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1994

TASK FORCE MEETING

of

ASSEMBLY TASK FORCE ON JUVENILE CRIME

"Parental responsibility."

LOCATION: Middlesex County College
Technical Services Building
Edison, New Jersey

DATE: June 22, 1994
7:00 p.m.

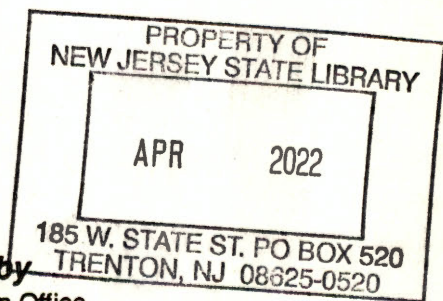
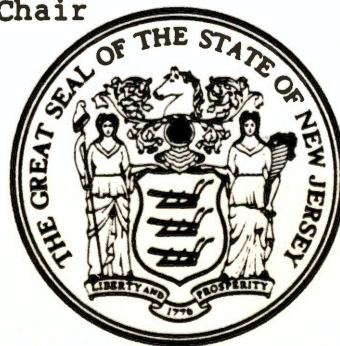
MEMBERS OF TASK FORCE PRESENT:

Assemblywoman Joanna Gregory-Scocchi, Vice Chair
Assemblyman Charles "Ken" Zisa

ALSO PRESENT:

Assemblyman Stephen A. Mikulak
District 19

Miriam Bavati
Office of Legislative Services
Aide, Assembly Task Force on Juvenile Crime



Hearing Recorded and Transcribed by
The Office of Legislative Services, Public Information Office,
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PUBLIC HEARING NOTICE

The Assembly Task Force on Juvenile Crime will hold a public hearing on Wednesday, June 22, at 7:00 P.M. at Middlesex County College, Room 100, Technical Services Building, 155 Mill Road, Edison, New Jersey.

The topic will be parental responsibility.

The public may address comments and questions to Miriam Bavati, Task Force Aide, and persons wishing to testify should contact Elaine Fennelli, secretary, at (609) 292-5526. Those persons presenting written testimony should provide 10 copies to the Task Force on the day of the hearing.

Issued 06/09/94

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ASSEMBLYWOMAN JOANNA GREGORY-SCOCCHI (Vice Chair):
Can everybody hear me, or do I need these microphones?

ASSEMBLYMAN MIKULAK: No, the microphones are for the
-- you have to talk to the crowd. The microphones are pretty--

ASSEMBLYWOMAN GREGORY-SCOCCHI: Oh, okay. All right.
I have to talk into them.

Okay.

We're going to begin. I don't want to hold anybody up. I'd like to say, good evening. I'd like to thank the members of this Committee who came down to sit in today at the Task Force, and I'd like to thank members of the community for coming out and attending this Task Force meeting.

I'd like to welcome you all to Edison. I know some people here are from Sayreville, and it's not too far away, but it's nice to see you in Edison. I'd like to thank Middlesex County College for hosting this forum tonight.

Our topic of discussion tonight will be parental restitution. This Task Force has traveled throughout the State, and we've found that juvenile crime affects every region. I don't need to tell anyone in this room that, in recent years, the rate of juvenile crime has reached epidemic proportions in our State. The average age of juveniles committing these crimes has dropped at an equally alarming rate. Not only are the delinquents entering the criminal justice system at a younger age, but their criminal acts are becoming more destructive and more violent.

This Task Force was instituted to develop ideas that might help decrease the rate of juvenile delinquency and prevent our children from heading towards a life of crime. It was also designed to develop protections for our children from those who may commit crimes upon them. But tonight, we will be discussing parental restitution as a means to decrease juvenile crimes.

Parents have had the responsibility of raising, encouraging, and disciplining their children. However, in today's society, we recognize the parents are frequently too busy to fulfill these obligations, and some children resort to mischief and frequently, if unchecked, into more serious acts.

In most cases, parents provide the leadership and discipline for their children. The Legislature cannot mandate quality parenting, but we can provide incentives for parents to play a more active role in the supervision of their children. Parental restitution is that incentive. If parents know that they're going to be responsible for their children's acts of delinquency, they will, hopefully, be more likely to properly supervise and discipline their children.

We feel that parental restitution can serve as a wake-up call to parents that their children are at risk for juvenile delinquency, particularly, those so-called absentee parents. Perhaps opponents of this bill may say that it won't impact the first time around and that those kids or those parents won't respond. But psychologists that I have spoken with have told me that the number one problem in our society today is that we have no sense of community.

This parental restitution bill would hit parents in their pockets, and it is likely that those absentee parents would take notice to that significant factor and perhaps, spur them to actions such as getting involved in their child's after school activities, law enforcement, or community groups. Perhaps, then, we can regain that sense of community.

