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# ARTICLE: Parental Blame Frame: An Empirical Examination of the Media's Portrayal of Parents and Their Delinquent Juveniles

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## Highlight

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### ABSTRACT

*The most recent study discussed in this article examines how the media report issues of parental responsibility and blame regarding acts of **juvenile** delinquency. To accomplish this goal, we examined the frequency, context, and framing of parental responsibility in local and national print media via two content analyses. The results demonstrate that national media sources depict the notion of parental responsibility, whereas local media stories rarely mention parents. The national stories offer distant, more global statements of parental responsibility, while the local, specific stories tend to avoid any parental blame. The findings in this paper mirror public opinion polls that found support for parental responsibility. Understanding the presentation of parental responsibility in both local and national news stories is an important first step toward exploring the potential impact of media attention on public opinion and subsequent policy.*

## Text

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### [\*87] I. INTRODUCTION

In November of 1998, eight-year-old Maddie Clifton was brutally killed by her fourteen-year-old neighbor Joshua Phillips.<sup>1</sup> After accidentally hitting Maddie in the head with a [\*88] baseball, Joshua stabbed her and hid her body.<sup>2</sup> Days later,

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<sup>1</sup> Susan Candiotti, *Florida Teen Guilty of Killing 8-year-old Neighbor*, CNN (July 8, 1999, 3:28 PM), <http://www.cnn.com/US/9907/08/fla.child.murder.03/>.

<sup>2</sup> *Id.*; Paul Pinkham, *The Maddie Clifton Saga: Her Killer Fights Back Tears When Asked About Maddie and Her Family*, THE FLORIDA TIMES UNION, (Nov. 2, 2008), [http://jacksonville.com/tuonline/stories/110208/met\\_350857746.shtml#.WI\\_lz7GZPBI](http://jacksonville.com/tuonline/stories/110208/met_350857746.shtml#.WI_lz7GZPBI).

Joshua's mother found Maddie's decomposing body under Joshua's bed.<sup>3</sup> The media frenzy that resulted suggested that Joshua Phillips' father was partly to blame.<sup>4</sup> Joshua claimed that his father had a "short temper."<sup>5</sup> According to Joshua, his fear that his father would find out that Maddie was at their home when he was home alone caused him to kill Maddie.<sup>6</sup> In a local newspaper article, the victim's mother said that she was doing her job as a parent to Maddie and asked why the parents across the street were not doing theirs.<sup>7</sup> She said that because of Phillips' poor parenting, her family has to live with the consequences of Joshua's actions.<sup>8</sup> Ten years after the incident, the newspaper reports still document Joshua's fear of his father [\*89] as a reason for the killing.<sup>9</sup> Was the media coverage of Joshua and Maddie's case typical? Does the press blame parents when their children break the law?

## II. BACKGROUND

Currently, every state in the United States has a statute that holds parents civilly or criminally liable for the crimes of their children<sup>10</sup> even though there is no empirical evidence to support the contention that parental responsibility laws reduce *juvenile* crime.<sup>11</sup> Some experts believe that the public and legislative support is partly due to media coverage of high profile cases,<sup>12</sup> such as the case involving Joshua Phillips and Maddie Clifton. Due to the powerful influence the media provides to the public views on pertinent social and legal issues, it is critical to understand how parental responsibility is presented in the media.

This article will first discuss the background and legal justifications of parental responsibility for *juvenile* delinquency. Next, it will examine two lines of previous research: (1) public support of parental responsibility and blame and (2) the media's influence on public support. The current empirical work combines these two areas to analyze the differences in the [\*90] media's attention to and framing of parental responsibility and blame in a locally-distributed and a nationally-distributed newspaper. Finally, we will explore the implications, limitations and future directions of the research.

### A. Parental Responsibility

Within the United States, the *juvenile* justice system often asserts that *juveniles* must be held accountable for their actions, yet state and city laws require that parents also be held responsible for the delinquent acts of their children and be involved in the

<sup>3</sup> Pinkham, *supra* note 2.

<sup>4</sup> See Candiotti, *supra* note 1.

<sup>5</sup> David Kohn, *Behind The Facade*, CBS NEWS (Oct. 7, 1999), <http://www.cbsnews.com/news/behind-the-facade/>.

<sup>6</sup> *Boy Grows Up In Prison After Killing Young Neighbor*, NEWS 4 JAX (Oct. 30, 2008, 6:55 AM), <http://www.news4jax.com/news/boy-grows-up-in-prison-after-killing-young-neighbor>.

<sup>7</sup> Kathleen Sweeney, *A Year of Healing*, FLORIDA TIMES-UNION (Nov. 3, 1999), [http://jacksonville.com/online/stories/110399/met\\_1128983.html#.Wl\\_wKrGZPBI](http://jacksonville.com/online/stories/110399/met_1128983.html#.Wl_wKrGZPBI).

<sup>8</sup> *Id.*

<sup>9</sup> Pinkham, *supra* note 2. This article, published in 2008, documents Joshua's fear of his father as a reason for the killing. Pinkham, *supra* note 2.

<sup>10</sup> Eve M. Brank, Stephanie C. Kucera & Stephanie A. Hayes, *Parental Responsibility Statutes: An Organization and Policy Implications*, 7 *J. L. FAM. STUD.* 1, 3-4 (2005) [hereinafter *Parental Responsibility Statutes*].

<sup>11</sup> Kathryn J. Parsley, *Constitutional Limitations on State Power to Hold Parents Criminally Liable for the Delinquent Acts of Their Children*, 44 *VAND. L. REV.* 441, 467-68 (1991); Michelle L. Maute, *New Jersey Takes Aim at Gun Violence by Minors: Parental Criminal Liability*, 26 *RUTGERS L. J.* 431, 439-40 (1995); A. Dale Ihrle III, Comment, *Parental Delinquency: Should Parents be Criminally Liable for Failing to Supervise Their Children?*, 74 *U. DET. MERCY L. REV.* 93, 97 (1996).

<sup>12</sup> Amy L Tomaszewski, *From Columbine to Kaza: Parental Liability in a New World*, 2 *U. ILL. L. REV.* 573, 593 (2005).

consequences.<sup>13</sup> In other words, the juvenile justice system seems to place fault on juveniles for their delinquent acts, while also expressing to parents that parents are the ones to blame. Although multiple areas of research support the concept that children are malleable and their moral development may be influenced by their parents,<sup>14</sup> no empirical research shows that blaming and punishing parents will have an impact on juvenile behavior.

[\*91] Despite the lack of empirical support for their effectiveness and questionable legal foundation,<sup>15</sup> cities in every state within the United States have either civil or criminal parental responsibility laws that hold parents legally responsible for their child's actions.<sup>16</sup> Brank and colleagues categorize these laws into three different types: (1) civil liability; (2) contributing to the delinquency of a minor; and (3) parental involvement.<sup>17</sup> The first type, civil liability, is essentially strict liability, as it allows the injured party to sue the juvenile's parents for their wrong.<sup>18</sup> Therefore, the injured party does not have to prove anything about the parents' state of mind or behavior for them to be found liable.<sup>19</sup> The second type, contributing to the delinquency of a minor, allows for criminal charges against any adult, parent or not, who encourages or aids a juvenile in violating the law.<sup>20</sup> The state must not only prove there was a guilty act, but also must show that the parent intended for the juvenile to commit that crime.<sup>21</sup> A conviction further results in criminal sanctions, such as fines or probation.<sup>22</sup> The last form, parental involvement, allows wide discretion in how states and cities incorporate the parents into the juvenile's case. For example, some states require parents to participate in community service, pay fines, or attend parenting classes if their child has been adjudicated delinquent.<sup>23</sup>

[\*92] Polls indicate that the public generally supports holding parents responsible for their child's wrongs.<sup>24</sup> In fact, when asked if a parent should be held responsible for a juvenile's delinquency, an overwhelming 70 to 89 percent of community

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<sup>13</sup> Eve Brank, Stephanie A. Hays & Victoria Weisz, *All Parents are to Blame (Except this One): Global Versus Specific Attitudes Related to Parental Responsibility Laws*, 36 J. APPL. SOC. PSYCHOL. 2670, 2671-72 (2006) [hereinafter *All Parents are to Blame*]; *Parental Responsibility Statutes*, *supra* note 10, at 2; Howard Davidson, *No Consequences - Re-examining Parenting Responsibility Laws*, 7 *STAN. L. & POL'Y REV.* 23, 23 (1996); Jason E. Dimitris, *Parental Responsibility Statutes and the Programs that Must Accompany Them*, 27 *STETSON L. REV.* 655, 663 (1997); Jerry Tyler & Thomas Segady, *Parental Liability Laws: Rationale, Theory, and Effectiveness*, 37 SOC. SCI. J. 79, 84 (2000).

