

An analysis of beyond parental control (bpc)



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Over the years, parents seeking Beyond Parental Control (BPC) order from the Juvenile Court has increased drastically, in particular during economic downturns. When Singapore was gripped by an economic recession from 2008 - 2009, the number of applications for BPC increased. 744 applications were filed last year, compared to 720 in 2008 and 673 in 2007 (Eisen, 2009). In any case, it is worthy to note that the perennial issue has seen an increased in delinquent girls forcing parents to apply for BPC and handing over to the court to take control of their daughters. This essay will attempt to discuss the background of BPC and critically analyse the issues faced by the parents and youth. The second part of the essay will define the relevant theories which will be applicable to the issue and relate examples to further illustrate the theories. Thirdly, media effect and their role of reporting the juvenile crimes especially on the "problematic girls" will also be discussed upon. Last but not least, recommendations on the way forward for juvenile crimes and prevention methods will be deliberated.

Background and Trending of BPC

In light of the increasing juvenile crimes over the years, the Beyond Parental Control order was instituted in 1997 and Singapore is the only country in the world which instituted such an order to deal with juvenile delinquency (Balhetchet, 2010). According to Ministry of Community Development Youth and Sports (MCYS, 2010), Children Beyond Parental Control refer to children below 16 years of age who is observed to display certain behavioral problems in school or at home. The gathered statistics proved to be alarming as the number of BPCs applied by parents or guardians has tripled over the last decade. In February 1999, one of the Subordinate Court research

bulletins (1999) highlighted that an average of 200 BPC complaints were lodged at the Juvenile Court annually. However, in comparison, an increasing trend of BPC applications was observed for the past 3 years (2009: 744, 2008: 720, and 2007: 673). Moreover, the statistics gathered seems to suggest that an economic downturn between 2008 to 2009 could have attributed to the incremental trend. This was also observed during the recession in 2001 when the number of applications for BPC doubled from 244 to 598 cases in the following year (Eisen, 2009 & Serene, 2010). According to another set of statistics from Singapore Police Force, there was an increase of 1.2% in the overall crime rate for the last 2 years (SPF, 2010). Elsewhere in United States, while arrests of male juveniles have increased since 2002, statistics for female juveniles have spiked alarmingly. According to US federal statistics in 2003, 25% of the arrested juveniles were females. In comparison to ten years ago, female juveniles only clocked approximately 10% of the arrest made by the police (Geoffrey, 2005).

Social Demographics of BPC cases

One of the researches conducted by Subordinate Courts in 1999 studied on 379 BPC cases. To understand the nature of the complaints filed, the study includes their family and social backgrounds and demographic profiles. From the research, 49% of the juvenile's parents were married, while a substantial figure of the juvenile's parents were either divorced (37%), widowed (7%), single parents (3%), separated (3%) or cohabiting (1%). Most of their parents are low-skilled workers and the average household income is less than \$2000. The reported figures somehow lead to the assumption that more than half of the BPC cases came from low income and broken families. Most of the

parents already spend so much time earning for a living so that the earned money can be given to their children. As they have been working and tend to neglect their children, they have little energy left to gain their attention and communicate with them (Serene, 2009). However, Dr Carol Balhetchet, director of Youth Services at the Singapore Children's Society feels otherwise. She shared that the generation has evolved and in recent years, most of the problematic children who face court orders or under warrant arrest by the police come from a complete home (Joan, Chia, He & Ong, 2008). Similar to Dr Carol's claim, 69% of new probation cases (according to MCYS) in 2006 involved delinquent youth who come from 2 parent families. Another worrying data collated from the study by Subordinate Courts revealed that a total of 65% of the BPC cases were committed by girls whereas male only constituted the remaining 35%. Although a recent trending (as of Sep 10) by Youth Services Centre as elaborated by Dr Carol during a face-to-face session with her, revealed that BPC cases involving girls has generally decreased over the decade (boys: 49% and girls: 51%), 267 BPC cases (out of 523 cases) involving girls is definitely of a concern not only to parents, but to the society as well (Balhetchet, 2010). The next part of the essay will critically discuss and analyze some of the causal factors and problems faced by parents, the children and the society.

Why did it happen and who to blame?

One may ask, why are some of the girls wilder and getting into trouble?