Parental restitution will not adversely affect parents who provide quality supervision. In fact, most parents already do this. Remember, only if the court determines that a parent was negligent in the supervision of a child will that parent be required to make restitution for delinquent acts performed by the juvenile. Hopefully, by increasing parental responsibility

and giving the courts this tool, juveniles will think twice about committing a crime. The absentee parents, now, may choose to get more involved in their child's life to make sure that that child's juvenile delinquent acts do not occur again.

Right now, I'd like to open this up to discussion. We have a couple of people who would like to testify on this subject. Any comments from--

Would you like to make a statement, Steve?

ASSEMBLYMAN MIKULAK: Yes, I would. Thank you for asking me to serve on this Task Force. I'd just like to say that I think it's worthy -- this legislation that you and Assemblyman Catania have proposed, and I think it's worth a try.

My perspective is that of a member of the Woodbridge Board of Education during the mid '80s and then, again, I had another term in the '90s -- early '90s. I support the public school system, and I realize that it can't be all things to all people. A lot of times, educators will get the blame for all the ills that plague the public school system, but that's not really the case. It seems like they're definite societal problems. I know the first time I was on the Board in the '80s, and then the second time I was on it in the '90s, there were far more problems in the early '90s, so it seems to be progressing.

Now, in the proposed budget that the Legislature is going to vote on next week, there are experimental things in there. There's some money for boot camps, I noticed. That's worth a try. That's been stimulated, the debate that this Committee stimulated, that the news media has stimulated, has helped to get us on this direction. Now, this legislation is worthy; I think it's definitely worth a chance. We need to try it out.

Thank you.

ASSEMBLYWOMAN GREGORY-SCOCCHI: Thank you.

Assemblyman Zisa.

ASSEMBLYMAN ZISA: Thank you.

I just want to thank everyone who took the time to come out tonight. This Task Force has traveled throughout the State. We've taken testimony from many different people, from all different walks of life. We've gained tremendous insight into the juvenile justice system in the State and acquired tremendous information as to what's working and what's not working. I think that together, as a group, we will be able to recap at some point what we've learned and try to work together to create a better juvenile justice system in this State, one that is more effective and one that will better serve its citizens. But that couldn't have been possible without the input of folks like yourselves, who took the time to come out and to be a part of this, and to share with us the knowledge and the feelings that you have concerning the juvenile justice system.

So having said that, I thank you, again, very much for taking the time and look forward to hearing what everybody has to say here tonight.

ASSEMBLYWOMAN GREGORY-SCOCCHI: Thank you, Assemblyman. The first witness we'll call is Mr. Kowalczyk.

Did I say it right?

C A S I M I R K O W A L C Z Y K: Correct.

ASSEMBLYWOMAN GREGORY-SCOCCHI: Great.

MR. KOWALCZYK: From the speaker's podium?

ASSEMBLYWOMAN GREGORY-SCOCCHI: Thank you.

MR. KOWALCZYK: Thank you, Madam Chairman. My name is Casimir Kowalczyk. I'm the Director of Penalty Revenue for the Violent Crimes Compensation Board of the State of New Jersey.

I'm here this evening representing Chairman Jacob Toporek, Chairman of the Board of Violent Crimes Compensation Board.

I'd like to read into the record a communication from the Chairman to Assemblyman Catania.

"Dear Assemblyman Catania: The Violent Crimes Compensation Board is in receipt of an opinion of the Attorney General, which could have great impact on our agency's ability to collect outstanding juvenile assessments. I noted that your Committee will be holding a hearing on May 4, 1994, which I will be unable to attend.

"Therefore, I'm taking this opportunity to apprise you and your Committee of our concerns. The opinion of the Attorney General dated March 28, 1994, 93-0035, concluded that any order of disposition imposed by the courts on juvenile offenders, whether a fine, assessment, restitution, or otherwise, will terminate when the juvenile reaches the age of 18 or one year from that date of the order, whichever is later. The advisory opinion will have a distinct adverse effect on the collection efforts of Violent Crimes Compensation Board assessments and our ability to continue providing compensation to victims.

"The advisory recognizes the court's right to retain jurisdiction over the juvenile until the court is satisfied that the juvenile offender has fulfilled the court imposed obligation. The court may also determine whether the juvenile has the ability to satisfy the sentence. With the finding that the juvenile is unable to pay the obligation imposed -- a determination which would probably characterize the vast majority of these offenders -- the State may remain powerless to ensure satisfaction of any form of penalty.

"I'm confident that the court will make every effort to maximize collections and make certain that all imposed obligations will be paid. A concern still remains, however, that many obligations will never be satisfied, and juvenile offenders will make no efforts to pay any assessments and/or restitution. Rather, the opportunity presented by the juvenile code in the advisory opinion allows them to opt, to wait

until their 18th birthday, and be released of the obligation by Operation Glove.