<sup>14</sup> See generally Stephen Bahr, Anastasios Marcos & Suzanne Maughan, *Family, Educational and Peer Influences on the Alcohol Use of Female and Male Adolescents*, 56 J. STUD. ON ALCOHOL 457 (1995); See generally Suzanne Bianchi & John Robinson, *What Did You Do Today? Children's Use of Time, Family Composition and the Acquisition of Social Capital*, 59 J. MARRIAGE & FAM. 332 (1997).

<sup>15</sup> Parental responsibility laws implicate the right for parents to raise their children as they see fit, guaranteed by the Due Process Clause of the Fourteenth Amendment. Parental responsibility laws raise other Constitutional concerns, including concerns regarding vagueness and equal protections. Parsley, *supra* note 11, at 462, 467-68; Maute, *supra* note 11, at 439-40; Ihrie, *supra* note 11, at 97.

<sup>16</sup> Brank, et al., *supra* note 10, at 3-5.

<sup>17</sup> Brank, et al., *supra* note 10, at 5.

<sup>18</sup> Brank, et al., *supra* note 10, at 3.

<sup>19</sup> Brank, et al., *supra* note 10, at 3, 5.

<sup>20</sup> Brank, et al., *supra* note 10, at 9.

<sup>21</sup> Brank, et al., *supra* note 10, at 4-11.

<sup>22</sup> Brank, et al., *supra* note 10, at 9, 11.

<sup>23</sup> Brank, et al., *supra* note 10, at 12.

<sup>24</sup> Brank, et al., *supra* note 13, at 2672.

members said that parents should bear the responsibility of their child's actions.<sup>25</sup> Although respondents often express support for a broader policy,<sup>26</sup> they are less likely to support generality when presented with a specific case.<sup>27</sup> For example, Brank, Hays, and Weisz<sup>28</sup> presented student participants with general questions about whether parents were responsible for their adolescents' delinquency. As previously found, 70 percent of respondents thought that parents should be responsible.<sup>29</sup> However, when presented with a specific story about a teen who committed a crime while he lived with his parents, respondents supported parental responsibility significantly less.<sup>30</sup> These findings suggest that even though global support for parental responsibility exists, there may be less support for holding parents responsible in certain circumstances.<sup>31</sup> These findings are consistent with those in other areas of public policy, such as Three Strikes Laws.<sup>32</sup>

[\*93] Research shows that although there may be public support for a general policy, there may be less support when the policy is applied in specific instances.<sup>33</sup> Thus, polls relied on by politicians--which usually state a general policy--may not be as representative of true public opinion.

### 1. Parental Responsibility through Time

Blaming parents is not a new phenomenon. Societies as early as Babylonia and Ancient Greece blamed parents colloquially and through legal codes.<sup>34</sup> Ancient societies, such as Babylonia and Ancient Greece, held parents responsible for their children both colloquially and through legal codes.<sup>35</sup> Alternatively, the Egyptian Code of the Hammurabi provided for more lenience and forgiveness in the parent-child relationship.<sup>36</sup> Brank and Scott<sup>37</sup> demonstrate the significance and persistence of the parent-child relationship throughout history, arguing that it has led to the current state-of-affairs such that if the parents are unwilling or unable to care for their children, the state steps in as a resentful substitute.

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<sup>25</sup> James A. Kenny & James V. Kenny, *Shall We Punish the Parents?*, 47 A.B.A. J. 804, 804 (1961); Eve M. Brank & Victoria Weisz, *Paying for the Crimes of Their Children: Public Support of Parental Responsibility Laws*, 32 J.CRIM. JUST. 465, 467 (2004).

<sup>26</sup> Brandon Applegate, Francis Cullen, Michael Turner & Jody Sundt, *Assessing Public Support for Three-Strikes-and-You're-Out Laws: Global versus Specific Attitudes*, 42 CRIME DELINQ. 517, 517, 525 (1996) (finding that although participants support three strikes laws generally, they are less likely to express support when presented with details about the offender and offenses).

<sup>27</sup> *Id.*

<sup>28</sup> Brank et al., *supra* note 13, at 2676.

<sup>29</sup> Brank et al., *supra* note 13, at 2678.

<sup>30</sup> Brank et al., *supra* note 13, at 2674-75.

<sup>31</sup> Brank et al., *supra* note 13, at 2679-2680.

<sup>32</sup> Applegate et. al., *supra* note 26, at 517, 525.

<sup>33</sup> Applegate et. al., *supra* note 26, at 517, 525.

<sup>34</sup> Eve M. Brank & Leroy Scott, *The Historical, Jurisprudential, and Empirical Wisdom of Parental Responsibility Laws*, 6 SOC. ISSUES & POL. REV. 26, 28 (2012).

<sup>35</sup> *Id.* at 26-28.

<sup>36</sup> *Id.* at 28-29.

<sup>37</sup> *Id.* at 30.

Government involvement officially began in the United States in 1899, when Illinois instituted the first juvenile justice system,<sup>38</sup> and soon *parens patriae* had spread throughout the nation.<sup>39</sup> The juvenile system was based on the premise that the state should step in and assume the parents' role through the [\*94] welfare or dependency system when parents have failed to care for or control their children.<sup>40</sup> When juveniles violated the law, they were removed from their homes and placed in juvenile detention because the government deemed their parents unable control or supervise them.<sup>41</sup> The goal was reformation, to correct whatever drove the juvenile to commit the wrong.<sup>42</sup> Throughout the twentieth century, the juvenile justice system continued to develop into what looks increasingly like the adult criminal justice system.

The juvenile justice system's development was fueled by a number of Supreme Court cases that focused on providing juveniles with more procedural rights. The first was the 1966 case, *Kent v. United States*, which resulted in judicial oversight of the juvenile justice system and added a number of procedural protections for juveniles adjudicated delinquent, making the structure more similar to that of the adult criminal justice system.<sup>43</sup> By the 1970s the child welfare and delinquency systems were differentiated and juveniles adjudicated delinquent were increasingly punished, rather than reformed.<sup>44</sup> Heavy media attention to high profile, violent crimes committed by juveniles in the 1990s left the impression that juvenile crime was [\*95] increasing, despite the fact that the overall juvenile crime rate was decreasing.<sup>45</sup>

Also in the 1990s, parental responsibility laws began to gain academic and scholarly attention, despite their lengthy history in the American legal system.<sup>46</sup> One of the earliest recorded instances of a parent being held legally responsible for her child's crime was in the 1940s.<sup>47</sup> "A mother was sentenced to a year in a detention center after her fourteen-year-old killed three passers-by with a stolen gun on the grounds that she "develop[ed] in him a pattern of delinquent behavior."<sup>48</sup> These laws have been in place for decades, yet some scholars believe that they are amended and enforced for a short time after media attention to juvenile crime and the parental role.<sup>49</sup>

## 2. Legal Support

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<sup>38</sup> Linda A. Chapin, *Out of Control? The Uses and Abuses of Parental Liability Laws of Control Juvenile Delinquency in the United States*, 37 SANTA CLARA L. REV. 621, 627 (1997).

<sup>39</sup> Brank & Scott, *supra* note 34, at 30; Chapin, *supra* note 38, at 628.

<sup>40</sup> Chapin, *supra* note 38, at 627.

<sup>41</sup> Brank & Scott, *supra* note 34, at 30.

<sup>42</sup> Chapin, *supra* note 38, at 627.

<sup>43</sup> *Kent v. United States*, 383 U.S. 541, 556, 557 (1966) (holding that juveniles charged with a serious criminal offense are guaranteed the essentials of due process and fairness, including a hearing before waiver to adult court); *see also In re Gault*, 387 U.S. 1, 41 (1967) (holding juvenile court proceedings that may result in commitment to a state institution must conform to the essentials of due process and fairness); *see also In re Winship*, 397 U.S. 358, 368 (1970) (applying constitutional requirement of proof beyond a reasonable doubt for criminal cases to the adjudicatory phase of a juvenile delinquency case).

<sup>44</sup> *See generally* MARTIN R. GARDNER, UNDERSTANDING JUVENILE LAW (LexisNexis, 3d ed. 2009).

<sup>45</sup> Valerie D. Barton, *Reconciling the Burden: Parental Liability for Tortious Acts of Minors*, 51 EMORY L. J. 877, 879 (2002).

<sup>46</sup> Leslie J. Harris, *Making Parents Pay: Understanding Parental Responsibility Laws*, 31 FAM. ADVOC. 38, 39 (2009).

<sup>47</sup> Dale Ihrie III, *Parental Delinquency: Should Parents be Criminally Liable for Failing to Supervise Their Children?*, 74 U. DET. MERCY L. REV. 93, 96 (1996); Frederick J. Ludwig, *Delinquent Parents and the Criminal Law*, 5 VAND. L. REV. 719, 719 (1952) (citing Report, N.Y. Times, Feb. 1, 1947, at 17)

<sup>48</sup> Ludwig, *supra* note 47.