According to a social worker, the sharp increase of "problematic girls" could be a result of changing attitudes towards bringing up daughters (Roaul, 1997). While parents claimed that they will raise their daughters no

differently from their sons, studies by experts have shown that boys and girls are nurtured differently due to the fact that by virtue, boys and girls behave differently due to the genetic differences (Ames & Haber, 1989). Boys are perceived to be active and often get into trouble, but when their daughters behave similarly, parents gave up and hand them over to the Court. This may breed resentment in the girls and inadvertently cause Parent-Child relationship to be severely strained. Henceforth, the girls may run away from home and skip school (Roaul, 1997). A typical case is that of a 13-year old girl whose parents applied to the Juvenile Court for BPC order when she is reported to have skipped school and hang out with men twice her age. She became resentful and stay away from home when she is aware that her parents have handed her to the Court (Radha, 2008). Moreover, girls running away from home are often susceptible to committing a variety of crimes, such as shoplifting, rioting, theft and even to the extent of prostitution to survive (McCormack et al., 1986; Phelps, McIntosh, Jesudason, Warner, & Pohlkamp, 1982). When a child commits a deviance act, parents tend to ask “ why do you do that?” Based on the Control and Social Bond theories, control theorists hypothesize that crime and deviancy is a natural occurrence in the society simply because all human beings have an innate to commit crime (Jones, 2009). Therefore, when parents need to deal with their deviant children, they should explain to them “ Why you should not do that”. Similarly, Hirschi (1969) claimed that there is no requirement to explain why people commit such acts because “ delinquency is not caused by beliefs that require delinquency but rather, it is only possible by the absence of effective beliefs that forbids delinquency”. In essence, child nurturing starts from young and good child rearing practices will definitely facilitate positive

socialization process within the family and the child's circle of friends.

Conversely, bad parental skills and negative influences are contributing factors to deviancy acts committed by their children. Studies have revealed that the quality of parent-child relationships is largely associated with some of the high-risk health behaviours such as consumption of alcohol, smoking, drug abuse and sexually risky behaviors. For instance, several large-scale pediatric surveys have discovered that parents who are smokers themselves are more likely to have children who smoke (Green et al., 1990). Another research by Berk (1997) has shown that family members' behavior and habits, socialization patterns, environmental influence and a child's inborn personality traits will shape the child's cognitive development and behavior as they grow up. In addition, positive parenting styles with a balance of control and warmth are very beneficial to the child's development in which a rational and consultative approach by parents and children's rights are mutually agreed and respected (Subordinate Courts, 2001). On the contrary, parents who are only interested in making money and neglect their children unknowingly must bear the responsibility when their children are recalcitrant and belligerent. A study by Ozawa and Loh (2000) analyze that most fathers of the juvenile offenders appear to be uninvolved, neglecting and permissive towards their child. Generally, fathers, being the bread winners of the family are often not involved in their child's growth and development. The treatment for gender differences is that fathers tend to exert more authority on boys whereas for girls, fathers are usually more permissive and leave it to their mother to handle. As for mothers, they are generally observed to be permissive. Although mothers tend to be more caring and loving, their permissive attitudes could ultimately lead to teen delinquency because they

may not be exercising control over their children and thus indirectly allowing them to continue with their misbehavior. From the analysis made by Ozawa and Loh, it appears that a deadly combination (which is common in the society) of permissive-neglecting and uninvolved father, matching with a permissive mother is a formula for disaster to happen at home. What we can hypothesize is that low control of children especially female juveniles can potentially lead to delinquency.

Behavioral Problems of Youths

Nevertheless, looking at another perspective, the parents may not be entirely at fault because the children could be influenced by the environment. According to the Anomie and Strain theory, Merton (1997) described the materialistic dream of being successful and wealthy. Not everyone is entitled and have the opportunity to achieve the goal. Hence, this dissonance between the goal of being wealthy and the structural limitations that prevent people from achieving the goal causes strain within the community. Such "strain" will therefore cause people to commit deviant acts illegitimately to achieve such desires. As the cognitive development of a juvenile is still premature at this stage, the thought of committing crimes to fulfill certain desires will supersede the moral values that are taught in the school. Accordingly to statistics, the top 3 crimes committed by juveniles are shoplifting, theft and rioting (Subordinate Courts, 2004). When they are in need of money, they will resort to stealing, extortion and bullying, and prostitution for girls. Typically, a case of a 13-year old girl joined a gang and "inherited" all the bad habits such as smoking, drinking, glue-sniffing, stealing and rioting. When her father applied for Beyond Parental Control and

