Process Evaluation of the Pennsylvania Bureau of Juvenile Justice Services’ Aftercare Program

Final Report Submitted to the Pennsylvania Commission on Crime and Delinquency

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Changes in the program model required new resources be put into place both in the facilities and the communities. BJJS made many changes in the program infrastructure, including adding new staff, training staff on the new way of doing business, and using new assessment instruments.

The goals of the BJJS aftercare program are to reduce delinquency and improve the life chances for high-risk youth released from state placements. To reach its goals, the program relies on effective collaboration across agencies that traditionally have been independent. The BJJS program requires collaboration among BJJS staff within the YDC/YFC system, contracted case managers active at the facility and in the communities, juvenile court and juvenile probation, families, and community-based service providers. In large measure, success of the aftercare program depends on BJJS success at achieving and sustaining collaboration in a set of state, local, public, private, and non-profit agencies and organizations.

**Evaluation Method**

This program was evaluated using a participatory model of evaluation. This method is well suited to evaluating ongoing programs while using the evaluation process as a learning process. Program stakeholders were involved in all steps of the evaluation process and the focus of the evaluation was on the development of lessons learned, which were subsequently translated into an action plan by BJJS. The BJJS aftercare program operates in a socially, economically, and politically dynamic environment. While the program model establishes a uniform approach to community reintegration and aftercare, differences materialized across the participating counties because of resource constraints, complexities associated with participant characteristics, and unanticipated organizational and staffing difficulties.

The evaluation was concerned both with the extent to which the planned activities were carried out and with how they were carried out. Based upon the information collected, “lessons learned” were formulated and fed back into the program plan. The evaluation led to the development of knowledge that will continue to help program staff improve program implementation in the future. Therefore, the evaluation provided information both for accountability and for generating lessons in the future. Procedures were developed on an ongoing basis to help program staff learn from successes and problems encountered in implementing the model of service delivery. Modifications were made and strategies were continuously developed during the entire period of program implementation. All levels of program staff were involved in program monitoring and evaluation. Program field staff played a particularly important role in providing their observations regarding the activities being implemented. BJJS management used lessons that were developed by staff to make decisions concerning modifications, strategy, activities, and budget.

Particular attention was paid to differences between the program as it was designed and the program as it actually operated. The private provider responsible for implementing the aftercare services in the community prior to the change (treatment) in the service delivery model was the same provider chosen to implement the new model of
• Interviews were conducted with BJJS management staff in Harrisburg that discussed the history of the program as well as their expectations with regard to the changes that were made in the model of service delivery.

• Meetings were held with management staff of the service provider contracted to provide aftercare services after the youth is released from the facilities.

• Site visits were made to public facilities across the state where social workers, caseworkers, cottage counselors, and clinical staff were interviewed.

• Screening and risk assessment instruments were examined, as well as the protocol for contact between the youth and the case manager.

• Visits were made to all juvenile probation departments in participating counties to discuss their knowledge of the program, how aftercare works in each one of their counties, and their relationships with the aftercare workers.

• Case managers from each of the individual nonresidential care (NRC) offices were interviewed about their role in the aftercare service delivery and their relationships with the individual probation departments.

• Individual Service Plans being written were observed, reviewed, and discussed with case managers concerning their implementation when the youth are released.

• Evaluators observed and sometimes participated in the training provided to BJJS staff and NRC staff on the new model of service delivery.

• Survey questionnaires were sent to probation officers, case managers, facility staff, and aftercare service case managers to gather information on their perceptions of how things were working with the new model.

• Information being collected was documented, including when it was being collected, who was collecting it, and how to obtain it to measure program outcomes in the future.

Major Findings, Recommendations, and Policy Implications

The evidence reviewed indicates that the BJJS aftercare program largely adheres to the case management model and that aftercare program staff has been able to implement a majority of the aftercare program’s features. BJJS has closely monitored implementation and has acted to correct problems as they have been discovered. BJJS aftercare program management is continually engaged in data collection and program monitoring efforts in order to improve program implementation and performance. Program strengths identified by the evaluation include:

• The aftercare program is research driven, mission-based, and guided by a case management model.