<sup>49</sup> Harris, *supra* note 46, at 38; Ted Chiricos, Sarah Eschholz & Marc Gertz, *Crime, News and Fear of Crime: Toward an Identification of Audience Effects*, 44 SOC. PROBS. 342, 342 (1997).

Supporters of parental responsibility laws argue that holding parents accountable for their children's behavior will reduce juvenile crime by encouraging parents to supervise and control their children.<sup>50</sup> Parents are expected to mold their children into law-abiding citizens and the laws demonstrate public recognition of that responsibility.<sup>51</sup> This section will consider the theoretical [\*96] underpinnings and arguments in support of and against civil and criminal parental responsibility.

### B. Civil Parental Responsibility Statutes

Civil parental responsibility laws rely on vicarious liability, which allows the injured party to bring a suit against the juvenile's parents for personal injury and property damages.<sup>52</sup> At common law, an injured party would rely on negligence liability and require proof that the parents failed their duty to control their child.<sup>53</sup> Relying on the civil parental responsibility statute, rather than the common law, results in strict liability; parents are responsible because they are the parents, and damages are therefore relatively easy to prove.<sup>54</sup> Some legislative history indicates that these statutes have two purposes: first, to provide some compensation to the victims, and second, to encourage parents to be aware of and involved in the activities of their children.<sup>55</sup>

Some research has found that courts award damages against parents in order to provide compensation to the victims. Brank and colleagues found that even though people did not generally support civil parental liability, the majority of participants would award damages when presented with certain scenarios describing harm by a younger juvenile.<sup>56</sup> The authors posited that participants could justify awarding the damages because the parents were responsible by virtue of their role as parents.<sup>57</sup> Although the responsibility was tenuous, the desire to [\*97] compensate the victim seems to have led the participants to ascribe responsibility to a party better able to compensate them.<sup>58</sup>

Legal scholars in support of civil parental responsibility statutes also rely on the following arguments: (1) that the statutes provide relief for the victims, and (2) the statutes encourage parents to supervise their children.<sup>59</sup> Barton argues that victims of juvenile delinquency deserve to be granted relief, which most juveniles cannot provide.<sup>60</sup> By holding their parents responsible the victims are better able to actually recover damages.<sup>61</sup> Gratz points to compensation as a guiding purpose for the earliest parental responsibility laws and the model statutes promulgated by the American Legal Institute in the Restatement

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<sup>50</sup> Ihrie, *supra* note 15, at 107; Maute, *supra* note 15, at 433.

<sup>51</sup> Maute, *supra* note 15, at 445.

<sup>52</sup> Eve M. Brank, Edie Green, & Katherine Hochevar, *Holding Parents Responsible: Is Vicarious Responsibility the Public's Answer to Juvenile Crime?*, 17 PSYCHOL. PUB. POL'Y 507, 510 (2011).

<sup>53</sup> Brank, Kucera & Hays, *supra* note 10, at 3.

<sup>54</sup> *Id.* at 4; Brank, Green & Hochevar, *supra* note 52, at 511; *see generally* Ihrie, *supra* note 15.

<sup>55</sup> Brank, Kucera & Hays, *supra* note 10, at 8.

<sup>56</sup> Brank & Scott, *supra* note 34, at 45.

<sup>57</sup> Brank & Scott, *supra* note 34, at 32.

<sup>58</sup> Brank & Scott, *supra* note 34, at 36.

<sup>59</sup> Ihrie, *supra* note 15, at 105; Barton, *supra* note 45, at 880; Andrew C. Gratz, *Increasing the Price of Parenthood: When Should Parents be Held Civilly Liable for the Torts of their Children*, 39 HOUS. L. REV. 169, 193-94 (2003) (arguing Texas should also include parental liability for personal injury to be consistent with the spirit of parental responsibility laws).

<sup>60</sup> Barton, *supra* note 45, at 880.

<sup>61</sup> *See generally* Barton, *supra* note 45, at 880.



(Second) of Torts. <sup>62</sup> Ihrie and Gratz argue that parents have a duty to supervise their children and negligence-based parental liability holds parents accountable when they breach that duty. <sup>63</sup>

### C. Criminal Parental Responsibility Statutes

"Contributing to the delinquency of a minor" statutes result in criminal sanctions for adults who do something or fail to do something to aid or encourage a juvenile in criminal activity, such as carrying drugs. <sup>64</sup> These criminal statutes generally require both a guilty state of mind (*mens rea*) and guilty act (*actus reus*). <sup>65</sup> Generally, a conviction for contributing to the [\*98] delinquency of a minor will result in a misdemeanor sanction. However, some states provide for felony sanctions or a sanction similar to that provided for the delinquent act. <sup>66</sup> Legislative history indicates the purpose is to protect juveniles from the negative influence of adults who ask juveniles to commit a crime for them. <sup>67</sup>

Criminal parental liability arguably provides both specific and general deterrence; therefore, the sanctions are intended to encourage both specific parents and the more abstract concept of parents in general to better supervise their children in order to keep from facing criminal sanctions. <sup>68</sup> Utilitarian theorists justify justify criminal law as the greatest good for the greatest number, such that punishment should benefit society as a whole at the lowest cost. <sup>69</sup> Therefore, if the benefit of the punishment outweighs the cost, the sanction is justified. However, if the benefit does not outweigh the cost, the punishment cannot be justified. <sup>70</sup> Central to the utilitarian perspective is the idea of deterrence --"sanctions sponsored or imposed directly or indirectly by the state that systematically and inherently prevent prospective violations of a prohibited act". <sup>71</sup> Some legal scholars question whether sanctions under criminal parental responsibility can be justified as a deterrent that will reduce juvenile crime. <sup>72</sup> The justification, however, assumes that parents have control over their children at all times and that [\*99] parents are the only cause of juvenile crime. <sup>73</sup> Conversely, others argue that manipulative juveniles will commit crimes knowing that their parents will suffer the consequences. <sup>74</sup>

### D. Parental Involvement Statutes

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<sup>62</sup> Gratz, *supra* note 59, at 172-73.

<sup>63</sup> Ihrie, *supra* note 15, at 106; Gratz, *supra* note 59, at 176-77.

<sup>64</sup> Brank, Kucera & Hays, *supra* note 10, at 4.

<sup>65</sup> Brank, Kucera & Hays, *supra* note 10, at 4.

<sup>66</sup> Brank, Kucera & Hays, *supra* note 10, at 9.

<sup>67</sup> Brank, Kucera & Hays, *supra* note 10, at 10.

<sup>68</sup> Tammy Thurman, *Parental Responsibility Laws: Are They the Answer to Juvenile Delinquency?*, [5 J. L. & FAM. STUD. 99, 99 \(2003\)](#).

<sup>69</sup> Tami Scarola, *Creating Problems Rather than Solving Them: Why Criminal Parental Responsibility Law Do Not Fit Within our Understanding of Justice*, [66 FORDHAM L. REV. 1029, 1048-49 \(1997\)](#).

<sup>70</sup> *Id.*

<sup>71</sup> Aaron Xavier Fellmeth, *Civil and Criminal Sanctions in the Constitution and Courts*, [94 GEO. L.J. 1, 26 \(2005\)](#).

<sup>72</sup> Scarola, *supra* note 69, at 1046-47; Thurman, *supra* note 68, at 106-07.

<sup>73</sup> Scarola, *supra* note 69, at 1032.

<sup>74</sup> See Sharon A. Ligorsky, *Williams v. Garcetti: Constitutional Defects in California's 'Gang-Parent' Liability Statute*, [28 LOY. L.A. L. REV. 447, 461-62 \(1994\)](#).



Parental involvement statutes permit courts to bring parents into a *juvenile* delinquency case and order them to fulfill legal obligations, such as pay fines or restitution, or take parenting classes.<sup>75</sup> State laws vary greatly in this type of law. Some laws require malicious, reckless, or negligent conduct, while others are based on strict liability and include the parent solely based on parent status.<sup>76</sup> Some legislative history indicates that the laws hold parents responsible to teach their children to respect and follow the law.<sup>77</sup> Others seek to not only address the individual but also the familial factors that contribute to the delinquency.<sup>78</sup>

Parental involvement statutes can be understood as a combination or variation on the civil and criminal statutes discussed in the previous sections, and therefore are supported with similar scholarly and legal arguments. Additionally, depending on the form of the statute, they are an answer to the need for more balanced approaches that address all the causes of *juvenile* delinquency.

