in conformity and will be disinclined to engage in delinquent behavior that might jeopardize those relationships (Ryan & Testa, 2004).

Family characteristics encompass a significant number of risk and protective factors including parenting quality, maltreatment and neglect, family violence, parental mental health, family antisocial behaviors, and family structure and size. Inadequate parenting practices are a significant predictor of early antisocial behavior. Three specific parental practices are particularly associated with early conduct problems: a high level of parent-child conflict, poor monitoring and supervision, and a low level of positive involvement (Wasserman et al., 1996).

Parental psychology and mental health, such as substance abuse and depression also contribute significantly to a child's behavior. Depressed parents show many risk factors associated with increased antisocial behaviors in children, such as inconsistency, irritability, and lack of supervision (Cummings & Davies, 1994). The Pittsburgh Youth Study also found that the association between delinquency and parental anxiety or depression was stronger in younger than in older children (Loeber et al., 1998).

Family involvement in criminal activity is also a predictor for juvenile offending. For example, a study by Preski and Shelton (2001) found that parent and sibling criminality was significantly related to juvenile offending. Although the precise process by which family criminality is mediated is not well understood, several researchers have commented that decreased parental quality and decreased family functioning might help explain these effects (Brendgen et al., 2002).

Family economic opportunity and security are critical to child well-being. Growing up in poverty is strongly associated with negative outcomes for children. On

almost every measure, children who experience poverty, even briefly, and especially when they are young, face tougher developmental and social barriers to success. Therefore, according to the Annie E. Casey Foundation, the most effective way to ensure that every child has opportunities to succeed is through a “two-generation” strategy that simultaneously strengthens parents’ work attachment, income and assets while investing in their children’s healthy development and educational success.

Exposure to violence, familial or otherwise, also has a lasting negative impact on children. Unfortunately, it is also very common. In a national survey by the Office of Juvenile Justice and Delinquency Prevention (OJJDP), more than 60% of the children surveyed were exposed to violence within the past year, either directly (perpetrated against themselves) or indirectly (i.e. as a witness to a violent act; by learning of a violent act against a family member, neighbor, or close friend; or from a threat against their home or school). Nearly one half of the children and adolescents surveyed (46.3%) were assaulted at least once in the past year; 1 in 10 (10.2%) suffered from child maltreatment (including physical and emotional abuse, neglect, or a family abduction); and 1 in 16 (6.1%) were victimized sexually. More than 1 in 4 (25.3%) witnessed a violent act and nearly 1 in 10 (9.8%) saw one family member assault another.

Multiple victimizations were also common: more than one-third (38.7%) experienced 2 or more direct victimizations in the previous year, more than 1 in 10 (10.9%) experienced 5 or more direct victimizations in the previous year, and more than 1 in 75 (1.4%) experienced 10 or more direct victimizations in the previous year. Nearly 7 in 8 children (86.6%) who reported being exposed to violence during their lifetimes

also reported being exposed to violence within the past year, which indicated that these children were at ongoing risk of violent victimization (Finkelhor et al., 2009).

Children who are exposed to violence undergo lasting physical, mental, and emotional harm. They suffer from difficulties with attachment, regressive behavior, anxiety and depression, and aggression and conduct problems. They may be more prone to dating violence, delinquency, further victimization, and involvement with the child welfare and juvenile justice systems (Finkelhor et al., 2009). Witnessing domestic violence has been linked to increased child behavior problems, especially for boys and younger children (Reid & Crisafulli, 1990).

Child maltreatment, including physical abuse, emotional abuse, sexual abuse, and neglect, is commonly associated with future violent behavior (Widom, 1989 as cited in Alltucker et al., 2006). Most physically abused children do not go on to become violent or delinquent. However, one study that compared children without a history of abuse or neglect with children who had been abused or neglected found that the group who had experienced abuse or neglect accrued more juvenile and adult arrests by the age of 25. Abused or neglected children also offended more frequently and began doing so at earlier ages (Widom, 1989 as cited in Alltucker et al., 2006).