• The aftercare program clearly relates to the Balanced and Restorative Justice goals of competency development, community protection and accountability.
Program Performance

The performance of the BJJS aftercare program for youth placed at state facilities is fundamentally solid due to strong leadership, commitment to service excellence, and a reliance on the best available information to guide decisions. These strengths make it likely that the program will continue to adapt itself to the needs of its clients and to the dynamics of the community context in which it operates. Overall, the recommendations for program enhancement made by this evaluation involve issues of procedure and design that can be addressed without conflict with the case management model. In response to informal reports made by the evaluators, and in response to its own quality assurance process, BJJS has already modified or begun to modify the program in many ways.

When major changes were made to the aftercare services delivery model, BJJS management took the opportunity to address previously identified deficiencies, to make major changes in the oversight of its aftercare services program, to enhance its ability to monitor the contractor’s implementation of the program, and to improve the contractor’s accountability to BJJS.

Additionally, a great deal of work has been done with regard to the identification of program objectives and outcome measures. This is demonstrated by the commitment of senior BJJS management to collaborate with the contractor to ensure that accountability across the organizational boundaries is driven by the development of strategies to identify individual client strengths and ensure the clients access to services that use these strengths to meet his/her needs. Given that this model of aftercare services spans several agencies/organizations, and that the service is determined on an individualized basis, much of the success in putting the overall program process in place is due to the collaboration of BJJS and the contractor in focusing on linkages and efficiencies in addressing program improvements.

Major Constraints

Once we began work with this project, we found that there was no documented, overall plan to guide the data collection and, ultimately, the evaluation efforts. We found the data collection systems to be fragmented and not in an electronic format that is easily processed. There was no “map” available of what data were being collected, by whom, at what site, etc. Identifying and documenting the evaluation process and data collection systems, as they now exist, has been a significant task. The case managers used a mixture of manual and computerized record keeping to track their ongoing work with the youth. In effect, this translated into difficulties in accessing all the information needed about individual participants and sometimes caseloads as a whole. Information about participants was entered into a number of separate databases and the information entered into these databases was sometimes incomplete, partial, and redundant.

Increasing collaboration with individual county probation departments would enhance the BJJS aftercare program. It is important to keep in mind that, in the state of Pennsylvania, a juvenile who is released from an institution continues to be subject to juvenile court jurisdiction and juvenile probation supervision. Local courts maintain
Response to DC Crime “Emergency” Ineffective, Misplaced
Erosion of confidentiality threatens youth rehabilitation;
Curfews ineffective at reducing crime
For every $14 requested for police, only $1 for youth development.

1) Opening juvenile records hurts young people1
- Releasing this information to MPD will thwart rehabilitation. This legislation “severely impedes the rehabilitation of youth by giving the MPD broad authority to disclose juvenile court and agency information to persons and entities such as schools, housing authorities and others in the community who may respond negatively and impede the child’s prospects for successful rehabilitation,” according to Kristin Henning, Associate Professor of Law and Deputy Director of the Juvenile Justice Clinic at Georgetown University Law Center. Further, it chips away at the rehabilitative efforts and independence of DYRS by allowing MPD to question the agency. According to Alan A. Pemberton of Covington and Burling, council on the conditions case against the DC juvenile justice system, “This proposed legislation is punitive and stigmatizing, violating the fundamental rationale for juvenile court.”
- MPD already has access to the information about juveniles it needs. Under the Omnibus Juvenile Justice Act of 2004, MPD has access to similar information when necessary, either within their records or by the permission of the Court.
- The legislation will broadly affects approximately 95% of the children in contact with the juvenile justice system in different stages from arrest to commitment and will overtax the courts and DYRS. Due to its broad language, the proposed legislation requires notification of arrests even if probable cause is not found, requires the sharing of stay-away orders without full understanding of the purpose of each order, requires disclosure of private and sensitive mental health and any other possible embarrassing information about the child and their family.