eventually remanded in Girls Home, she was only 14 year-old (Joan, Chia, He & Ong, 2008). Besides that, more girls, as young as 10, are also experimenting with sex. In 2006, teenagers constituted 12, 000 abortions that were done in Singapore. Girls who turned to prostitution gave reasons such as financial problems and needed money to buy branded goods. For instance, a 15 year-old girl who needed money and turned to prostitution was pregnant (Carolyn & Kimberly, 2009). Many girls have reported that sexual exploitation has somehow affected their eventual entrance into prostitution (Silbert & Pines, 1981). At times, they might have been wronged or abused by their parents or guardians as much as they have done wrong. Take it for instance, a girl who had run away from home, was molested by her father before she turned to prostitution. Before she was even 16, she has had slept with countless men and contracted Sexually Transmitted Disease (STD) (Serene, 2010). But in the eyes of the law, having sex with girls below 16 years old can be charged for statutory rape. If found guilty, offenders can be jailed up to 20 years and fined and caned. More parents are giving up on their delinquent daughters than sons and seeking assistance from the Juvenile Court. According to the Research Bulletin from Subordinate Courts (1999), some of the more serious delinquent behaviors that were encountered are beyond control, running away from home, involve in gangs, taking drugs and unlawful sexual experiences. Other problems such as rude and violent to teachers, smoking and play truancy in school were also observed in the study.

Another aspect of delinquency is the youth's exposure to various media such as the internet. In the current Information and Communication Technology

(ICT) era, the child and even the parents are constantly engaged in their “ I-phones”, laptops and internet. Because of such exposure and freedom to use the internet, Professor Winslow, a psychiatrist said that “ teenagers find it a thrill in obtaining and watching pornography on the internet and they are far more sexualized” (Shuli, 2008). Besides that, coupled with lack of parents or adult supervision and boredom, things can get complicated when teenagers are left alone. Even when parents are at home, they have little energy left after a long day at work especially when both parents are working. Some parents faced the difficulty of gaining their children’s attention, who even if they are physically at home, are preoccupied with their online games, chatting with friends online and surfing the internet. Gone are the days where children and parents share a family phone, television, or even computer (Serene, 2010). Problems and issues between the children and parents begin to escalate when there is a lack of proper communication as well as mutual trust and support. The cognitive development of a child is largely dependent on their parents. Juvenile delinquency is often traced back to the youth’s family and social life. Other than trust and support, parents must show that they are keen to engage in their children. Such care and concern from parents would definitely enable their children to open up and share their woes and problems (Jonathan, 2010).

Besides media’s influence on juvenile, cyber bullying among girls is another worrying trend, abetted by the constant usage of the Internet and mobile phones today. Victims are exploited and bullied by unknown culprits hiding behind the computer screens. For example, on the blogs, victims are abused using expletives and obscene messages, pictures are vandalized and vicious

rumours about the victims are broadcasted and made known to everyone. Studies made by Janssen, Craig, Boyce and Pickett (2004) proved that these groups of people are often victimized. In addition, children who are labeled as having lower levels of social acceptance and higher levels of social rejection among their peers are often found to be victims of bullies as well. (Salmivalli, Lagerspetz, Bjorkqvist, Osterman, & Kaukiainen, 1996). As the internet is easily available and as simple as one click, the bully does not need to face the victim and their “doings” can spread like wildfire (Joan, Chia, He & Ong, 2008). However, cyber-bullying does not constitute to be a crime. Where cyber-bullying could be serious and consequential, it may be relevant and appropriate for the law to step in to impose penalties on bullies. Under the Penal code, the only law that can be associated is Non-Physical Acts under Section 13b of Cap 224 where offenders “display any writing, sign or other visible representation which is threatening, abusive or insulting may be fined not exceeding \$2000” (Singapore Statutes). Likewise for other countries like Australia, under the NSW Crimes Act, harassing or intimidating a school student while the student is at school is considered a criminal offence. But this offence has its limits as it can only be applied to traditional off-line bullying and activities happening in school (Abrahams & Dunn, 2009). Although laws are institutionalized, but such laws do not bring charges to cyber-bullies. That is why victims have been reported to retaliate against the bullies, in horrifying ways elsewhere (Boulton, 1993). In one of the reports by United States Secret Service cited by Dake, Price, and Telljohann (2003), students who were involved in those deadly shooting in United States cited bullying as one of the strong motivation factors to commit such crimes. The report highlighted that 25 out of the 37 school shootings examined, involved

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attackers who felt marginalized, bullied and persecuted before the attacks took place. Some even reported that such bullying and harassment had in fact been ongoing for awhile (Dake et al., 2003; Mayer, Ybarra, & Fogliatti, 2001). On the other extreme, there were cases reported that children committed suicide after being bullied by classmates. In fact, numerous cases of such incidents have been reported in the media (Kumpulainen et al., 1998; Smith, Talamelli, Cowie, Naylor, & Cauhan, 2004).