Many children are placed in foster care as result of abuse or neglect. However, foster care placement can compound the risks for children. For example, instability of foster care resulting in multiple placements can have a negative affect on children. The odds of delinquency are 1.54 times greater for males with three placements, and 2.13 times greater for males with four or more placements as compared with males with only one placement (Ryan & Testa, 2004). Furthermore, compared to other children, foster

youth are more likely to experience negative life outcomes including diminished academic achievement, behavior problems, and decreased mental health (Harden, 2004 as cited in Alltucker et al., 2006). Age at first placement increases the risk of delinquency. Children placed at an older age are more likely to engage in delinquency (Ryan & Testa, 2004).

Research has also established a significant relationship between disruptions and transitions within the family system and delinquency (Thornberry et al., 1999). According to the Annie E. Casey Foundation, children who have a permanent sense of connection to their families fare much better on average, even if they experience poverty, when compared to children who are removed from their families because of abuse, neglect, or criminal behavior or who grow up disconnected from one or both parents. Therefore, proven, evidence-based innovations are needed within public systems to keep children connected to their families or other caring adults, especially when families encounter a crisis and when youth get into trouble with the law.

Additionally, research indicates that instability within the educational system is also predictive of a variety of negative outcomes, including delinquency (Reynolds et al., 1998). A child's school presents the opportunity for them to be involved in activities and interactions with others, and to receive either positive or negative reinforcements for their performance (Wasserman et al., 2003). The quality and characteristics of a child's school are also crucial to formulating a risk assessment. School is a setting that encompasses a number of important factors for a child's healthy development, such as: supplemental adult/child relationships and mentorship in the form of teachers and counselors, learning and personal development, opportunities for self-expression,

exercise and play, and peer interaction. A specific school risk factor for delinquency is poor academic performance. In young children ages 8 to 11, academic performance has been correlated with serious later delinquency (Loeber et al., 1998).

Furthermore, it is likely that children who perform poorly on academic tasks will fail to develop strong bonds to school and will have lower expectations of success. Children with weak bonds (low commitment) to school, low educational aspirations, and poor motivation are also at risk for general offending and for juvenile delinquency (Wasserman et al., 2003). For example, one study found that boys who engage in delinquency are less committed to school and are also more likely to have “shorter plans” for their schooling. These boys also described themselves as “bad students” (Le Blanc et al., 1991).

The “school-to-prison pipeline” is a phrase recently coined to refer to the policies and practices that push the nation’s schoolchildren, especially the most at-risk children, out of classrooms and into the juvenile and criminal justice systems. According to the American Civil Liberties Union (ACLU), “this pipeline reflects the prioritization of incarceration over education.” The average age of adjudicated youth is 15 years, an age at which most youth are entering the 10th grade, but the average reading ability of these youth is falls at a 4th grade level, where children are typically age 9–10 years (Leone et al., 2005; Vacca, 2008 as cited in Quinn et al., 2005).

A child’s school is also a setting in which they interact with other children their age. Friends and peers are a very important element of a child’s life, particularly during adolescence. Peer influences on child delinquency usually appear developmentally later than do individual and family influences. For example, many children entering school

already show aggressive and disruptive behaviors. Peer risk factors consist of both deviant peer association and pro-social peer rejection. One explanation for the role of peer rejection in increasing antisocial behaviors is that it causes children to have fewer positive social options, and, consequently, to become part of lower status and deviant peer groups. Association with deviant peers is related to increased co-offending and, in a minority of cases, the joining of gangs (Wasserman et al., 2003). For example, a 1931 report showed that 80% of Chicago juvenile delinquents were arrested with co-offenders (Shaw & McKay, 1931). Deviant peers typically influence juveniles who already have some history of delinquent behavior to increase the severity or frequency of their offending. Gang membership, however, has the strongest relationship with self-reported violence (Battin et al., 1998). Additionally, juveniles are now joining gangs at younger ages, and the role of gangs in crimes committed by youthful offenders appears to be an increasing problem (Howell, 1998). However, both deviant peers and peer rejection are mediating factors rather than primary causes of juvenile delinquency (Wasserman et al., 2003).