[\*100] *E. Legal and Normative Challenges*

Opponents of parental responsibility laws challenge the laws on constitutional and normative grounds.<sup>79</sup> Relying on the Due Process Clause of the Fourteenth Amendment, critics argue that the laws are unconstitutionally vague, over broad, and interfere with the constitutionally protected parent-child relationship.<sup>80</sup> Vagueness challenges argue that the laws do not provide parents with enough notice to know what conduct is being prohibited, and therefore, law enforcement and judges have wide discretion to enforce the laws, leaving room for arbitrary and discriminatory enforcement.<sup>81</sup> Some courts have found parental responsibility laws void for vagueness and others have not.<sup>82</sup> The rationales for for the outcomes are not consistent, with some courts upholding them out of tradition,<sup>83</sup> others finding that the language is definite,<sup>84</sup> and still others holding that the conduct prohibited is unclear.<sup>85</sup>

Over-breadth challenges are similar to vagueness challenges; however over breadth challenges focus on laws that prohibit behavior otherwise constitutionally protected.<sup>86</sup> An overbreadth challenge against parental responsibility laws may be successful due to infringement on the constitutionally protected parent-child relationship.<sup>87</sup>

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<sup>75</sup> Brank et al., *supra* note 10, at 12.

<sup>76</sup> *See generally* Brank et al., *supra* note 10, at 3-6.

<sup>77</sup> N.J. DEPT OF EDUC., GUIDANCE FOR PARENTS ON THE ANTI-BULLYING BILL OF RIGHTS ACT 24 (2012), <http://www.state.nj.us/education/students/safety/behavior/hib/ParentGuide.pdf>.

<sup>78</sup> Brank et al, *supra* note 10, at 15-16.

<sup>79</sup> Ihrie, *supra* note 15, at 104; Naomi R. Cahn, *Pragmatic Questions about Parental Responsibility Statutes*, [\*1996 WIS. L. REV.\* 399, 412 \(1996\)](#).

<sup>80</sup> Cahn, *supra* note 79, at 412.

<sup>81</sup> Parsley, *supra* note 15, at 448-49.

<sup>82</sup> Scarola, *supra* note 69, at 1061.

<sup>83</sup> *See Brockmueller v. State*, 340 P.2d 992, 993-94 (Ariz. 1959).

<sup>84</sup> *State v. Sparrow*, 173 S.E.2d 897, 904-05 (N.C. 1970).

<sup>85</sup> *State v. Vallery*, 34 So. 2d. 329, 330 (La. 1948); *see also* Parsley, *supra* note 15, at 448.

<sup>86</sup> Ihrie, *supra* note 15, at 103.

<sup>87</sup> Ihrie, *supra* note 15, at 103-04.

[\*101] Finally, a challenge to the laws based on infringement of the fundamental right to the care, custody, and control of children is most likely to be successful.<sup>88</sup> The question of whether a parental responsibility law should stand turns on how closely tailored the law is to achieve the governmental interest in intervening in the parent-child relationship to protect society and children. Parsley argues that the laws are not narrowly tailored enough to achieve their purpose because factors other than parenting contribute to juvenile delinquency.<sup>89</sup> In addition, the laws are problematic because they lack empirical support that they will reduce juvenile delinquency.<sup>90</sup> Therefore, because the laws are not narrowly tailored to achieve the purpose, a due process challenge would likely succeed.

In addition to the lack of empirical support, legal and social scientific critics present normative and practical objections that such laws reduce juvenile delinquency. Scholars argue that the laws provide children with a weapon against their parents,<sup>91</sup> and disproportionately impact single parents and low-income families.<sup>92</sup> Practically, parents cannot watch their children all the the time and may not be aware they are getting into trouble, which renders punishment ineffective, especially for low-income families.<sup>93</sup> Additionally, enforcement may add to tensions between juveniles and their parents.<sup>94</sup> Ultimately, many critics argue that parental responsibility laws distract from the other causes of juvenile crime, including individual and societal factors.<sup>95</sup>

## [\*102] F. Media Impact/Influence

### 1. Parental Responsibility in the Media

Some scholars believe that parental responsibility, as a form of blame assignment, has gained public attention and support due to high profile media coverage that emphasizes the role parents play in juvenile crimes.<sup>96</sup> For example, after the extensive media coverage of the Columbine High School shootings, the victims' parents expressed their desire to hold the shooters' parents responsible.<sup>97</sup> Although the Columbine incident thrust the concept of parental responsibility into the media spotlight, we do not know if parental blaming has always been a part of media coverage of juvenile crime and if it is as ubiquitous as some scholars believe.

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<sup>88</sup> Parsley, *supra* note 15, at 442.

<sup>89</sup> Parsley, *supra* note 15, at 445.

<sup>90</sup> Parsley, *supra* note 15.

<sup>91</sup> Ligorsky, *supra* note 74, at 448-49; Cahn, *supra* note 79, at 400-01.

<sup>92</sup> Cahn, *supra* note 79, at 415-16.

<sup>93</sup> Cahn, *supra* note 79, at 415-16.

<sup>94</sup> Cahn, *supra* note 79, at 417.

<sup>95</sup> Legal scholars note the many psychological and sociological causes of juvenile crime and the utility of holding parents responsible for the crimes of their children as a method of reducing juvenile crime. Instead, scholars propose more realistic and balanced strategies. Scarola, *supra* note 69, at 133 (suggesting use of preventative programs to address juvenile crime more broadly); Maute, *supra* note 15 (arguing that targeting parents makes sense, however the New Jersey parental responsibility law does not adequately target the issues facing juveniles and their parents); Chapin, *supra* note 39 (arguing parental responsibility is a limited solution for a complex problem in the face of no empirically proven causal relationship); Cahn, *supra* note 79 (arguing for services that can assist families address the recognized factors that contribute to delinquency); Deborah A. Nicholas, *Parental Liability for Youth Violence: The Contrast Between Moral Responsibilities and Legal Obligations*, [53 RUTGERS L. REV. 215 \(2000\)](#) (arguing for balanced system to support and help parents rather than punishing them).

<sup>96</sup> Tomaszewski, *supra* note 12, at 575.

<sup>97</sup> Tomaszewski, *supra* note 12, at 574.

Two recent studies have attempted limited media content analyses of parental responsibility in the media. White conducted a content analysis of seven major Australian newspapers.<sup>98</sup> Using a sample of ninety-five news stories, from a five-year search period (January 2001 to December 2005), White detailed [\*103] media inclusion of parental responsibility in relation to juvenile crime.<sup>99</sup> Parental influence and the lack of parental supervision were described in these articles as causal factors in delinquent behavior.<sup>100</sup> Specifically a parental "deficit" theme was highlighted that portrayed parents as failing at their leadership role.<sup>101</sup> In addition, the number of parental responsibility stories increased over the five-year period of analysis.<sup>102</sup>

Book and Perala-Littunen content analyzed a Finnish newspaper to establish various definitions and categories of parental responsibility and how the national media in Finland portray the concept.<sup>103</sup> An analysis of stories printed in select months of 2002 in *Helsingin Sanomat*, a Finnish national daily paper, yielded a sample of eighteen letters to the editor.<sup>104</sup> From their analysis, three dimensions of parental responsibility were extracted: beginning responsibility (from the viewpoint of expectant parents), diminished responsibility (sense that parents do not take responsibility for their children or feel that the role is theirs), and obligating responsibility (a parent "must" or "should" be responsible for their child).<sup>105</sup> Although based on a small sample, the study provided a qualitative categorization of parental responsibility in the media and demonstrated the presence of it in the news.<sup>106</sup>

The Australian and Finnish research provides limited and small-scale evidence that international media outlets portray [\*104] notions of parental responsibility.<sup>107</sup> But does that matter? We turn next to consider the media's role in shaping public opinion and political agendas.

## 2. The Media

For many media consumers, perceptions of reality portrayed by the mass media are often stronger than reality itself.<sup>108</sup> In fact, some scholars argue that the public's perception of crime is just as important to examine as actual crime rates.<sup>109</sup> Society utilizes the media as a primary source of understanding crime and justice; yet the media does not necessarily serve the public with an accurate depiction of its community.<sup>110</sup> Media theories, such as agenda setting and framing, are based on the notion

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<sup>98</sup> Nancy White, *Representations of Parental Responsibility in the Media*, 17 PSYCHIATRIC PSYCHOL. & L. 139, 140 (2010).

<sup>99</sup> *Id.* at 139-140.

<sup>100</sup> *Id.* at 146-47.

<sup>101</sup> *Id.* at 142-43.

<sup>102</sup> *Id.* at 141.

<sup>103</sup> Marja L. Book & Satu Perala-Littunen, *Children Need Their Parents More Than a Pizza in the Fridge! Parental Responsibility in a Finnish Newspaper*, 36 J. APPLIED SOC. PSYCHOL. 2670 (2006).

<sup>104</sup> *Id.* at 72.

<sup>105</sup> *Id.* at 78.

<sup>106</sup> *See id.* at 76-77.

<sup>107</sup> *Id.* at 83-86.

<sup>108</sup> Lowry et al., *Setting the Public Fear Agenda: A Longitudinal Analysis of Network TV Crime Reporting, Public Perceptions of Crime, and FBI Crime Statistics*, 53 J. COMM. 61 (2003).

<sup>109</sup> Frank Clemente & Michael Kleiman, *Fear of Crime in the US: A Multivariate Analysis*, 56 Soc. Forces 520 (1977).