Media's Influence and Portrayal of Crimes

Even in Singapore, a newspaper reported a 16-year old girl who committed suicide after being bullied by classmates for several years (The New Paper, 26 September 2005). Sometimes, one may wonder why such incidents were not spotted by the schools especially by the teachers. Had this incident be spotted by the teachers timely, it could have been prevented. In such incidents, the media's portrayal of crime transmits a strong signal to the public and at times, may have amplified the deviance. Such messages are crucial to serve as a warning for schools or parents to observe their children if there are certain tell-tale signs that indicate their children have encountered bullying cases. However, media's amplification of a criminal or deviance acts may result in moral panic and warrant greater scrutiny by the relevant authorities. The generation of moral panic will instill fear and public outcry within the community. For example, the recent incident of a teen who was hacked to death by 4 youths at Pair Ris Downtown East, amplified the criminal act (Straits Time reported the incident 5 days in a row in the headlines) and cause public outcry on such incidents (The Straits Time, 31 Oct - 4 Nov 10). This would have an effect on the judges as they cannot

ignore public opinion and hence might be influenced when passing the sentence (Jones, 2008) in view of media or public pressure. Studies from Leslie (1964) and Stan (1972) have shown that media is seen as an agent of deviance amplification and has the capability of influencing the public's opinion. In fact, the media does not have a role in the criminal justice system and they are supposed to only disseminate to the public about certain crimes and the government's official response to such crime. The media often uses phrases like " the public is alarmed by" or " the public demands that". Ironically, the editors or journalists do not have a direct line to the public's opinion and they are seen to be the creators of opinion and not reflecting the right message. An interview with a few people from the public does not necessarily represent the opinions from the entire population or the nation (Jones, 2008).

Punishment and Treatment of Youths Beyond Parental Control

As highlighted previously, Singapore is the only country that has instituted BPC order in Juvenile Courts. Essentially, these children are neither criminals nor offenders, but their rebellious and uncontrollable behavior may warrant serious attention by parents in which they apply to the Court for assistance to manage their children. By doing so may adversely strain or affect the parent-child relationship if such complaint made to the Court is successful. When the parents or guardian of a child can prove to a Juvenile Court that they are unable to control the child, the Court judge, under the Children and Young Persons Act Cap 38 Section 49, may order the child to be (1) remanded to an approved home not more than 3 years or (2) placed on

Statutory Supervision for a specified period, of up to 3 years, under the supervision of a social worker (Subordinate Courts, 1999). Punishments meted out by such system are usually acted as a form of deterrence to juvenile from committing wrong doings and may eventually commit more serious crime when they grow up. Therefore, this kind of system is more inclined towards a classical approach as this theory is very “ policy oriented and concentrates on establishing and operating a criminal justice system that is rule-based, consistent and predictable” (Joyce, 2006). End of the day, classicism focus on the act rather than the person committing. Unlike a criminal justice system where criminals are punished for their wrong doings, BPC act is not classified as a crime. As such, classical and positivist approaches are usually applied to such acts. During the process of the BPC application (which is seen to be positivist approach), parents and child will be advised to seek further assistance and treatment in the school or other social services such as Family Service Centre, Community Development Council, religious institutions and Youth Service Centre. Besides that, the child can also be referred to “ Beaconworks” (a 6-month structured program) for counseling program. In addition, the Juvenile Court Judge has the prerogative to send both the parents and the child for additional counseling program with Singapore Children Society for a 4-week program (BPC, 2009). Rather than focusing on the law and the offence committed, the positivist approach (during the BPC application) looks into the contributing factors leading to deviance act committed by juvenile. It advocates treatment and rehabilitation over punishments (Jones, 2008). Ultimately, a deviance act may not be a product of rational choice but, rather, due to factors such as prematurity, influence from parents and peers over which juveniles have no

control in. As youths who are still undergoing the process of growing up and maturity, the BPC order, which perceived to has a combination of punishment and treatment approach is appropriate and will therefore reduce overemphasis on rationality and idealistic, and yet do not overly concentrating on “ healing” and “ treating” the juvenile when the need arises. For example, when the child do not learnt the lesson and continue her delinquent act despite efforts made to treat her, the Juvenile Court will order her to be remanded in an approved Girls Home. Certainly, to prevent juvenile from leading astray and eventually being convicted, prevention measures must be implemented to arrest such situations from further developing.