"In order to meet any future shortfalls in the Board's claims account, in which compensation is awarded to crime victims, the level of receipts from the court imposed VCCB assessment must be increased. A more efficient collection mechanism for youthful offenders would be beneficial. It has also been suggested that the parents of the juvenile offenders be responsible for assessments in lieu of the offender.

"I regret that I am unable to present these thoughts in person, but I am confident that the Committee will take them under consideration. If you have any questions or require any additional information, please feel free to advise. Your interest in this matter is appreciated.

"Sincerely, Jacob Toporek, Chairman, Violent Crimes Compensation Board."

ASSEMBLYWOMAN GREGORY-SCOCCHI: Thank you.

Do you have any questions, Assemblymen? (no response)

Could you tell us, maybe, in your own words what you feel about this bill -- Assembly Bill No. 22 -- that talks about parental restitution? How do you think that would--

MR. KOWALCZYK: Well, I think the Chairman addresses that, and I certainly would support every effort to make as much restitution -- to collect as much restitution as possible -- likewise.

ASSEMBLYWOMAN GREGORY-SCOCCHI: Do I understand that now what happens is, when they reach 18 then they're released of that obligation, and what your agency would like is to see something, perhaps, that continues to hold them responsible?

MR. KOWALCZYK: Definitely, we would like to see it continue beyond the age of 18.

ASSEMBLYMAN ZISA: Is that based on the juvenile justice code? Is that the problem?

MR. KOWALCZYK: I'm not sure. I'm not sure what it's based on. I don't have that with me.

ASSEMBLYWOMAN GREGORY-SCOCCHI: Do you have any questions, Steve?

ASSEMBLYMAN MIKULAK: Yes. It's worth looking into.

ASSEMBLYWOMAN GREGORY-SCOCCHI: Yes. I think that we'll-- Actually in our discussion earlier was the first time that this issue had been raised with me personally, so there might be something. We can look into that and, perhaps, address it in this legislation, because this legislation, again, is proposed legislation. Perhaps we can address that in a Committee amendment of some type.

MR. KOWALCZYK: Thank you for the opportunity to present the Board's opinion.

ASSEMBLYWOMAN GREGORY-SCOCCHI: Thank you very much. It brings another issue into light that we can look at. Thank you.

Anna Orenstein, Sayreville, Toughlove State Representative.

Is it Anna or Ann?

A N N O R E N S T E I N: Ann.

ASSEMBLYWOMAN GREGORY-SCOCCHI: Ann. Sorry.

MS. ORENSTEIN: Thank you, Madam Chairman. I am Ann Orenstein. I'm a Toughlove, State of New Jersey Representative, and I'm a member of the Sayreville Toughlove group -- support group.

Toughlove is a parent's support group for those of us who feel our children are out of control, and we need help for them and ourselves. We do not advocate violence of any kind in the household, be it from the child or the parent. We do believe in credibility, accountability, and responsibility. Not only do we support each other, but some of us are part of nurturing teams -- usually made up of two parents -- who visit a Toughlove child to better understand the dynamics within a household. We do not report our findings to the parent, unless the child's behavior signals a serious problem such as

suicide, murder, theft, etc. We don't tell the parent when the child cuts school or has an abortion. Those of us with Toughlove kids, whether we admit it or not, are no different from parents who are very fortunate and whose children are not out of control. We all have the same desires for our children, to grow up to be responsible, law-abiding adults.

In preparation for this evening, I spoke with a friend who is one such fortunate parent. Both of her sons, one now 25 and the other 23, finished high school without becoming involved in drugs or gangs. I asked her how she saw a parent's responsibility when your child gets in trouble, and her thoughts were so close to what we in Toughlove practice, it was uncanny. The parent should be responsible for their children's criminal behavior, but this is not a blanket statement. Much needs to be discussed. The word reasonable has a number of meanings including answerable or accountable, chargeable with being the cause of, and having the capacity for moral decisions.

In the home, if the child is out beyond curfew and the parent doesn't try to enforce that curfew, that parent should be held criminally responsible or liable for any and all damage done by the child. If the child is out beyond curfew and the parent calls the police, the parent is responsible. He or she has reported the child out of the house without permission, and the police are supposed to note the time a parent calls. Any damage done by the child from that time on is the child's responsibility, and the child should have to make restitution, be it fines, probation, community service, getting a job to pay for the damage done, or sentenced to a juvenile correctional facility.

If a child wrecks his home, or physically or verbally threatens a family member, the police have to respond with a serious attitude. It is not just a domestic issue. The child has a serious problem and is a danger to him or herself, their

family, and the community. The parents have to press charges against the children or get a restraining order; that is a parent's responsibility, also. Usually, unfortunately, the police just want to wash their hands.