<sup>110</sup> Danilo Yanich, *Kids, Crime, and Local Television News*, 51 CRIME & DELINQ. 103, 128-30 (2005).

that the media can and do influence public opinion.<sup>111</sup> Agenda setting theory describes the media's ability to tell consumers what issues are important and worthy of public or government attention.<sup>112</sup> Agenda setting utilizes three strategies: (1) highlighting causes of a problem, (2) encouraging moral judgments, and (3) promoting favored policies.<sup>113</sup> The strength of agenda-setting by the media grows as the public fails to question what they see and hear in the [\*105] media.<sup>114</sup> Successful agenda setting will tell media consumers what to think about.<sup>115</sup>

In addition to the effects of agenda setting, the reader's understanding of an issue may be distorted or limited due to the framing of the story. Framing theory asserts that mass communication has the ability to influence how people think and feel about certain issues<sup>116</sup> by introducing or raising certain salient facts, such as actors or causes that activate connections in their schema systems.<sup>117</sup> Framing alters consumer interpretations by defining the problem, analyzing the cause, providing moral judgment, and promoting a remedy.<sup>118</sup> Although agenda setting tells consumers what to think about, framing schematically alters how consumers think about issues.

In a study by Rodgers and Thorson<sup>119</sup>, the contents of various *Los Angeles Times* crime stories were analyzed to determine the presence or absence of blame frames, that is, a story that includes accusatory facts. Blame frames, accusing or assigning [\*106] responsibility to individuals, groups, or society, were found to be the most frequently utilized news frames, as opposed to sensational frames, which include vivid, gruesome descriptions of the crime, or solutions frames, which include facts about those trying to reduce crime and violence.<sup>120</sup>

Framing theory has two distinct frame types: episodic and thematic. In episodic framing a single incident is reported and a specific person or event is highlighted.<sup>121</sup> Thematic coverage describes a broad social issue emphasizing patterns and connections.<sup>122</sup> In a study examining causal attributions of poverty after watching either episodic or thematic news stories on

<sup>111</sup> Robert M. Entman, *Framing Bias: Media in the Distribution of Power*, 57 J. COMM. 163, 164 (2007) [hereinafter *Framing Bias*].

<sup>112</sup> *Id.*

<sup>113</sup> *Id.* at 163-64.

<sup>114</sup> Shanto Iyengar et al., *Experimental Demonstrations of the "Not So-Minimal" Consequences of Television News Programs*, 76 AM. POL. SCI. REV. 848, 854 (1982).

<sup>115</sup> *Framing Bias*, *supra* note 111, at 164.

<sup>116</sup> Linda Heath & John Petraits, *Television Viewing and Fear of Crime: Where is the Mean World?*, 8 BASIC & APPLIED SOC. PSYCHOL. 97, 119 (1987); Shanto Iyengar, *Framing Responsibility for Political Issues: The Case of Poverty*, 12 POL. BEHAV. 19, 20 (1990); Maxwell E. McCombs & Donald Shaw, *The Agenda-Setting Function of the Mass Media*, 36 PUB. OPINION Q. 176, 177 (1972).

<sup>117</sup> *Framing Bias*, *supra* note 111, at 162; Iyengar et al., *supra* note 116, at 20; John McManus & Lori Dorfman, *Youth Violence Stories Focus on Events Not Causes*, 23 NEWSPAPER RES. J. 6, 9 (2002); Vincent Price et al., *Switching Trains of Thought: The Impact of News Frames on Readers' Cognitive Responses*, 24 COMM. RES. 481, 485 (1997).

<sup>118</sup> Robert M. Entman, *Framing: Towards Clarification of a Fractured Paradigm*, 43 J. COMM. 51, 52 (1993).

<sup>119</sup> Shelly Rodgers & Esther Thorson, *The Reporting of Crime and Violence in the Los Angeles Times: Is There a Public Health Perspective?*, 6 J. HEALTH COMMUN. 169, 169 (2001).

<sup>120</sup> *Id.* at 175-79.

<sup>121</sup> Iyengar, *supra* note 116, at 21-22. For example, in referencing a specific family and their children, the following comment was included: "They go out and say, 'Why that's a Spic' . . . and the little child is only a carbon copy of the parent . . ." is an episodic frame, discussing a specific family and incident. Editorial, *Youth Crime Tied to Racial Hatred*, N.Y. TIMES, Oct. 12, 1959, at 39.

<sup>122</sup> For example "We can make it clear to men who father children out of wedlock but don't want to take care of them, the responsibility of the child is not that of the mother, it is not that of the state . . ." is a thematic frame, discussing the role of fathers in youth crime. Pat Robertson, *A Strong Warning That Moral Decay is Basic Trouble Facing the Nation*, N.Y. TIMES, Jan. 14, 1988, at A20.

poverty, Iyengar found that episodic frames, without context, tend to lead consumers to blame the individuals portrayed in the story, while thematic frames, with background information to provide context, tend to lead to societal blame.<sup>123</sup> Therefore, a story that focuses on one incident and the players involved may lead consumers to assign blame to the players discussed in the story rather than situational factors or other people not discussed that may have an influence.

Agenda-setting and framing theories both detail why the content and delivery of media messages are important to understand. Content analyses are a well-established method of [\*107] exploring and quantifying the information delivered via the media.<sup>124</sup> Although two published studies have examined the media's attention to parental responsibility<sup>125</sup> neither analyzed U.S. newspapers and both utilized small samples of articles and years. The current study will fill this void by examining whether a national and local newspaper have used agenda setting to portray parental responsibility and how parental responsibility has been framed within those stories.

### III. CURRENT STUDY

The current study employed two newspaper content analyses, which both detailed parental responsibility and *juvenile* crime stories. First, we present the content analysis of a national newspaper for notions of parental responsibility and *juvenile* delinquency. Next, we present a content analysis of a local newspaper for stories of *juvenile* crime and discussions of parental involvement.<sup>126</sup> Two independent coders extrapolated data from a total of 1,647 articles.<sup>127</sup>

#### [\*108] *STUDY I: National Newspaper*

The first part of this study was designed to measure the existence of parental blaming in a nationally distributed newspaper. *The New York Times* was selected because it is the most widely circulated daily U.S. newspaper, according to the Alliance for Audited Media, and is known for its coverage of nationally relevant topics.<sup>128</sup>

#### 1. Strategy and Implementation

Using the Lexis-Nexis database, we searched *The New York Times* articles and letters to the editor from 1899 through 2014 for the inclusion of parental responsibility paradigms. We began our search period with 1899 because that year marks the beginning of the first *juvenile* justice system in the United States.<sup>129</sup> We coded stories through 2014 to avoid ending the analysis within the time frame of several school shootings in the 1990s.

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<sup>123</sup> Iyengar, *supra* note 116, at 34-36.

<sup>124</sup> See Iyengar, *supra* note 116, at 34-36.

<sup>125</sup> Book & Perala-Littunen, *supra* note 103, at 76-77; Nancy White et al., *Parental Responsibility for the Illicit Acts of Their Children: Effects of Age, Type and Severity of Offence*, 59 AUSTL. J. PSYCHOL. 43, 75-77 (2007).

<sup>126</sup> We carefully assessed the coding of multiple stories on the same crime/incident. We always coded the first story detailing a *juvenile* crime event. We divided subsequent stories detailing the same incident into two categories: (1) stories that provided new information (additional accomplices, parental involvement, explanation for the act, court decision, and specification of charge or ruling), and (2) stories that did not provide any new information and were only reiterations of the primary story. We included the stories from the first category in our sample, but did not include stories from the second category.

<sup>127</sup> Statistical software was used to randomly select a subset of approximately 20% of the coded stories. Two primary independent coders and a third comparison coder were trained to recognize and code the relevant elements of each selected story. The three were compared on the subset. None of the comparisons yielded an inter-rater reliability of less than our standard of Kappa > .80. After the Kappa was calculated, the coders discussed any discrepancies and made adjustments to reach agreement for the final coding of the articles. Klaus Krippendorff, *Content Analysis: An Introduction to its Methodology*, (Sage) (3d ed. 2012).

<sup>128</sup> Andrew Beaujon, *USA Today*, *WSJ*, *NYT Top U.S. Newspapers by Circulation*, POYNTER (Oct. 28, 2014), <http://www.usatoday.com/story/money/business/2014/10/28/aam-circulation-data-september/18057983/>.

<sup>129</sup> Brank & Scott, *supra* note 34.

We employed six separate search terms <sup>130</sup> in the Lexis-Nexis database in order to capture all likely articles on the topic of parental responsibility. <sup>131</sup> See Table 1 for the search terms and [\*109] the number of articles each search term retrieved. We recorded three elements of those articles that were relevant to the topic of parental responsibility and blaming: (1) framing of the article (in support of, neutral toward, or against); (2) the context as an episodic or thematic frame; and (3) whether there was a specific mention of a parental responsibility law. Table 2 lists examples of coding definitions.