Recommendations and Preventions

Problems and heated argument arise when there is a lack of communication and mutual support between youths and their parents. The development of a child is very much dependant on whether both the parents and the child have mutual understanding and support. When Juvenile delinquency is traced back, it is often the actions of the parents that ultimately will affect how the child behaves (Jonathan, 2010). If a child has established a positive relationship with the parents, it is postulated that they are more likely to disclose information to parents (Trost, 2000). Therefore in order to do so, parents must constantly show that they are keen in the child’s interests. In essence, parents who are warm and supportive in interactions with their children are more likely to establish a positive parent-child relationship. In addition, it is also noted in one of the studies conducted by Steven and Daniel (1998) where greater parental involvement will improve the child’s academic performance in school.

To put myself in a position of the role of parents, we should play an active role and constantly involved in our child's education, consistently demonstrating good parenting skills, interested in the child's development and show love, tender and care to their children. Furthermore, education, socialization and transmission of good values to the child should take place within the family environment. Values such as filial piety, respect, honesty, responsibility, contributing to the society, are critical building blocks that parents must advocate to their child (Zaleha, 2005). Nevertheless, youths cannot be "strapped" and controlled by parents all the time. Excessive control of their child might result in counterproductive and could lead to recalcitrant and belligerent behavior. Sometimes "heavy-handed" methods may not work for stubborn and strong headed youths. Therefore, parents should explore other methods and avoid using authoritarian style to deal with their child. Sometimes, treating youths as adults may be useful and they are given sufficient time and space to ponder the consequences of their actions (Ng, 2010). While parents play an imperative role in child nurturing, many are still being blamed for being incompetence in handling parenting challenges of this era. Increasingly, parents are facing difficulties domestic issues such as stabilizing their marriage, generating sufficient incomes for the families, taking care of their children and at the same time educating and nurturing them (Zaleha, 2005). However, such issues should never be part of parents' excuses to "dish out" their parental responsibility to others such as appointing a guardian for their child, grandparents or even to the government. According to Dr Carol, too many parents are seen to "farm out their parental responsibility to the State". In 2007, out of the 676 parents who applied for BPC orders, only 44 parents agreed to join the Beaconworks

counseling program. Most parents cited reasons such as work commitments and since the counseling program is targeted for their child, “ they see no reason attending”. One of the suggestions would be mandate parents to attend such counseling programs together with their children because parents may not realize that they also require professional help. In order for a mandatory counseling program to be effected, the Children and Young Persons Act (CYPA) is recommended to be reviewed and amended to exert tighter rein on parents. Another recommendation would be imposing fine on parents if they fail to fulfill their parental responsibility. In UK, parents of delinquent children are fined up to £1, 000 (S\$2, 670) if they fail to improve their children’s behavior. Current in CYPA, parents may be fined if they fail to comply with any court order pertaining to BCP cases. Perhaps the Juvenile Court can look into imposing such orders into the CYPA to deter frivolous and irresponsible parents (Radha, 2008).

Conclusion

In summary, ever since BPC order was introduced in 1997 to curb juvenile delinquency, the number of applicants for BCP cases has increased drastically, from an average of 200 complaints in the 90s, to an average of 700 cases over the last 3 years. However, it is worthy to note that although number of BPC applicants has increased, the number of BPC cases awarded by the Juvenile Court has dipped dramatically in the recent years. According to Dr Carol, more than 50% of the BPC applications were dismissed due to lack of concrete evidence to proof that the child is beyond parental control. In most cases, the child could return to normalcy after counseling sessions are conducted. While it is unclear that the statistics gathered can

commensurate to the effectiveness of BPC order, the uniqueness of BPC order in Singapore does help and enable juveniles to build self-confidence, self-esteem, positive outlook and instill sense of social responsibility. Besides that, counseling and training programs for parents and youths such as Parent Management Training, Parent Support Group, Youth Mentorship Support Program, Beaconworks Program and etc were introduced by the Singapore Children Society to assist parents and youths in terms of counseling, psychological or psychiatric consultations and more importantly, to harmonize the parent-child relationship that might be strained previously.