2) Curfews do not reduce juvenile crime.
- A JPI analysis on the curfew policies of California found no evidence that curfews reduce youth crime. For the entire state of California, there was no category of crime (misdemeanors, violent crime, property crime, etc.) which significantly declined in association with youth curfews. Overall, counties with strict youth curfews witnessed no decrease in youth crime relative to counties without strict curfews. Moreover, four large counties (Los Angeles, Santa Clara, Fresno, and Ventura) displayed a racial bias in curfew enforcement. However, the study did find that, for White and Asian youth, curfews were associated with an increase in crime, particularly misdemeanors.

3) Increased funding for policing does not reflect a balanced approach to public safety and community solutions to crime

- The Mayor’s budget plan for 2007 saw the Metropolitan Police Department budget rise by $66 million, from $365 million in 2005 to $432 million. The increase for police alone would represent:
  - More than the city spends on the University of the District of Columbia ($59 million);
  - More than the city spends on the DC public library system ($41 million);
  - More than the city spends on parks and recreation ($44 million);
- According to the D.C. Fiscal Policy Institute, the Mayor’s 2007 budget plan saw public safety and justice spending rise faster (10.8 percent) than spending on human support services (3.8 percent) and public education (3.7 percent).
- The crime “emergency” was called during a week that the Washington, D.C. Council had already approved a plan to increase the policing budget, resulting in the addition of 450 new officers at a cost of $28 million.
- In the Mayor’s recent request to the City Council for a special session on crime, he requested an additional $9 million from the contingency fund for staff overtime costs, of which, $8 million goes to police overtime. But the Mayor’s request calls for only $575,000 to expand youth development strategies. Put another way, for every new dollar the mayor wants to put in to youth development through the special session, he is putting in $14 for law enforcement.

4) Youth role in Washington, D.C. crime is exaggerated.

- JPI also warns against the exaggeration of youth involvement in D.C.’s crime. The latest figures from the Metropolitan Police Department show that 94 percent of all arrests in 2006, and 82 percent of all violent arrests in the city in 2006 were adults. As of June, 2006, one of 36 homicide arrests, 93 of 829 aggravated assaults, and one of 10 rape/sexual abuse arrests were of juveniles. Of the 343 robbery arrests made in D.C.—a particular concern raised by law enforcement—209 arrests were adults, and 134 were juveniles.

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5Correspondence, request for convening of special session of council, Anthony A. Williams, Mayor, July 17, 2006.
Policy recommendation: Increased investments in youth employment and development could be more effective than investing in law enforcement strategies

Employment for young people may be an effective way to reduce crime, and could be supported through money diverted from law enforcement. A near decade-long trend in Washington, D.C. shows that youth unemployment closely tracked youth referrals to the juvenile justice system (see graph below). Between 1997 and 2000, the youth unemployment rate in D.C. (ages 16-19) fell from 42.4 percent, to 30.4 percent, a decline of 28 percent in youth unemployment. During that same time, the rate at which youth were referred to DC courts for violent and property crimes declined by 18 percent. For all crimes, there was a 16 percent decline in youth referrals to court per 100,000 youth.

Youth Unemployment Tracked Juvenile Court Referrals in Washington, D.C.

![Graph showing D.C. Youth (16-19 Year-Old) Unemployment Rate (%) vs. Total Juvenile Court Referral Rate (Per 100,000) by Year]

Source: Bureau of Labor Statistics and D.C. Superior Court

The Justice Policy Institute is a Washington, D.C.-based think tank dedicated to ending society's reliance on incarceration and promoting effective and just solutions to social problems. For more information, visit our website at [www.justicepolicy.org](http://www.justicepolicy.org)
Law Enforcement, Youth and Policy Groups
Denounce Mayor’s Emergency Crime Proposals

Spike in youth crime exaggerated; Crackdown on youth not justified, employment programs more effective at dealing with delinquency

WASHINGTON, D.C.—The Mayor’s emergency proposal to crackdown on D.C. youth through an historic erosion of youth protections, and increased surveillance and policing is not justified by crime data or best practices for enhancing public safety, according to law enforcement, youth, civil rights and policy groups. Despite several high-profile violent crimes impacting tourist destinations and affluent neighborhoods, D.C. youth are not committing most of the city’s violent crime, which reached a five-year low in the last calendar year. Evidence does not show that curfews reduce crime, but employment and youth development programs, which have experienced massive funding cuts nationally and in D.C., are proven to be effective at reducing delinquent behavior among young people.