[\*110] **Table 1.** Search terms and productivity of national content analyses

| Search term                               | NYT            |            |
|---|----------------|------------|
|   | NYT retrievals | applicable |
| liability AND parent                      | 2,184          | 99         |
| parent AND contribute*                    | 19,894         | 242        |
| parent AND encourage*                     | 12,756         | 93         |
| parent* pre/5 responsible*                | 228            | 152        |
| AND <u>juvenile</u>                       |                |            |
| parent pre/5 involve* AND delinquent*     | 11             | 6          |
| <u>juvenile</u> pre/5 crime pre/10 parent | 20             | 16         |
| parent AND delinquent*                    | ---            | ---        |
| TOTAL                                     | 35,093         | 608        |

Notes: Includes original articles and letters to the editor only. No duplicate stories are included in these numbers; mom and dad were substituted for parent but yielded unbeneficial results. , = This search term was deleted after 500 stories were read for analysis and lacked any applicable articles. The term was replaced with parent AND delinquent\*. New search term did not contribute to *The New York Times* analysis and therefore was not included. Time frame: NYT 1899-2014.

[\*111] **Table 2.** Examples of coding definitions used for national content analyses

| Element                 | Example  |
|-------------------------|--|
| Framing                 |  |
| Supports parental blame | "Separated parents contribute their full quota to a child's delinquency." <a>  |
| Neutral parental blame  | "When a youngster gets ticketed, the police send parents a notice . . . Parents must appear, too." <b>                                 |
| Against parental blame  | "Only society can meet the challenge of the hour in planning for understanding parents of the future and providing a safe and adequate |

<sup>130</sup> The search terms for each content analysis were carefully and systematically selected for use and tailored for the goals of each search. We tested synonyms and alternative words to increase productivity prior to creating the final list of search terms for each analysis.

<sup>131</sup> The search terms used: "liability AND parent"; "parent AND contrib!"; "parent AND encourage!"; "parent! Pre/5 responsib! AND juvenile"; "parent pre/5 involv! AND deliquen!"; juvenile pre/5 crime pre/10 parent"; "parent AND delinquen!"

| Element             | Example   |
|---------------------|---|
| Context             | community in which children can be reared."<c>  |
| Thematic            | "[W]e can make it clear to men who father children out of wedlock but don't want to take care of them, the responsibility of the child is not that of the mother, it is not that of the state . . . ."<d>       |
| Episodic            | In referencing a specific family and their children, the following comment was included: "They go out and they say, 'Why 's a Spic' . . . [a]nd the little child is only a carbon copy of the parent. . . ."<e> |
| Reference to PR law |   |
| Present             | "After the jury's verdict of guilty, a judge fined the Provenzinos \$ 100 each and ordered each to pay \$ 1,000 in court costs for their failure to properly supervise their son."<f>                           |
| Absent              | ---   |

## 2. Hypotheses

First, we hypothesized that *The New York Times* would have increasing numbers of articles that relate to parental responsibility and blaming. We hypothesized, based on framing theory, that the national media would frame stories about juvenile delinquency in a manner that supports blaming parents. Second, based on the focus of *The New York Times*, we hypothesized that thematic framing would occur more than episodic framing, which means there would be more blaming of parents in general rather than individual parents. Lastly, we hypothesized that most of the articles would not specifically reference a specific parental responsibility law because of the thematic focus.

## 3. Results

The results for *The New York Times* are detailed in Table 3. *The New York Times* content analysis yielded 608 relevant articles (568 articles and 40 letters to the editor), which is on average approximately five stories per year. We did not see an increase in stories as we had expected, but instead we found two major peaks. The largest spike in stories on parental responsibility and juvenile delinquency occurred in 1947 and 1954 (n = 23 stories each year). Stories during this time period often focused on the shifting roles of a mother and father. Fathers were described as leaving their families and going to war, while mothers were beginning to pursue jobs outside the home.<sup>132</sup> The idea of both parents leaving the home as linked to problems of juvenile delinquency was discussed in 19% of the coded articles during this peak. For instance, one article stated that mothers reducing their workload to part-time in order to "ease the [\*114] pressure of war on children and to curb both wartime and basic causes

<sup>132</sup> U.S. involvement in World War II was from 1939 to 1945. U.S. involvement in the Korean War was from 1950 to 1953. U.S. DEPT OF VETERANS AFFAIRS, FACT SHEET: AMERICA'S WARS (2016), [https://www.va.gov/opa/publications/factsheets/fs\\_americas\\_wars.pdf](https://www.va.gov/opa/publications/factsheets/fs_americas_wars.pdf).



of *juvenile* delinquency." <sup>133</sup> The second peak occurred in 1981 through late 1999 (max = 13 stories per year,  $M = 6$  stories per year). Twenty-four percent of stories during this second peak focused on the decline of youth behavior and the growing concern of parental neglect. For example, an article on underage drinkers detailed how in recent years youth morality was on the decline and stressed the "criminal and civil liabilities that parents could face because of teenage parties." <sup>134</sup> Table 4 illustrates the trend over time.

**[\*115] Table 3.** Frequencies distributions of the national content analyses

| Story Element             | NYT-freq<br>(1899-2014) | NYT-% |
|---------------------------|-------------------------|-------|
| Framing                   |                         |       |
| Supports parental blame   | 407                     | 66.9% |
| Neutral on parental blame | 164                     | 27.0% |
| Against parental blame    | 37                      | 6.1%  |
| Context                   |                         |       |
| Thematic                  | 541                     | 89.6% |
| Episodic                  | 63                      | 10.4% |
| Reference to PR           | law                     |       |
| Present                   | 128                     | 21.1% |
| Absent                    | 476                     | 78.8% |
|                           | TOTAL                   | 608   |

**[\*116] Table 4.** Percentage of applicable stories per decade from 1899 to 2014.

We coded the frame of each story as supporting, neutral, or against parental blame. An article or letter to the editor that included a statement such as, "Parents should be held responsible when a child that young commits such a vicious crime," was coded as support for parental blame. A statement such as, "It is not fair to hold parents responsible for delinquent acts that do not occur in their presence," was coded as framing against parental blame. Stories coded as neutral provided both sides of the parental responsibility argument or simply described a situation without any opinionated statements. In support of our first hypothesis, a majority (67%,  $n = 407$ ) of the stories demonstrated a blaming frame toward parents in cases of *juvenile* delinquency, [\*117] 27% ( $n = 164$ ) were neutral, and 6% ( $n = 37$ ) took a stance against parental blame.

Next, we examined the context of the story by coding references to parental responsibility as either episodic/specific or thematic/general reference. <sup>135</sup> Consistent with our second hypothesis, 90% ( $n = 541$ ) of the stories included thematic/broad references to parental responsibility and the role of parenting in *juveniles'* delinquent behaviors indicating that thematic rather than episodic was much more prevalent in the *New York Times*. Only sixty-three (10.4%) stories included a specific *juvenile* crime story. Reference to a specific parental responsibility law was only present in approximately 21% ( $n = 128$ ) of the stories as opposed to statements about parental responsibility in general, thus confirming our last hypothesis.

#### 4. Study 1 Discussion

<sup>133</sup> Editorial, *Bids Mothers to Keep to Part-Time Work*, N. Y. TIMES, Oct. 1943, at 12.

<sup>134</sup> Kate Stone Lombardi, *Underage Drinkers Get Younger and Drinking More*, N.Y. TIMES <http://www.nytimes.com/2000/01/16/nyregion/underagedrinkers-getting-younger-and-drinking-more.html> (last visited Mar. 1, 2017).

<sup>135</sup> See generally DIANE BENJAMIN, A FRAMEWORKS INSTITUTE FRAMEBYTE VS. THEMATIC STORIES (2007), [http://www.frameworksinstitute.org/assets/files/framebytes/framebyte\\_thematic.pdf](http://www.frameworksinstitute.org/assets/files/framebytes/framebyte_thematic.pdf) An example of episodic framing was as, "The boy's mother admitted she did not pay attention to the friends her son associated with, and had no knowledge of his involvement with drugs." A thematic context example was, "Parents should be more cautious of the peers their children associate with to prevent *juvenile* delinquency and drug use."

The national media are clearly depicting juvenile crime and parental responsibility as a newsworthy issue,<sup>136</sup> though it seems as though it has been a newsworthy issue for a number of years. The majority of national stories that included mention of a parent were also framing the story in a way that blamed parents. Indeed, very few took a stance against parental blaming. Additionally, very few stories mentioned potential legal repercussions for parents or specific parental responsibility laws. Although *The New York Times* appears eager to attribute blame to the parents in [\*118] cases of juvenile delinquency, it does not present parental responsibility laws as a potential solution for juvenile delinquency.