The same should be applied if a child steals the family car. It is not joyriding; it's a felony, and it must be followed through by the courts and parents, or we lose our credibility. The children snub their noses at us and continue doing as they want. The judiciary and police-- After the police are called, and the case is brought before a judge, the system cannot continue to shirk this responsibility. If the child is to see a probation officer, that officer must report his client who breaks the probation -- I'm sorry -- who breaks the probation the first time, otherwise the child feels he can get away with anything and may try murder, and we lose our credibility. No wonder our kids sneer at the law, it's impotent. If community service is deemed appropriate, then it should be done in the community and to better the community, not to just show up at some county program and be waived off.

This so-called punishment then becomes a joke and we, again, lose our credibility. Parents' responsibility in this issue includes taking the child to the community service site. And I say taking because asking a friend, relative, or anyone else to do this abrogates the parents' responsibility, and shows the child his or her parents don't think this community service punishment is a sentence or important.

In the school, a child 18 or older, who is still going to public school, should be subject to the same rules and regulations as other students. If they are truant, their parents should be notified. If there is a school sponsored trip, the parent should sign the permission slip, etc. It isn't only the parents who are responsible for the children. It is all of us, including the police department, the courts, probation officers, and teachers.

Anyone who has influence over a child is also responsible, both for and to the child. Everyone is afraid to discipline children today for fear of charges of child abuse, sexual harassment, sexual abuse, bigotry, racism, etc. Children are very aware of all of this and play it for all it's worth. Teachers without authority no longer teach, they baby-sit, because our laws tie their hands. And rather than be charged with child endangerment or abuse, the teachers themselves try to stay out of trouble, and the kids lose. The only education the children then get is, "Hey, look, we can do whatever we want. Our teachers are scared 'harump-less' of us. We can always turn them in for abuse." And of course back to children, charges of abuse are the only ones in this country where the accused is considered guilty until proven innocent.

Yes, there are and always will be those who abuse children, some of whom may be sitting here this evening. But because we fear one child will be hurt, all suffer.

Recently, there was a newspaper article reporting on classes for summer camp counselors. These people were not being taught how to deal with the kids and enable everyone to have an enjoyable summer. They were being taught where they could touch a child and not be brought up on child molesting charges. If you're wondering, the shoulders and the top of the head are the safe places.

What does Toughlove think needs to be enforced? These -- I'm sorry-- What does Toughlove think needed to be enforced? These are echoed by non-Toughlove parents who truly care about their children and the future.

Parental credibility: If the parent says they are going to do something, they must do it or risk forever losing faith with their child.

Judicial responsibility and credibility: Police must take seriously parental charges of breaking curfews, stealing from their home, taking the car, threatening a family member,

etc. If a parent calls the police, things have gone far beyond parental control. If the police look the other way, both parents and police have lost their credibility. If a probation officer is assigned, he or she must have contact with the child and report any probation infraction the first time and every time thereafter.

Sealing court records of juveniles no longer protects them from bias and judgment; it virtually gives them a clean slate when they become 18 years old. No previous run-ins with the law are able to be taken into consideration if this child is accused of a crime. The result could be more killings similar to the one recently in Manalapan. An 18 year old's sealed juvenile record didn't protect the six-year-old child, her parents, the accused's parents, or even the accused himself.

Educational responsibility: Teachers must be allowed to teach, not baby-sit. If a child is a troublemaker, provisions must be made within the school building to address the problem. Suspending or expelling the student is not punishment. He or she probably doesn't want to be there anyway.

If a child is truant, the authorities must be called and a solution worked out. As long as a child is in school, no matter what his or her age, all ought to be subject to the same expectations and treatment.

There is no pat or easy resolution to this problem. New laws enacted will offend, outrage and/or please all of us in the care and who are involved in caring and well-being of our children. But the children cannot be allowed to continue running amok. Long after we are dead, they will have to live in a world they have created, possibly with our unknowing permission. And that is a chilling prospect to me.

ASSEMBLYWOMAN GREGORY-SCOCCHI: I have one question. You mentioned in your testimony that -- or it seemed to be leading to that the police consider things that happen within the home frivolous.

MS. ORENSTEIN: Yes.

ASSEMBLYWOMAN GREGORY-SCOCCHI: That's what I heard you saying from your testimony. Has that been your experience over and over again? Is that one of the things that your group talks about?

MS. ORENSTEIN: Yes, my Toughlove child, who is now 21, stole my car for the first time just a few weeks after he was 18. I called the police and told them that I have a car -- you know, my car was stolen. They came, and as the police officer was walking to the house he said, "By the way, have you any idea who stole it?" I said, "Yes, I know who stole it, my son." With that, he turned on his heel to go back to the police car. I stopped him and I wasn't very nice, but I basically said, "Get back here, I'm reporting it."

I had a very difficult time getting a restraining order against my son. He's not allowed in the house. I have had him arrested four times for stealing either my car or my husband's -- he was switching for a while -- up to four times. He has been extradited to New Jersey on carjacking charges. It's his seventh car theft attempt -- charge -- sorry about that.