Analysis of data does not indicate the kind of significant increase in violent crime that has been used to justify emergency measures, according to the Justice Policy Institute. Between 2004-2005, overall crime declined 6.7 percent in Washington, D.C. While the short-term increase in adult and juvenile robberies is cause for concern, the analysis of small numbers over short time exaggerates shifts, and does not reveal a trend in rising youth crime.
Overall, youth crime has not changed significantly for categories other than robberies and weapons, which increased by small numbers of actual arrests.

“There are many good reasons to enhance safety in D.C., but opening up juvenile records, extending curfews, expanding surveillance cameras, and adding millions more to police budgets won’t solve our real crime problems,” said Jason Ziedenberg, executive director of the Justice Policy Institute. “Exaggerating youth involvement in crime does not make for sound public policy. Instead of adding more funds to the police budget, the city should invest in the kinds of effective employment and youth development programs that have been shown to reduce crime in other jurisdictions.”

The Mayor’s proposal overplays youth involvement in crime, with young people making up only a small fraction of arrests in D.C. Data from the Metropolitan Police Department shows that 94 percent of all arrests in 2006, and 82 percent of all violent arrests in 2006 were of adults.

“Legislation that opens up confidential youth records will not stop the violence, or make our communities safer,” said Arja Nelson, an organizer with the Justice for DC Youth Coalition, an organization comprised of youth, parents and community activists working to promote education and youth development instead of punishment and incarceration. “Rather than criminalizing D.C.’s youth and communities, the Mayor should follow the recommendations of the Blue Ribbon Commission report on juvenile justice, which called for investing in community-based programs and alternatives to incarceration, and closing Oak Hill.”

Expanding curfews, as the Mayor proposes, is not likely to reduce crime. A JPI analysis on the curfew policies of California found no evidence that curfews reduce youth crime. For the entire state of California there was no category of crime (misdemeanors, violent crime, property crime, etc.) which significantly declined in association with use of youth curfews. Overall, counties with strict youth curfews witnessed no decrease in youth crime relative to counties without strict curfews. Four large counties (Los Angeles, Santa Clara, Fresno, and Ventura) displayed a racial bias in curfew enforcement.
The Mayor also proposes to dismantle a fundamental protection of the youth justice system by eroding the confidentiality of youth records. While there is plenty of reason to believe that young people will suffer from more open records, there is no evidence to suggest that diminishing youth protections will enhance public safety. The confidentiality of youth records did not prevent juvenile crime in D.C. from falling by 30 percent between 1995 and 2005, while adult crimes fell by a much smaller 7 percent.

“The city needs to respond to crime with a more balanced approach,” said Ron Hampton, executive director of the National Black Police Association. “These proposals are short-sighted, and won’t serve the best serve the public. Rather than investing overwhelming amounts in suppression, the city needs to develop thoughtful and long term approaches that address the historic needs of D.C.’s communities.”

Statistical Overview: DC Crime Change in Perspective.

Crime declined last year: Between 2004 and 2005, overall crime actually declined 6.7 percent in Washington, D.C., and homicide, sexual assault and assault with a weapon reached the lowest point in five years. Because of an increase in robberies, overall violent crime rose 5 percent. The increase in robberies represents less than one percent of all crimes reported in D.C. in 2005. The “95 percent” in juvenile robbery arrests is a measure of the change from the first six months of this year to the first six months of 2005. A comparison of juvenile robbery arrests of the last six months of 2005 and the first six months of 2006 show that the number of arrests stayed about the same.