These findings indicate interesting elements of national print media, which often highlight societal issues and major crime stories. The presence of stories relating to parental responsibility and juvenile behavior is significant; however, most juvenile delinquency and crimes are a local issue and often not noted in the national print media.<sup>137</sup> Furthermore, laws being put in place for parental responsibility are increasingly being enacted at the local municipal level.<sup>138</sup> Therefore, in Part II, researchers examine a local newspaper, *The Florida Times Union*.

### *Study II: Local Newspaper*

The second portion of our study focuses on juvenile crime stories in a local newspaper and the frequency that parents are mentioned and blamed in those stories. We chose *The Florida Times Union*, from Jacksonville, Florida, because the city recently enacted a city curfew ordinance that holds parents responsible for their child's violation.<sup>139</sup> Based on the Audit Bureau of Circulation, the newspaper has a daily circulation rate of 96,986, and reports on local and national stories to the residents of Jacksonville, Florida.<sup>140</sup> Additionally, the citizens of Jacksonville, Florida are diverse, both racially and socioeconomically.<sup>141</sup>

#### [\*119] 1. Strategy and Implementation

*The Florida Times Union* content analysis included local juvenile crime stories printed from January 2003 through November 2014 in order to encompass the five year time period before the 2008 implementation of the city curfew ordinance related to parental responsibility and the five years after its implementation. Only stories classified as articles (and not letters to the editor) were examined in the local paper as our focus was specific incidents of juvenile crime and not public opinion expressed through letters to the editor. Using the six search terms,<sup>142</sup> we found 1,093 articles in *The Florida Times Union* about juvenile crime.<sup>143</sup> Those articles were then read to determine which ones mentioned the juveniles' parents. We coded three additional factors in each article that mentioned parents: (1) context of the article (thematic or episodic); (2) whether the reference to parents was about their association with the crime (associated or not associated); and (3) whether the article specifically referenced a parental responsibility law or legal repercussions for the parents' involvement. Examples of these coding elements can be seen in Table 6.

#### [\*120] Table 5. Search terms and productivity of local content analyses

<sup>136</sup> Lowry et al., *supra* note 108; Daniel Romer et al., *Television News and the Cultivation of Fear of Crime*, 53 J. COMM. 88 (2003).

<sup>137</sup> See generally Brank et al., *supra* note 10.

<sup>138</sup> Brank et al., *supra* note 10.

<sup>139</sup> FLA. ADMIN. CODE ANN. R. 603.302 (2006).

<sup>140</sup> *Jacksonville Facts*, TIMES UNIONMEDIA, <http://www.timesunionmedia.com/wp-content/uploads/2014/09/2014-Media-Kit.pdf> (last visited Mar. 1, 2017).

<sup>141</sup> United States Census Bureau, *States & County QuickFact*, <http://www.census.gov/quickfacts/table/PST045216/12> (last visited Mar. 11, 2017).

<sup>142</sup> The search terms used were: "juvenile AND crime"; "juvenile AND accused"; "juvenile AND arrest"; "teen AND crime"; "teen AND accused"; and "teen AND arrest." See *supra* Table 5.

<sup>143</sup> See *supra* Table 5 for the search terms and the number of articles each retrieved.

|                                | FTU           | FTU        |            |
|--------------------------------|---------------|------------|------------|
|                                | FTU retrieved | duplicates | applicable |
| <u>Juvenile</u> AND<br>crime   | 1374          | ---        | 413        |
| <u>Juvenile</u> AND<br>accused | 433           | 61         | 98         |
| <u>Juvenile</u> AND<br>arrest  | 1235          | 280        | 222        |
| Teen AND crime                 | 1365          | 189        | 200        |
| Teen AND<br>accused            | 580           | 147        | 59         |
| Teen AND arrest                | 1432          | 644        | 101        |
| TOTAL                          | 6419          | 1321       | 1093       |

Notes: "child" was substituted for "juvenile" and "teen" for each search term but did not yield beneficial results (majority of stories involved child pornography or child abuse); several stories also included eighteen and nineteen-year-olds as teens and juveniles yet they are not eligible for juvenile status and therefore were not included here. Dates ranged from January 1, 2003 through November 1, 2014.

[\*121] **Table 6.** Examples of coding definitions used for local content analyses

| Element                                    | Example  |
|--|--|
| Parents mentioned in article               |  |
| Yes  | "A 14-year-old Glynn County boy has been charged as an adult in Saturday night's shooting death of his stepfather" and "Workman's mother declined comment."<a>   |
| No   | ---  |
| Context                                    |  |
| Thematic                                   | "Why are parents--in most cases, single parents, which is another part of the problem--letting their young teenagers roam around the neighborhoods at those hours?" <b>  |
| Episodic                                   | "The children, who were not identified because they are <u>juveniles</u> , said their mother would take the narcotic medications and give them any pills she did not want, investigators said."<c>   |
| Parents described as associated with crime |  |
| Yes  | "Police said two girls, 14 and 15, were fighting on a school bus at 7:15 a.m. The parent of the 15-year-old came to the school to confront the younger girl about harassing her daughter, police said. When the mother saw the fight as the bus pulled in. . . [she] hit the younger girl and shoved her into a seat as other students and the bus driver watched."<d> |

| Element                                       | Example   |
|---|---|
| No  | After two teenagers were caught vandalizing property, a detective was reported as saying, "Parents need to be involved in what their kids do, the detective said. They need to check out their [children's] activities outside the home."<e>  |
| Legal repercussions against parents mentioned |   |
| Yes   | "Thornal said the parents of the two youths could be responsible for paying for the damages."<f>  |
| No  | "Never leave your child because a child needs both a mother and a father,' 17-year-old 'Kyle,' who is charged with murder, told Burney. 'I know my life would be different if my father was around. I have not seen him in three years. When he was with my mother I was a straight-A student. He left when I was 7 and I had to become the man of the house . . . A mother cannot play the male role. I started smoking weed when I was 7 years of age--my cousin and my brother got me started . . .'"<g> |

[\*122]

**Parents mentioned in article**

|  |  |
|--|--|
| Yes  | A 14-year-old Glynn County boy has been charged as an adult in Saturday night's shooting death of his stepfather. Workman's mother declined comment.<a>  |
| No   | ---  |
| Context                                    |  |
| Thematic                                   | Why are parents -- in most cases, single parents, which is another part of the problem -- letting their young teenagers roam around the neighborhoods at those hours? <b>  |
| Episodic                                   | The children, who were not identified because they are <i>juveniles</i> , said their mother would take the narcotic medications and give them any pills she did not want, investigators said.<c>   |
| Parents described as associated with crime |  |
| Yes  | Police said two girls, 14 and 15, were fighting on a school bus at 7:15 a.m. The parent of the 15-year-old came to the school to confront the younger girl about harassing her daughter, police said. When the mother saw the fight as the bus pulled in, she...hit the younger girl and shoved her into a seat as other students and the bus driver watched.<d> |
| No   | After 2 teenagers were caught vandalizing property, a  |

**Parents mentioned in article**

detective was reported as saying, "Parents need to be involved in what their kids do, the detective said.

They need to check out their [children's] activities outside the home."<e>

**Legal repercussions against parents mentioned**

Yes Thornal said the parents of the two youths could be responsible for paying for the damages.<f>

No Never leave your child because a child needs both a mother and a father, 17-year-old Kyle, who is charged with murder, told Burney. I know my life would be different if my father was around. I have not seen him in three years. When he was with my mother I was a straight-A student. He left when I was 7 and I had to become the man of the house. ... A mother cannot play the male role. I started smoking weed when I was 7 years of age -- my cousin and my brother got me started ...<g>

[\*123] Note: Examples are from the following *FTU* articles:

a = Teresa Stepzinski, *Teen Faces Charges as Adult in Shooting; His Stepfather Died Saturday of a Gunshot Wound to His Chest*, FLA. TIMES UNION, Dec. 17, 2002., at B-4; Paul Pinkham, *Youth Faces 40 Years in Prison for Murdering Woman in 2005*, FLA. TIMES UNION, Jan. 5, 2005.

b = Letters from Readers, *Teenagers: Parents Should be in Charge*, FLA. TIMES UNION, July 31, 2007.

c = Gordon Jackson, *Police Say Mom Used Kids to Get Her Drugs; She's Accused of Having Them Lie to Doctors so She Could Get Prescription Narcotics*, FLA. TIMES UNION, Jan. 30, 2007.

d = Dan Scanlan, *School Fights Brought in Hand*, FLA. TIMES UNION, Dec. 18, 2004, at O-4.

e = Deborah Cearnal, *Teenagers' Fun Can Escalate into Criminal Behavior*, FLA. TIMES UNION, Apr. 16, 2005, at M-4.

f = Gordon Jackson, *14-Year-Old Boys Charged in Middle School Vandalism*, FLA. TIMES UNION, Apr. 16, 2005.

g = Tonya Weathersbee, *CITY SOJOURN: Jail Tales Aim to Help Readers Get Involved*, FLA. TIMES UNION, Nov. 2, 2005.