The police don't want anything to do with it. Every time we reported something, they would say, "Oh, it's just family." That's why it's a felony. Joyriding is not what it is, it's a felony; it's against the law.

ASSEMBLYWOMAN GREGORY-SCOCCHI: So did your son's problem start within your family, and do you feel that it was unchecked really?

MS. ORENSTEIN: Unfortunately, we--

ASSEMBLYWOMAN GREGORY-SCOCCHI: And then it went outside the family?

MS. ORENSTEIN: All three of our children are adopted, and his was a private adoption, as was his older brothers. Looking back, there were a number of things that we thought there were problems with, and we tried to address them. In the

school, the school wanted nothing to do with us. We had to hire a lawyer and an advocate from the State Department of Education in order to have my son classified and then sent to a special school in Pennsylvania. They refused to do it.

As far as I know, the school system refused to pay the \$10,000 that was supposed to come out of their budget for his education in that school. I was informed that it was then taken off the top, so they lost \$10,000 a year for about four years. They refused to have him leave. They said they could teach him in the school. I said, "Fine, and what are you going to do with him from 3:00 on?" So there was no support within the school. There was no support within the police department. And most people did look upon us as monsters.

When he was 10-years-old, he -- and it so happens the member of another state rep's child stole skateboards from a Department Store in Menlo Park. We called the police; the police wouldn't do anything. They wouldn't take a report; they wouldn't take the skateboards; and they wouldn't make charges. Nor would they talk to the two boys. Then I called the store and they said, "Keep them, no big deal." It was a big deal. We took the skateboards. I took money out of my son's account and so did the other parent. There was no support, and this started at the age of eight or nine.

ASSEMBLYWOMAN GREGORY-SCOCCHI: Steve, any questions?

ASSEMBLYMAN MIKULAK: No, I was just-- I couldn't help but think -- you made a comment about 18 year olds in public schools should be treated as if they still needed permission. Could you expand, because that was a lot like what Mr. Kowalczyk said, too, so that was very, I think--

MS. ORENSTEIN: Oh, I didn't-- I have a 19-year-old daughter who is graduating next week, and when she turned 18, one day she said, "Oh, by the way, I'll be home late, Mom." I said, "Why?" "I'm going to go see 'CATS'." I said, "You're

going to do what?" No problem with seeing "CATS," but I would have liked to have known about it. I said, "I don't remember signing the permission slip." Her comment to me was, "You don't have to, I'm 18."

I was very fortunate where she's concerned, she did not cut school. She did not use that privilege of being 18 and older to do as she wished. My son did drop out of school two days after he was 18 -- the Toughlove child -- but my daughter -- same ages and totally different responsibility. I think it's important that if the child is in school and school is responsible for the child, the child has to obey and follow all the rules, including permission slips, tardy notes, or whatever else is required.

ASSEMBLYWOMAN GREGORY-SCOCCHI: Ken.

ASSEMBLYMAN ZISA: No.

ASSEMBLYWOMAN GREGORY-SCOCCHI: No? Okay.

Thank you.

ASSEMBLYMAN MIKULAK: Thank you.

MS. ORENSTEIN: Thank you.

ASSEMBLYWOMAN GREGORY-SCOCCHI: Another Toughlove Representative, Vivian Jonas, from South River.

V I V I A N J O N A S: Thank you, Madame Chairman. My name is Vivian Jonas. I'm a State Representative of Toughlove of the Sayreville Toughlove Group, and I live in South River.

As a State Toughlove representative, I have firsthand experience and knowledge that New Jersey as a society has taught our young that they are not responsible for their actions, and if they do get punished, that punishment won't be that bad. We need to give the Juvenile Conference Committee more power. We need to put community service back into the community and out of the hands of the county, where the kids are not doing their community service hours.

If an adult does show up, the kid only does an hour or so of work, yet that adult gives that child credit for four to

five hours. Children on probation need to stay in school, not be out in the streets to get into more trouble. They need to be court ordered to stay in school. They shouldn't-- Any juvenile that is in long-time jail should not get an early parole unless they've earned their GED, so that they can get a job. That is part of parole, that they get a job. If they don't have a high school diploma, it's very difficult to get a job, even without the record.

You need to make the probation system more accountable. If a probation officer violated a child each and every time they violated their probation, he or she would soon learn not to break the rules. For small infractions they could try making the teens do weekend jail time -- from Friday night until Monday morning -- and have a parent pick them up Monday morning in time for school.

All juveniles hear from adults are idle threats about what they'll do "if." But when the time comes, that threat is very rarely followed through. This means the police, "if I come to your house again, you're going." Well, they can come 15 more times and that teenager never goes. Crisis intervention makes idle threats -- the schools, lawyers, also policy makers. The rules are different for this juvenile or that juvenile, regardless if the crime is the same.