Mesosystem Factors

Many prevention approaches address risk factors at the individual and family level, yet individuals at a high risk for violence are often also influenced by risk factors in their neighborhoods and communities. There are many similarities between the community and family spheres. Children raised in poor, disadvantaged families are at greater risk for offending than children raised in relatively affluent families. Children raised in communities with few resources and opportunities are at a similar risk, as communities that are impoverished economically and socially may have particular

difficulties controlling the behavior of residents. Furthermore, organizations that offer alternative resources and activities find it difficult to thrive, and residents do not perceive that they have the ability or support to affect community change (Hoffmann, 2003). These factors have been linked to adolescent deviance, as they signal low levels of informal social control (the extent to which residents help each other to regulate the behavior of youths in the neighborhood) (Roundtree & Warner, 1999).

Disorganized neighborhoods and communities with few controls may have weak social networks that allow criminal activity to go unmonitored and even unnoticed (Wasserman et al., 2003). One study concluded that social disorganization and concentrated poverty within the community lead to residents' decreased willingness to intervene when children are engaging in antisocial or unlawful acts, which further contributes to a greater likelihood of violence within neighborhoods (Sampson et al., 1997). Community disorganization reduces social support structures and thus attenuates effective parenting, an important source of successful socialization and conventional bonding (Hoffmann, 2003).

Conversely, attachments to "conventional parents" and to society's institutions are predicted to protect against developing antisocial behavior (Hirschi, 1969). For example, disadvantaged inner-city neighborhoods are often characterized by a predominance of delinquent peer groups and gangs that draw young people into crime (Sutherland & Cressey, 1970). Juveniles living within high-crime neighborhoods are often exposed to norms favorable to crime and are at high risk for offending (Developmental Research and Programs, 1996). In addition, having ready access to

weapons – as youth may have in a high-crime neighborhood – generally increases the risk for violence (Brewer et al., 1995).

Finally, most research supports a developmental course that describes a youth's entry into juvenile delinquency as a series of incremental criminal acts that begin with relatively minor property crimes and, in some cases, progress to more serious violent crimes (Alltucker, et al., 2006). Therefore, early intervention for at-risk youth is key. One significant way that knowledge of these risk and protective factors can be utilized to create policies and programs for the prevention of juvenile delinquency is by focusing on the connection with children's well-being. The protection of children's welfare will mean the offset of risk factors and reinforcement of protective factors, which will in turn lead to a decrease in juvenile crime.

Children's Welfare

Children are especially vulnerable members of society and are therefore entitled to special protections. Unfortunately, children are too often overlooked in contemporary politics and public policy, even in the United States. The U.S. has a critical role in international politics, and is usually a leader in the protection of human rights. However, the U.S. continues to allow the ongoing abuse of its own children (ACLU, 2014). According to a 2013 report by the United Nations Children's Fund (UNICEF), the United States ranks 26 out of 29 developed countries in overall well-being of their children. It is significant to note that the bottom four places are occupied by three of the poorest countries in the survey (Latvia, Lithuania, and Romania), and by one of the richest: the United States. Why then is children's welfare so comparatively poor in the

U.S.? While largely due to the strict partisanship and persistent paralysis of the political culture, the primary obstacle is that the U.S. does not make children's welfare a priority.

Four of the domains considered by UNICEF's assessment of the well-being of children include economic well-being, education, health, and family and community. Although children in the U.S. have recently benefited from progress in the domains of education and health, the economic well-being of children and families has plummeted due to the recent current recession. From 2000 to 2010, the number of children living in poverty jumped from 12.2 million to 15.7 million. This means that approximately 22% of children in the U.S. are currently living in poverty (U.S. Census Bureau, 2010). There are also significant racial disparities across all domains, which particularly affect African American and Hispanic youth. (Annie E. Casey Foundation, 2012). For example, although 22% is the national average of children in poverty, 32% of Hispanic children and 38% of African American children are currently living in poverty (U.S. Census Bureau, 2010).