Youth underrepresented in arrests: JPI also warns against the exaggeration of youth involvement in D.C.’s crime. The latest figures from the Metropolitan Police Department show that 94 percent of all arrests in 2006, and 82 percent of all violent arrests in the city in 2006 were adults. As of June, 2006, one of 36 homicide arrests, 93 of 829 aggravated assaults, and one of 10 rape/sexual abuse arrests were of juveniles. Of the 343 robbery arrests made in D.C.—a particular concern raised by law enforcement—209 arrests were adults, and 134 were juveniles.

Spending on police and public safety outpaces spending on other areas

The crime “emergency” was called during a week that the Washington, D.C. Council approved a plan to increasing the policing budget, resulting in an increase of 450 new officers at a cost of $28 million.¹

The Mayor’s budget plan for 2007 would see the Metropolitan Police Department budget rise by $66 million, from $365 million in 2005 to $432 million (or 18 percent increase in General Fund spending on MPD).² Just the increase in the Mayor’s budget plan for police would represent:

- More than what the city spends on the University of the District of Columbia ($59 million);
- More than what the city spends on the DC Public Library system ($41 million);
- More than what the city spends on the Parks and Recreation ($44 million);

According to the D.C. Fiscal Policy Institute³, the Mayor’s budget plan saw public safety and justice spending rise nearly three times faster (10.8 percent) than spending on human support services (3.8 percent), and public education (3.7 percent).

Youth crime correlates with rise and fall of youth employment. A near decade-long trend in Washington, D.C., shows that youth unemployment closely tracked youth referrals to the juvenile justice system (see graph below). Employment for young people may be an effective way to reduce crime. Between 1997 and 2000, the youth unemployment rate in DC (ages 16-19) fell from 42.4 percent, to 30.4 percent, a decline of 28 percent in youth unemployment. During that same time, the rate at which youth were referred to DC courts for violent and property crimes declined by 18 percent, and for all crimes, there was a 16 percent decline in youth referrals to court per 100,000 youth.

³What’s in the FY 2007 Budget Request, DC Fiscal Policy Institute, May, 2006.
The Justice Policy Institute is a Washington, D.C.-based think tank dedicated to ending society's reliance on incarceration and promoting effective and just solutions to social problems. For more information, visit our website at www.justicepolicy.org
NCJ Number: NCJ 225359  Title: OJJDP News @ Glance, January/February 2009 Corporate Author: US Dept of Justice Office of Juvenile Justice and Delinquency Prevention United States Sale: Juvenile Justice Clearinghouse/NCJRS P.O. Box 6000 Rockville, MD 20849 United States Document Url: HTML  Publication Date: 01/2009 Pages: 12 Type: Program/project description/evaluations Origin: United States Language: English Note: Downloaded January 12, 2009 Annotation: This issue reports on the activities and resources of the U.S. Justice Department’s Office of Juvenile Justice and Delinquency Prevention (OJJDP).