Juveniles need a program when they get out of the detention center or a jail. They need more help in directing their energies in a more positive direction. Some of these kids come out, they don't want to go back to the crime or the drugs, but neither peer group will take them -- the good kids or the druggies. They're an odd ball. They need someplace to direct their energies.

Although I do not agree with the caning in Singapore, I applaud the Singapore government for not changing their law. The child broke their law, that was their punishment, and they held to it. They do not have the problems with crime that the United States does.

Parents who keep their heads in the sand and allow their children to do as they please should be held 100 percent accountable. But many of the parents are trying to keep the child on the right path and are working with the system and doing all that is asked of them. Those parents should not be held 100 percent accountable.

We need more judges to court order the parents into programs like Toughlove. A juvenile record should be made available to each and every judge who has a child before him or her, so that the judge can take all matters into consideration and so the judge can appraise the record of the child not based on one behavior but on all the behavior of that juvenile, especially if he is a repeat offender, regardless if the crime is in a different area or not. In closing, I repeat that we need to make our laws so that the young people of New Jersey learn to have respect for New Jersey law.

ASSEMBLYWOMAN GREGORY-SCOCCHI: Thank you, Vivian.

ASSEMBLYMAN MIKULAK: Thank you.

ASSEMBLYWOMAN GREGORY-SCOCCHI: Vivian, how do you feel about the concept such as is included in Assembly Bill No. 22. If the parents cannot financially afford, but a judge has found them to be neglectful, or they failed to exercise reasonable supervision over their children-- How do you feel about the concept of-- They may not have the financial means to pay the restitution; however, perhaps then a court imposed sentence of community service would be served on the parents, as well as the child? How do you feel about that?

MS. JONAS: If the parent is partially negligibile, in other words, they're hiding their heads and not--

ASSEMBLYWOMAN GREGORY-SCOCCHI: They would have to have failed or neglected to exercise reasonable control.

Do you think that that-- In your experience, do you ever see a parent get involved with the children and say, "Hey, I'm going to go do this community service with the child?" or perhaps, we're going to hear from another witness--

MS. JONAS: Normally, the parents that we have in our group that the children have community service, they transport the child back and forth. We do try to get the kids together in a community service day, and some of the Toughlove kids will come and help us, but it's not because they got into trouble. It's because they found out that we're not all angry. We're not all as nasty as we start out to be. Children need rules, and you need to be tough with them, and if they know that they can break this rule, they're going to keep breaking it. But if they know what the punishment is going to be, most of the time they don't break the rules. And they found out that when they followed the rules, parents can be okay.

ASSEMBLYWOMAN GREGORY-SCOCCHI: I recently appeared on a television show, and a gal that sat next to me -- 17 years old, and she had been arrested 42 times, and nothing happened to her. I think the minimum she served was two weeks in a detention center, but it was only after 40-odd times of being arrested. She, again, got the slaps on the wrist. My question to her was, "Had you been arrested and dealt with severely and swiftly from the first point, would it have made a difference?" She didn't even hesitate, but said, "Yes, it would have made a difference."

MS. JONAS: I think it would in most cases. There's always going to be the exception to that rule.

ASSEMBLYWOMAN GREGORY-SCOCCHI: Absolutely. Right.

MS. JONAS: I have an adult son who, as a juvenile, was in a lot of trouble. When he turned 18, he had several weapon possessions, even though they were not guns. Each town lowered and plea bargained it down on their own, without an attorney.

ASSEMBLYWOMAN GREGORY-SCOCCHI: How about input from you? Did they get input from you whether they should lower it or not?

MS. JONAS: No, he was an adult.

ASSEMBLYWOMAN GREGORY-SCOCCHI: Oh, he was an adult at that point.

MS. JONAS: Yes, this was when he turned 18.

ASSEMBLYWOMAN GREGORY-SCOCCHI: Okay.

MS. JONAS: But his probation officer did nothing.

ASSEMBLYWOMAN GREGORY-SCOCCHI: Can you expand on that a little bit? What do you mean, "He did nothing?" I mean, you would have to come in and would have to have meetings.

MS. JONAS: My son was on juvenile probation. He was a juvenile for two months on probation, and he turned 18.

ASSEMBLYWOMAN GREGORY-SCOCCHI: Okay.

MS. JONAS: He was court ordered to take his medication, to go to therapy, to see his psychiatrist, and also to show up at probation. He did nothing. The last time he saw his probation officer was in October, and right now, he is being held at the workhouse for armed robbery and attempted murder.

My feelings are, if he would have been violated the first time he went off his medicine, did not see his therapist, maybe it would-- It might have still happened.

ASSEMBLYWOMAN GREGORY-SCOCCHI: Right, you can never tell what's in the future.