Although both national and international children's rights groups (such as UNICEF) frequently recognize the relatively poor state of children's welfare in the United States, the U.S. government has yet to take significant action to rectify this issue.

International Policies on Children's Welfare

On November 20, 1959, the United Nations General Assembly formally adopted a series of children's rights proclamations known as the Declaration of the Rights of the Child (DRC). The ten principles detailed by the DRC are based on the concept that "the child, by reason of his physical and mental immaturity, needs special safeguards and

care, including appropriate legal protection, before as well as after birth.” The introduction to the principles proclaimed:

[That the child] may have a happy childhood and enjoy for his own good and for the good of society the rights and freedoms herein set forth, and calls upon parents, upon men and women as individuals, and upon voluntary organizations, local authorities and national Governments to recognize these rights and strive for their observance by legislative and other measures progressively taken in accordance with the following principles... (1)

These principles include the right of the child (defined as any human under the age of 18) to protection from discrimination; adequate pre-natal and post-natal care; adequate nutrition, housing, recreation and medical services; free and compulsory education; and protection from all forms of neglect, cruelty, and exploitation (United Nations, 1959).

Thirty years later, this resolution was the basis for the United Nations’ Convention on the Rights of the Child (CRC), which was adopted and opened for signature, ratification, and accession by the U.N. General Assembly on November 20, 1989. It is an international treaty dictating that State Parties recognize the human rights of children by requiring governments to commit to providing children with their basic nutritional, educational, and health needs. The CRC contains 54 detailed articles, which include many of the principles first laid out by the Declaration of the Rights of the Child. For example, the CRC recognizes the importance of the parents’ economic stability to children’s health, and the responsibility of the state to provide support. It states, “For the purpose of guaranteeing and promoting the rights set forth in the present Convention, State Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the

development of institutions, facilities, and services for the care of children” (United Nations, 1989).

Nations that ratify the CRC are bound to it by international law, and compliance is monitored by the UN Committee on the Rights of the Child. This committee is composed of 18 members from different member countries who are considered of “high moral standing” and are experts in the field of human rights (Humanium.org).

Governments of countries that have ratified the CRC are required to report to, and appear before the Committee periodically to be examined on their progress with regards to the advancement of the implementation of the Convention and the status of children’s rights in their country.

The Convention on the Rights of the Child is the most widely and rapidly ratified human rights treaty in history. There are only two countries that have not ratified this agreement: Somalia and the United States. Somalia is currently unable to proceed with ratification, as it does not have a recognized government in place; the U.S. simply has yet to make ratification a priority (UNICEF, 2005). If ratified, the Convention would fill current gaps in U.S. laws, and would provide all children in the U.S. with the same necessary protections that children in 193 countries are already entitled to (ACLU).

The Ratification Process and Policy Implications

The UN’s Committee on the Rights of the Child recommends using the Convention as a guide in policy-making and implementation to address the following:

- Develop a comprehensive national agenda for children, which addresses all children; includes specific priorities and goals as well as time frames and

budgets for achieving them; involves widespread consultation and debate and includes non-governmental organizations and children in such debates; complements other national development strategies, priorities, and programs; has strong political backing within the central government; is widely disseminated both within government and civil society; and is kept under effective review.

- Develop permanent bodies or mechanisms to promote coordination, monitoring, and evaluation of activities throughout all sectors of government. These bodies and mechanisms should aim to give visibility to children's rights; coordinate activities in this policy area; monitor progress; and promote a comprehensive and integrated agenda as well the development of national benchmarks for the realization of children's rights.
- Make children visible in policy development processes throughout government by introducing child impact assessments. A child impact assessment involves examining existing and proposed policies, legislation, and changes in administrative services to determine their impact on children and whether they effectively protect and implement the rights expressed in the Convention on the Rights of the Child.
- Analyze government spending to determine the portion of public funds spent on children and to ensure that these resources are being used effectively.
- Ensure that sufficient data are collected and used to improve the plight of all children in each jurisdiction.