Abstract: In the opening section, OJJDP Administrator Flores reflects on 6 years of progress in juvenile justice as his tenure draws to a close. This is followed by an announcement of the completion of the work of the Study Group on Very Young Offenders, which was created in 2001 in order to examine the prevalence and frequency of very young offending, how such offenders are managed by the juvenile justice systems, the services available to them, and the solutions recommended. OJJDP’s efforts at outreach to faith-based groups serving high-risk juveniles are also described, as are the objectives of the National Incidence Studies of Missing, Abducted, Runaway, and Throwaway Children. This is followed by a description of the activities of OJJDP’s signature Gang Reduction Program, which is attempting to reduce youth gang activity in four neighborhoods across the country. OJJDP’s initiatives to counter the commercial sexual exploitation of children are also described, along with the nature of its leadership role in improving conditions of confinement for juveniles. In response to requests for information on effective programs that deliver impressive outcomes, OJJDP announces that users can now search the Model Programs Guide’s database by program category, target population, risk and protective factors, effectiveness, rating, and other parameters. This issue also provides information on OJJDP activities related to disproportionate minority contact with the juvenile justice system, the Girls Study Group, the development of the Socioeconomic Mapping and Resource Topography (SMART) system, and interagency collaboration through the Coordinating Council on Juvenile Justice and Delinquency Prevention. Other OJJDP activities mentioned pertain to Internet crimes against children, Helping America’s Youth Initiative, juvenile justice in Indian Country, and underage drinking among tribal youth. A listing of OJJDP’s new publications Main Term(s): Juvenile justice agencies Index Term(s): Computer aided operations ; Indian justice ; Interagency cooperation ; Computer related crime ; Juvenile gangs ; Model programs ; Office of Juv Just and Delinq Prev (OJJDP) ; Juvenile prostitution ; Model program adoption ; Juvenile inmates ; Young juvenile offenders ; Juvenile delinquency preventn prgs ; Missing children ; Gang prevention ; Minority overrepresentation ; Faith Involvement (juvenile delinquency prevention) ; Faith-Based
This article examines research evidence regarding whether legislative mandates that have increased the rates of youth being tried in adult criminal court have reduced juvenile crime. Abstract: Research shows that rates of juvenile offending are not lower in States where it is relatively more common to try adolescents as adults. Also, individual juveniles who have been tried as adults are no less likely to reoffend than those who have been processed in the juvenile justice system. Thus, the author concludes that processing juveniles as adult defendants is not an effective means of controlling juvenile crime. The article argues that the expanded use of adult criminal courts to try juvenile defendants undermines the rationale for juvenile court, i.e., that the developmental deficiencies of juveniles makes them less culpable for their offending than adults, such that their dispositions should take into account these deficiencies. Further, transferring adolescent defendants to criminal court exposes them to harsh punishment and interaction with adult criminals that further embeds them in lives of crime. Thus, the accumulating evidence on the results of juveniles' transfer to adult court, the recent decrease in serious juvenile crime, and expanded research on adolescent development argues for legislators, policymakers, and practitioners to again require that all defendants 18 years old and under be processed in the juvenile justice system. 6 tables, 4 figures, and 110 notes Main Term(s): Juvenile justice policies Index Term(s): Juvenile court waiver; Deterrence effectiveness; Sentence effectiveness; Juvenile corrections effectiveness
Title: Prevention and Intervention Programs for Juvenile Offenders

Publisher: The Future of Children
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Author: Peter Greenwood
URL: http://www.futureofchildren.org/
Publication Date: 2008
Pages: 26
Type: Issue overview

Origin: United States
Language: English
Annotation: This article reviews the methods used to identify the best prevention and intervention programs for juvenile offenders, explains how program effectiveness is measured, provides an overview of programs that work, and offers guidance on how jurisdictions can move toward more evidence-based practices.

Abstract: Evaluation research is used to identify programs that achieve their intended outcomes. Researchers typically evaluate delinquency-prevention programs by using a quasi-experimental design that compares outcomes for the experimental treatment group with outcomes for some nonrandom comparison group, which is similar in characteristics to the experimental group. Different researchers often come to different conclusions about what does and does not work. More rigorous reviews use meta-analysis, a statistical method that combines results across studies in developing estimates of effects for alternative intervention strategies. Some rating or certification systems use expert panels or other screening processes in assessing the integrity of individual evaluations and defined criteria for proven, promising, or exemplary programs. Researchers have identified a dozen proven delinquency-prevention programs, and another 20 to 30 promising programs are still being tested. The most successful programs are those that prevent youth from engaging in delinquent behaviors in the first place. The article cites home-visiting programs that target pregnant teens and their at-risk infants and preschool education for at-risk children, including home visits or work with parents. Successful school-based programs can prevent drug use, delinquency, antisocial behavior, and early school drop-out. Community-based programs can divert first-time offenders from further encounters with the justice system. The most effective community programs emphasize family interactions and provide skills to adults who supervise and teach/train the child. A few States such as Florida, Pennsylvania, and Washington have begun to implement evidence-based programs. The challenge is to push these reforms into the mainstream of juvenile justice programming.