MS. JONAS: But he just -- every time he got into trouble, it always got washed away. He spent a couple of nights in detention for threatening me. He won't threaten me anymore, because he found out mommy would put him in detention. Okay. But I had to take my son as a juvenile into court 22 times. Parents don't have that kind of time. Twenty-two times I was in front of Judge Kravarik. I feel like I'm almost on a first name basis with him.

ASSEMBLYWOMAN GREGORY-SCOCCHI: This was a period of-- When did this start? From what age?

MS. JONAS: I got custody of him at the age of 16. His father no longer wanted him for terroristic threats against him -- my ex-husband. I took him, and he was on medication for

his conduct disorder. He was doing well, and then he went off his medicine and didn't do well. We got him back on his medicine, with Judge Kravarik's help. But, you call the police because he broke his curfew, they don't care. I didn't expect them to look for him, but this way-- I needed the record. I had to argue with the police officer to get a record written, so that I could take it into the Judge the next time I went. The probation officer wouldn't violate him for curfew. The police record did not matter, that they were at my house at midnight and my child was not in my home -- minor or over 18, it did not matter. Now, I understand that this probation officer with younger minors is very good. I don't know if it's because my son was so close to his age or not, being an adult.

ASSEMBLYWOMAN GREGORY-SCOCCHI: Steve.

ASSEMBLYMAN MIKULAK: Yes. Could you explain to us a little bit about how the Toughlove group helped you -- how you got into it, how it worked, your interaction?

MS. JONAS: Sure. Originally, I joined Toughlove-- I had a chronically ill child, who had asthma and 68 different allergies. I joined when he was six, because I was being an overprotective mother. They helped me to give him a little space and not hover too much, even though, basically, that is not their structure. Then once I was able to do that, I left. I came back when my son was 18 -- then he was 14 -- I got custody again.

After six months of doing nothing but scream at each other, he went back to his real father. I stayed with Toughlove a while, but because I have other children, running with them became more important, I left.

I got custody of Paul two and a half years ago. I went back to Toughlove as soon as I found out that I was getting custody of a teenager. It helped me to deal with school; the school wanted nothing to do with him. He was classified emotionally disturbed. They helped me with the law

for special ed, because some of the schools do not help you. They don't want to spend the extra money. They won't follow the IEP, whatever.

They help you to put structure in your home, to be consistent, to say what you mean, not to say that you'll break their legs -- like most parents would say, even though they don't mean it. But by saying that and not doing it, the child doesn't understand that to have a set rule-- Your curfew is 10:00 and you walk in at 10:15, the consequence -- the child knows what the consequence will be, whether it be losing their stereo, or their t.v., whatever. If your child is picked up in the middle of the night and you're upset, you can call another Toughlove member. We give 24-hour support, whether it be telephone. We'll go with you; we'll go to the police station. We'll visit your child in jail.

We nurture other people's children. I have three nurturing children from Toughlove, and I have three teenagers that were my son's friends that became my bodyguards. I lived for a year and a half with three teenagers as bodyguards to protect my life, because they knew that I was trying to help him. They saw that I really cared for my son, and that I wasn't beating him. If he behaved, he was given some money. He did nothing around the house because he wouldn't do it. He punched holes in the walls, only once, because he was told if he did not fix it I would sign a complaint. He knew I would because he learned that through Toughlove, what I said, I would do. So he learned ways around it. Probation said he had to be in at 10:00. That doesn't mean at one minute after 12:00 he couldn't go out, because that's the following day.

My son has a very high IQ, but he doesn't use it. He did graduate high school in the shelter. Judge Kravarik told him that if he wanted to come home, he had to get his high school diploma or he would sit in the shelter until he gave him a court date. He wasn't getting one that last time we were

there in the beginning of June. He had nine days to finish his school work if he wanted to come home, and he finished it.

ASSEMBLYWOMAN GREGORY-SCOCCHI: Well, you certainly have a lot of courage to do that and to deal with that.

Ken, do you have any questions?

ASSEMBLYMAN ZISA: No.

ASSEMBLYWOMAN GREGORY-SCOCCHI: I thank you very much for coming before the Committee.

Thank you.

And Dolores-- Dolores is from the Juvenile Conference Committee in Edison.

Dolores, do you want to answer-- I'm very curious, just tell us about the Conference Committee?

D O L O R E S L E V A N: (Speaking from audience) I'm here, basically, to hear concerns and take them back to the Committee and discuss them.

ASSEMBLYWOMAN GREGORY-SCOCCHI: Okay, good, good. Thank you.

Is there anybody else who would like to speak on this issue of parental restitution? No? (no response)

Ken, would you like to make a statement?

ASSEMBLYMAN ZISA: No, but again, as I said before, I just would like to thank everybody. We heard some excellent testimony as to the problems faced immediately by parents in our society. Raising children, obviously, is not an exact science, but our burden as elected officials is to try to find some type of ground that we can reach where we can help the citizens of our State to raise their children in an environment that is most beneficial to them and to those around them. Whether it's in the schools, or whether it's in the neighborhoods, to help kids reach the age of maturity, and to become productive citizens.