- Raise awareness and disseminate information on the Convention by providing training to all those involved in government policy-making and working with or for children.
- Involve civil society—including children themselves—in the process of implementing and raising awareness of child rights.
- Set up independent statutory offices—ombudspersons, commissions and other institutions—to promote children's rights.

According to UNICEF, implementation of the CRC has inspired the following changes in national policy in countries where it has been ratified: The incorporation of human rights principles into legislation, the establishment of interdepartmental and multidisciplinary bodies, the development of national agendas for children, the promotion of ombudspersons for children or commissioners for children's rights, assessment of the impact of measures on children, restructuring of budgetary allocations, targeting child survival and development, listening to children's voices, and the development of justice systems for children.

Although the United States already has many of these policies in place, many are still lacking in strength and support. In fact, most laws in the United States are already consistent with the policies promoted by the Convention, but not all. For example, although the U.S. has laws against child abuse, a third of states still allow corporal punishment in schools, and none ban it at home (“Why Won’t America Ratify,” 2013). In the U.S., the primary responsibility for child welfare services rests with the states, and each state has its own legal and administrative structures and programs that address the needs of children and families. However, states must also

comply with specific federal requirements and guidelines in order to be eligible for federal funding under certain programs (Child Welfare Information Gateway, 2012).

Official ratification of a Convention of the Rights of Children would help focus the nation's energies and resources where children need them most. To begin with, it would provide a way to comprehensively assess the laws and policies on children's rights and well-being in the U.S., which would include multi- and cross-system coordination and collaboration. It would also restore U.S. leadership in human rights and improving conditions for children everywhere (Children's Rights Campaign). Additionally, due to the United States' prominent status in international politics, ratification of the convention by the U.S. would have a dramatic effect on how the world looks at the way children are treated (Drinan, 2002).

Critics may argue that a declaration like the CRC doesn't actually accomplish any tangible gains in the well-being in children. While it is true that ratification of a document such as the CRC would not affect immediate changes or action, what is significant is that it will establish the commitment to children's welfare as a priority, which could likely lead to changes in policy.

Why hasn't the U.S. Ratified the CRC?

By signing a treaty a country endorses its principles, but ratification means committing to be legally bound by it. Although the U.S. had a critical role in drafting the CRC, and President Clinton signed it in 1995, the Senate never actually ratified the treaty. Under the U.S. Constitution, a treaty doesn't become law until the Senate gives its advice and consent to ratification (ACLU). It is troubling that the United States, arguably one of the most powerful and progressive countries in the world, has not

formally agreed to abide by the standards specified by the CRC. According to Jo Beck of Humans Rights Watch, a New York-based advocacy group, “It is awkward when the U.S. tries to promote child rights in other countries – they all remind us that they’ve joined the treaty and we have not.” (“Why Won’t America Ratify,” 2013). Even President Obama has recognized this embarrassment. During his 2008 presidential campaign, he stated, “It is important that the United States return to its position as a respected global leader and promoter of human rights. It’s embarrassing to find ourselves in the company of Somalia, a lawless land. I will review [the CRC] and other treaties and ensure that the United States resumes its global leadership in human rights.” (Transcript: Walden University Presidential Youth Debate, 2008). However, due to a variety of factors, no further progress has been made towards ratification in the U.S.

To begin with, like many bureaucratic processes in the United States, ratification of a treaty requires a series of intricate steps. Each treaty must undergo extensive examination and scrutiny, which includes an evaluation of the degree of compliance with existing laws and practices in the country at both the state and federal levels. This process can take several years, and can become even more drawn out if the treaty is portrayed as being controversial or if the process is politicized in some way (as is the CRC) (UNICEF, 2005). Furthermore, all treaties must pass through the Senate, where approval is required by a two-thirds majority – the same standard to amend the Constitution. The CRC has never even made it to a vote. Although Presidents Clinton and Obama have supported ratification, opposition by Republicans in the Senate has been a significant hurdle to complete ratification (“Why Won’t America Ratify,” 2013).