[\*124] 2. Hypotheses

We expected a majority of the *juvenile* crime stories to mention the parents. Considering the local focus of this newspaper, we expected more of the stories to be episodic than thematic. We also expected more of the stories to directly associate the parents with the crime. Lastly, we hypothesized that a majority of stories would mention the potential legal repercussions against the parents and stories doing so would be more prevalent in the years after the ordinance implementation.

3. Results

The results for *The Florida Times Union* are detailed in Table 7. Contrary to our first hypothesis, a parent was mentioned in only 20% (n = 216) of the stories. In support of our second hypothesis, of those stories that did mention parents, 86% had an episodic reference to one or more of the *juvenile*'s parents and 14% (n = 25) were thematic references. Our third hypothesis was not supported; of those stories that mentioned parents, only 13% (n = 25) directly associated the parents with the crime.

Contrary to our last hypothesis, only nine articles (4%) specifically mentioned a parental responsibility law or potential legal repercussions for the parents. No time period trends could be detected with so few articles.

[\*125] **Table 7.** Frequencies distributions of the local content analyses

| Story element                                 | FTU-freq | FTU-% |
|---|----------|-------|
| Parents mentioned in article                  |          |       |
| Yes   | 218      | 19.8  |
| No  | 877      | 80.2  |
| Context                                       |          |       |
| Thematic                                      | 25       | 14.1  |
| Episodic                                      | 152      | 85.9  |
| Parents described as associated with crime    |          |       |
| Yes   | 25       | 12.6  |
| No  | 174      | 87.4  |
| Legal repercussions against parents mentioned |          |       |
| Yes   | 9        | 4.2   |
| No  | 207      | 95.8  |

#### [\*126] 4. Study II Discussion

At the local level, juvenile crime stories in *The Florida Times Union* did not overwhelmingly focus on the parents. In a vast majority of the stories about juvenile crime, the parents were not mentioned. When parents were mentioned in a story, it was rarely to associate the parent with the crime or to blame the parent. Similarly, the local stories rarely mentioned any potential legal repercussions against the parents. Tomaszewski<sup>144</sup> established that high profile crimes were likely to generate extensive media coverage, bringing attention to parental responsibility in juvenile crimes. The local media portion of this study found that when stories are not high profile, and instead are local (mostly episodic) juvenile crime reports, parental responsibility and blame are not often the focus or even often components in the story.<sup>145</sup> The stories establish that there is a problem of juvenile delinquency, without contextual information to explain the causes and consequences or provide potential solutions. Therefore, readers will tend to attribute blame to individuals described in the stories, most often the juveniles.

#### IV. GENERAL DISCUSSION

The current study established the frequency and context of parental responsibility in national and local media sources. The notion of parents being held legally responsible for the crimes their children commit is not new. Even though the juvenile justice system continues to become more punitive, parents can be made part of the legal proceedings. Public support research has demonstrated that the public generally supports the idea of holding parents responsible for their children's crimes, but some scholars have postulated that the support is derived from the media attention toward parental responsibility.<sup>146</sup> Research was [\*127] conducted to systematically examine national and local newspaper attention and focus on parental responsibility.

In the thematic context (i.e., the national newspapers), articles were frequently framed to blame the parents, but infrequently mentioned specific parental responsibility laws. In the episodic context of specific juvenile crime stories (i.e., the local newspapers), articles infrequently mentioned the parents and when the parents were mentioned it was done in a way that did not associate the parents with crime and did not mention specific legal repercussions. It seems that the findings of the current

<sup>144</sup> Tomaszewski, *supra* note 12.

<sup>145</sup> Tomaszewski, *supra* note 12, at 589-99.

<sup>146</sup> Brank et al., *supra* note 10, at 14.

content analyses are analogous to the general versus specific public support research.<sup>147</sup> In that research, participants were more willing to endorse parental responsibility concepts when they are asked about it generally, but when asked about a specific *juvenile* and parent, the support decreased. It may be that the differences in trends that we see with the national compared to the local newspapers may be a reflection of this same phenomenon. There is a desire to blame parents generally, but when there is a specific case about a specific *juvenile*, even the media are reluctant to place blame.

Considering previous research on framing<sup>148</sup> and support for parental responsibility law,<sup>149</sup> local news on *juvenile* delinquency should result in less support for parental responsibility laws. Local newspapers discuss *juvenile* delinquency without mention of parents and use episodic frames. These stories would result in individual blame, therefore blame would fall on those mentioned in the stories, most often the *juveniles* themselves, not their parents. National, thematic stories result in societal blame and, given their general frame, are more likely to result in support for parental responsibility laws, a society level solution.

[\*128] Neither the national nor the local newspapers provide a solution to the problem of *juvenile* delinquency. When presented with a general question or poll about parental responsibility laws, a schema for *juvenile* crime and parental responsibility, created by the national paper, may be activated and result in support for these local policies. Thus, if local papers were to present more information about the *juveniles* and the parents, whether involved or not, perhaps people would consider those specific stories and the impact parental responsibility laws would have on the lives of the people in those stories.

To examine the media attention systematically, the current study employed two content analyses. The main functions of this methodology were to provide a replicable description of content and to create inferences about the context in regards to its classified, detailed subject matter.<sup>150</sup> Like all methods, content analyses have strengths and weaknesses. According to Krippendorff,<sup>151</sup> content analysis is a strong tool as it is unobtrusive and content sensitive, accepts unstructured material and is capable of handling large levels of data. A major concern with the process is that problems can emerge when large quantities of information are condensed into fewer categories.<sup>152</sup> For instance, personal biases could influence the coding of information. To avoid issues within the current study, extensive planning and training was instituted and a systematic inter-coder process was applied to each content analysis.

Two other potential limitations of the current research are the choice of search terms and choice of media sources. The search terms for each content analysis were carefully and systematically [\*129] selected for use and tailored for the goals of each search. We tested synonyms and alternative words to increase productivity prior to creating the final list of search terms for each analysis. Despite our systematic attempts at developing a comprehensive list of search terms, we recognize that there may be other terms we could have used. Because we only examined one local and one national newspaper, it is possible the results would vary if different cities or countries had been examined. Additional newspapers could certainly be coded to extend the current findings or extend to other media sources such as television and Internet news, but the current research presents an important first step in understanding the U.S. media portrayal of parental responsibility.

More important than the choice of search terms or the choice of media outlet is experimental research that can examine the effect the media are having on both the public opinion and legislative changes. The current findings provide information about what the media is saying about parental responsibility. The next step will be to understand the media's effects on public opinion, parental responsibility legislation, and the *juvenile* justice system generally. Studies have demonstrated that the media

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<sup>147</sup> Brank et al., *supra* note 10, at 14-15.

<sup>148</sup> Iyengar et al., *supra* note 114, at 855.

<sup>149</sup> Brank et al., *supra* note 10, at 15.

<sup>150</sup> See generally Mary J. Smith, CONTEMPORARY COMMUNICATION RESEARCH METHODS (1988).

<sup>151</sup> KLAUS KRIPPENDORF, CONTENT ANALYSIS: AN INTRODUCTION TO IT'S METHODOLOGY 1-5 (2d ed. 2012).

<sup>152</sup> ROBERT P. WEBER, BASIC CONTENT ANALYSIS QUANTITATIVE APPLICATIONS IN SOCIAL SCIENCES 12-13 (2d ed. 1990).



depict a false sense of reality to its consumers,<sup>153</sup> but it is just as critical to understand how these messages are being interpreted. We know from our studies that the topic of parental responsibility is present in our media outlets at the national and local level, but the question remains whether the presence and the blame frames are having any real effect on the way the public views parental responsibility notions generally or related to a specific case or specific piece of legislation. That question is yet to be answered.

#### [\*130] V. CONCLUSION

Although enacting parental responsibility laws is a popular state and municipal response to *juvenile* crime, we do not know whether they are an effective response. Some scholars have argued that they are cheap symbolic politics that allow a policy maker to appear tough on crime without investing public dollars and are fueled by media attention against *juvenile* delinquents' parents.<sup>154</sup> The current research used content analyses techniques of a nationally and locally distributed newspaper to systematically examine the media attention to parental responsibility and found that at the national and more thematic level, parents are portrayed as blameworthy for *juvenile* delinquency. In contrast, at the local and more episodic level, parents are not depicted as a reason for *juvenile* crime. These results mirror similar findings in public opinion polls.<sup>155</sup> The current project is a first step toward exploring the potential impact of media attention on public opinion and, therefore, policy. An important next step will be to determine experimentally whether the media's attention influences the public opinion or if it is the other way around.

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<sup>153</sup> Heath & Petraits, *supra* note 116, at 380; Lowry et al., *supra* note 108; Romer et al., *supra* note 136, at 99.

<sup>154</sup> Tomaszewski, *supra* note 12, at 586.

<sup>155</sup> Brank, et al., *supra* note 10, at 15.