Again, I thank everybody who has participated in this, because it certainly is necessary for us to try to fulfill our mission. So thank you very much.

ASSEMBLYWOMAN GREGORY-SCOCCHI: Steve.

ASSEMBLYMAN MIKULAK: Yes. One of the most dramatic things that I witnessed myself, as a Board Member in Woodbridge, from '83 to '86-- We had some random violence in the high schools, and it was random. When I went back in '90 and served from '90 to '92, there was organized violence. We had gangs, and it was not only in the high schools, but it was in the middle schools. That's why I applaud the work that this Conference Committee is doing. I'm proud to be a cosponsor on Assembly Bill No. 22, and I thank everybody for coming.

ASSEMBLYWOMAN GREGORY-SCOCCHI: I'd just like to close in saying, as we have gone through the State of New Jersey we've heard dramatic testimony such as we had today. We heard from people down in Vineland, a community who actually has a telephone chain line, that when the gangs of violent youth come through, they actually call each other. One neighbor calls another, and then calls another, and calls another, and says, "Pull down your blinds, shut your lights off, they're coming through. We're just warning you." No community should be living like that.

Juvenile crime is here in New Jersey, it happens. The testimony that we've heard from many parents, as well as many experts on juvenile violence, has told us that it is increasing and that New Jersey, in my estimation, is in a state of crisis, right now. We are almost losing a generation of children. I say, almost, because what we're trying to do here is come up with solutions that we can curb that violence, that we can bring those children back into the community, and try and get to them early.

We've heard over and over again from experts, before this Committee, that if we get to the children early, then we may be able to do something. That's why we're really trying with all the different pieces of legislation -- opening up the confidentiality of those juvenile files -- so that schools and law enforcement can work together, so that we know what kind of children are in our schools. Even as I said the other day, I want that teacher to know if there is a problem with one of those juveniles who is sitting next to my daughter, who is in second grade. I want that teacher to have that tool. That, I believe very much in. I want these parents to become involved in their child's lives. If we only save a few children with these pieces of legislation, then that is the most important step that we can make.

As we heard today, we can never save all of the children. There will be some children that will go on and continue a life of violence. But if we can save some of the children, then the work that we've done is worth it and it needs to continue. That's what is so gratifying about listening to residents and listening to their concerns, because it gives us other ideas. We, as legislators, don't know everything, and we need to hear from the community so that we can then bring that back and turn it into legislation.

Once again, I would like to thank everyone who has been here this evening. Thank you very much for your comments. If you have other ideas or solutions you want to submit to us, please feel free to do so.

Thank you very much.

(HEARING CONCLUDED)

APPENDIX



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TESTIMONY BEFORE THE ASSEMBLY
TASK FORCE ON JUVENILE CRIME
ON THE TOPIC OF PARENTAL RESPONSIBILITY
PRESENTED BY WILLIAM H. LEWIS, JR.
ASSOCIATE DIRECTOR, GOVERNMENT RELATIONS
NEW JERSEY EDUCATION ASSOCIATION
JUNE 22, 1994

Since 1979, NJEA policy has supported legislation and administrative code which "in appropriate situations, hold parents or guardians liable for damage done to property by their juvenile children." Two recent legislative examples come to mind.

In May of this year we supported the general concept of S-129 (Littell) which would make it illegal for those under 21 years of age to drink alcoholic beverages on private property or private homes except under certain circumstances. One sanction in the bill is a \$500 fine. We asked if it was a realistic sanction on the youth or if it was more likely a penalty that the parent or guardian would suffer. How does one determine if that parent exercised reasonable supervision in this example?

Parents should be held responsible for their level of supervision or the lack of it, but perhaps the issue of parent responsibility is better addressed in S-317 (Girgenti) or at least is easier to interpret in court. A portion of this bill would hold individuals who knowingly make real property under their control available for underage drinking subject to a disorderly persons offense. Here, determining whether the adult knew or reasonably should have known the intention or potential for drinking or in any way encouraged drinking is clearer.

Certainly the example of underage drinking makes the point that generalizing about parent responsibility has more potential for being unfair to parents than specific, narrow legislation on specific kinds of circumstances.

(Over)

IX

Schools and communities can provide classes in developing parenting skills particularly among young, at-risk parents. In order to make our communities and schools safer, we will need a coordinated effort on the part of all concerned. Schools are a good starting point because the children are there and they are our best hope for change. We must have the support of parents and community groups in order to succeed.

In the past, the NJ Supreme Court has raised some objections to parent liability for juveniles who willfully, maliciously or unlawfully injures or destroys property of any school, municipality, corporation or private individual. Determining parent responsibility in juvenile crimes not involving property may be more amorphous. In any event, NJEA thinks an effort should be made to hold parents more legally responsible where appropriate.

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