Moreover, the U.S. Government will typically only consider one human rights treaty at a time, and the Rights of the Child is simply not the nation's top priority.

The CRC has also become highly politicized, and has garnered significant opposition. Some opponents of the CRC argue that it would be unconstitutional because of federal interference with states' rights. Other opponents argue that it would usurp the United States' sovereignty as a nation, a long-standing fear about the UN among some conservative Republicans. ("Why Won't America Ratify," 2013). However, no international treaty has the power to override the U.S. Constitution, as delineated in the landmark Supreme Court ruling in *Reid v. Covert* (1957). The CRC addresses this concern, stating in Article 41, "Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of the child and which may be contained in: (a) The law of a State party; or (b) International law in force for that State" (United Nations, 1989). Instead, "What is required by the Convention is simply a periodic report to the Committee on the Rights of the Child outlining the situation of children in the country and explanation of the measures taken to realize children's rights. The Committee then urges all levels of government to use the Convention as a guide in policymaking and implementation." (Cohen, 2012)

There is also concern that the social and economic rights established by the treaty could provoke lawsuits demanding that the government pay for the programs and policies required to achieve these standards ("Why Won't America Ratify," 2013). Article Four of the Convention requires nations to "undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized" to the maximum extent of their available resources, and, where needed, "within the

framework of international cooperation.” Experts on the Convention agree that this language imposes an obligation on the poor nations to prioritize resources for their children. It also implies a duty on the part of wealthier nations to assist the less developed countries in fulfilling their new promise to children (Drinan, 2002). There is a deep-seated fear among American taxpayers and legislators of this so-called “welfare state,” in which the state plays a key role in ensuring the economic and social well-being of its citizens. Therefore, the second part of Article 4 could be viewed as further challenging U.S. sovereignty by requiring the government to provide financial aid to other nations, and making a “welfare state” of the world. However, this is merely a recommendation, not a legal requirement.

Furthermore, parental rights groups worry that the treaty would undermine parents’ sovereignty and their authority and right to make their own decisions regarding their children, particularly concerning religious and sex education, and even corporal punishment (such as spanking) (“Why Won’t America Ratify,” 2013). According to the group ParentalRights.org,

The CRC undermines traditional parental rights and obligates us [parents] to implement its provisions, effectively transferring jurisdiction governing family law matters from the states to federal government. It will also lead to courts deciding domestic law by U.N guidelines rather than by the intent of elected American lawmakers. The CRC runs counter to our American heritage and freedoms.

The head of this group, Michael Farris, sees the treaty’s principle that governments’ decisions should be in the best interest of the child as a blanket permit for the authorities to override any parental decision that a government worker – such as a school official or social worker – disagrees with (“Why Won’t America Ratify,” 2013).

In actuality, the CRC promotes the family as the best environment for children. Article 5 explicitly states, “State Parties shall respect the responsibilities, rights, and duties of parents or, where applicable, the members of the extended family or community.” Article 9 also addresses this issue, respecting not only the rights of parents, but ensuring the child’s right to not be separating from his or her parents against their will, “except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child” (United Nations, 1989). Parents’ rights are important and significant. However, the CRC does not require a choice between the rights of children and the rights of parents – it protects both. Despite the abundant obstacles and arguments in opposition to ratification of the CRC, the bottom line is that there are more significant issues at stake: the health and safety of the nation’s children.

The United Nations Guidelines for the Prevention of Juvenile Delinquency

There is precedence for policy addressing the close relationship between children’s welfare and juvenile delinquency. Shortly following the UN CRC, in December of 1990, the UN General Assembly adopted a resolution entitled the United Nations Guidelines for the Prevention of Juvenile Delinquency (also known as the Riyadh Guidelines), which calls for the development of standards for the prevention of juvenile delinquency which assist member states in formulating and implementing specialized programs and policies, emphasizing assistance, care, and community involvement, and reports and reviews of their progress. The opening fundamental principle states that the prevention of juvenile delinquency is an essential part of crime prevention in society. Other principles state that the successful prevention of juvenile

delinquency requires efforts on the part of the entire society to ensure the harmonious development of children, and that the well-being of young persons from their early childhood should be the primary focus. Additionally, it emphasizes the need for development of community-based services and programs, and prioritizes the needs and well-being of the family and all its members. These guidelines address many other similar principles to the UN CRC, including the obligation of governments to make public education accessible to all children, the responsibility of governments to protect children from any form of violence, abuse, or harsh punishment, and the importance of cooperation and coordination between agencies (United Nations General Assembly, 1990).

Proposal for Lane County, Oregon

Considering the numerous reasons described in the previous section, it is clear that there are too many obstacles to ratification of the CRC for the United States to follow through any time soon. However, it is also clear that the nation's children cannot wait. Therefore, this paper offers a proposal for a new way of addressing this critical issue: the adoption of a Lane County Convention on the Rights of the Child. Many major national law and policy changes in the United States begin at the county and state level (such as marriage equality and recreational marijuana use). Therefore, this method may also be the most effective way to improve children's welfare in the U.S. If the implementation of a county-level convention is successful in Lane County, it may spread to the other in the rest of the country, and could even lead to national ratification of the UN CRC.

Lane County is a good candidate for this proposal for many reasons. The state of Oregon is a leader in children's welfare and a positive example in many respects, both nationally and internationally. For example, the Relief Nursery is a private nonprofit agency that originated in Lane County, which provides early childhood care and assistance to families at risk and in need. The model of the Relief Nursery has been taught and disseminated throughout the state of Oregon, the U.S, and internationally, in the Ukraine (Britain, personal communication, 2014).

Oregon has also been in the forefront in terms of tracking and monitoring youth entering the Juvenile Justice System. Beginning in the mid-1990s, the state created an information system to record data about children in order to keep track of them county-to-county. Information recorded for each child includes intervention programs they have participated in, the names of their counselors, and their criminal and personal history. This repository of data allows the state to systematically analyze what works in the prevention of Juvenile Delinquency (Khalsa, personal communication, 2014).

Additionally, Oregon Department of Human Services already has a policy in place declaring the right of children and young adults in the legal custody of the Department, which includes the right to be provided basic needs such as adequate food, clothing, and shelter; to receive appropriate care, supervisions, and discipline, and to be taught to act responsibly and respect the rights of others; to be provided routine and necessary medical, dental, and mental health care and treatment; to be provided with free and appropriate public education; and to be protected from physical and sexual abuse, emotional abuse, neglect, and exploitation (Oregon Department of Human

Service, 2014). This policy is an important stepping-stone in the realization and protection of the rights of all children.

Oregon also has a need for improvement in early childhood welfare. According to Children First for Oregon, 11,599 children were victims of abuse or neglect in 2011. The rate of child and neglect had increased from the two previous years. Furthermore, almost half of these children were age five or younger. This statistic is almost identical for the Lane County. However, the rate of child abuse and neglect in Lane County is about 15% worse than the state of Oregon as a whole, and rate of recurrence of maltreatment is 42% worse (Children First for Oregon, 2012). Furthermore, in the United States, the state of Oregon ranks 33rd in terms of overall child well-being, and 41st in terms of economic well-being.

What follows is a proposed Convention on the Rights of the Child for Lane County, Oregon. This document draws on a wealth of research and publications on the subject of children's welfare, in addition to using particular documents as examples as models, including the United Nations' Convention on the Rights of the Child and Guidelines for the Prevention of Juvenile Delinquency. Inspiration for this declaration was also drawn from a 2012 report by the Annie E. Casey Foundation, which states that the measurement of child well-being should do the following: Acknowledge that children's lives are affected by both positive/protective factors and negative/risk factors; recognize that children are affected by the environment in which they live, including their peer relationships, communities, institution, and cultural influences; capture both basic survival (such as mortality and basic health) and quality of life (such as life skills and children's happiness); and include multiple domains (such as health, education, and

material well-being) that have a significant influence on a child's life. The authors of the report further identified four domains that capture what children need most to thrive: (1) Economic well-being, (2) Education, (3) Health and (4) Family and Community. (O'Hare & Gutierrez, 2012).

To further encourage adoption of this declaration, it is short and concise, and addresses only the most crucial concerns and requirements of children, focusing on prenatal factors and early childhood. Finally, this document pays particular attention to protections against risk factors commonly associated with juvenile crime and violence.

Lane County Convention on the Rights of the Child

Recognizing that the child, by reason of their vulnerability and physical and mental immaturity, is entitled to special protection, care, and assistance in order to attain a certain standard of living adequate for the child's physical, mental, spiritual, moral, and social development, and that the prenatal and early childhood stages are crucial to the healthy development of the child, the people and institutions of Lane County, Oregon hereby agree to abide by the following principles:

Article 1: Parties shall respect and ensure the rights set forth in the present declaration to each and every child without discrimination of any kind, and regardless of the child's or their parents' language; religion; sex; national, ethnic, or social origin; socioeconomic or other status; ability/disability; or political or other opinion.

Article 2: Recognizing that the family, regardless of form or structure, is the best environment for the full and harmonious development of the child, parties shall defend the right of each child to a strong connection with a healthy and stable family.

Article 3: In conjunction with Article 2 – recognizing that the family is ideally the best environment for children – this declaration focuses on the health of the family as a whole. Thus, parties shall also ensure that all members of the family be afforded the necessary protection and assistance to effectively care and provide for the child (or children), including the provision of material and financial assistance, as well as support programs, particularly with regard to nutrition, clothing, housing, and mental health services.

Article 4: Recognizing each child’s right to the highest attainable standard of physical and mental health and treatment facilities, parties shall strive to ensure that no child is deprived of his or her right of access to such health care services, including but not limited to:

- (a) Pre-natal and post-natal health care for mothers;
- (b) Adequate nutritious foods and clean drinking water;
- (c) Preventative health guidance for parents and guardians, including information, education, and support in the areas of child health and nutrition, hygiene, and the prevention of accidents.

Article 5: Parties shall ensure the protection of the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual, physical, and verbal abuse.

Article 6: Parties shall recognize the right of every child to an education, and shall to the best of their ability work to provide access to high-quality, integrated early childhood education programs that are compulsory and free to all.

Article 8: Parties shall engage in regular research on the well-being of their children and families, and shall use this information to identify and improve upon specific areas and populations of particular need.

Article 9: For the purpose of monitoring the progress made towards the realization of obligations outlined in the present convention, there shall be established a Committee on the Rights of the Child. This committee shall consist of ten experts of high moral standing and recognized competence in the field of children's welfare, who shall review reports on the measures that have been adopted in pursuit of the rights recognized herein and on the progress made in the enjoyment of those rights. These experts shall be members of different community organizations, departments, and programs pertaining to children's welfare (Health & Human Services, the school district, the juvenile justice center, etc.), and shall be selected by the other members of their respective department.

Conclusion

Given the consequences of poor children's welfare, it is clear that the United States can no longer afford to neglect attention to this issue. Professionals and practitioners know what is needed for children to thrive and become successful adults, but it must be a public policy priority. According to UNICEF (2013), "As a moral imperative, the need to promote the well-being of children is widely accepted. As a pragmatic imperative, it is equally deserving of priority." Failure to promote and protect the well-being of children is associated with a wide range of negative outcomes – both for individuals and society as a whole – including but by no means limited to increased antisocial behavior and involvement in crime. The case for commitment to children's well-being is therefore compelling both in principal and practice.

Unfortunately, the United States has lagged behind the rest of the developed world in prioritizing children's well-being. Alternate Conventions on the Rights of the Child, such as the one proposed in this paper, are a good place to start. However, further research still needs to be completed on this subject, with particular focus on the specific needs of children in the community where the Convention is to be ratified. Additionally, this proposed declaration should be reviewed and edited by local state and community actors and organizations to determine its feasibility and the effect it may have on their work. The best Convention will be one that all parties believe is the most comprehensive and can commit to making a priority.

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