Main Term(s): Juvenile delinquency prevention
Index Term(s): Juvenile delinquency prevention; Juvenile corrections effectiveness; Juvenile program evaluation; Juvenile delinquency prevention programs; Treatment effectiveness
Over 2.3 million youth are arrested each year. Of these, approximately 600,000 are processed through juvenile detention centers and more than 100,000 are placed in secure juvenile correctional facilities (Sickmund, 2004). Until the last decade, there was a lack of data and information available documenting the degree to which youth involved with the juvenile justice system were experiencing mental illness. New research has expanded our collective understanding of the nature and prevalence of mental disorders among the juvenile justice population and has provided the field with a more precise assessment of the problem.

It is now well established that the majority of youth involved with the juvenile justice system have mental health disorders. For example, we now know that youth in the juvenile justice system experience substantially higher rates of mental disorder than youth in the general population. Studies consistently document that anywhere from 65% to 70% of youth in the juvenile justice system meet criteria for a diagnosable mental health disorder (Skowyra & Cocozza, in press; Tepelin et al., 2002; Wasserman, Ko, & McReynolds, 2004). Further, recent estimates suggest that approximately 25% of youth experience disorders so severe that their ability to function is significantly impaired (Skowyra & Cocozza, in press).

In a recent mental health prevalence study conducted by the National Center for Mental Health and Juvenile Justice on youth in three different types of juvenile justice settings, over 70% of youth were found to meet criteria for at least one mental health disorder. Disruptive disorders (including conduct disorder) were most common, followed by substance use disorders, anxiety disorders, and mood disorders. When conduct disorder was removed from the analysis, over 66% of youth still met criteria for some other mental health disorder. Even when conduct disorder and substance use disorders were removed from the analysis, almost half of the youth (45.5%) still met criteria for a mental health disorder (Skowyra and Cocozza, in press).

Many youth with mental health needs are detained or placed in the juvenile justice system for relatively minor, non-violent offenses but end up in the system simply because of a lack of community-based mental health treatment. A survey of families with children who have a brain disorder, conducted by the National Alliance for the Mentally Ill (2001), found that 36% of respondents reported having to place their children in the juvenile justice system in order to access mental health services that were otherwise unavailable to them. More recently, a report issued by Congress in July 2004 documented the inappropriate use of detention for youth with mental health needs and found that in 33 states, youth were reported held in detention with no charges at all—they were simply awaiting mental health services (US House of Representatives, 2004).

The growing crisis surrounding
these youth is highlighted by a series of recent independent reports and media accounts. Investigations by the US Department of Justice into the conditions of confinement in juvenile detention and correctional facilities throughout the country have repeatedly found a failure on the part of the facilities to adequately address the mental health needs of youth in their care (US Department of Justice, 2005). In addition, media inquiries and reports have documented the mental health crisis within the juvenile justice systems in numerous states including New Jersey, Arizona, California, Michigan and Pennsylvania. This unprecedented exposure has put new public pressure on elected officials, policy makers, and practitioners to develop more effective responses.

As a result of this pressure and attention, significant energy has been directed to the development of new tools, programs, and resources to help the field better identify and respond to the mental health needs of youth with mental health needs. Emerging strategies include:

- The wider use of standardized mental health screening and assessment procedures for justice-involved youth, such as the MAYSi-2 and the Voice DISC-IV;
- The increasing reliance on evidence-based and promising practices, such as Multi-Systemic Therapy and Functional Family Therapy, to treat mental disorders among youth in the juvenile justice system; and
- The development of collaborative programs and strategies, involving both juvenile justice and mental health agencies, across the country.

Yet, despite these trends and progress, until recently there had been no attempt made to systematically examine these existing efforts, summarizing what it is we now know about the best ways to identify and treat these disorders among youth at key stages of juvenile justice processing. A comprehensive package of this information could provide guidance and direction to the field.

**A Blueprint for Change**

Recognizing this need to summarize the state of knowledge in the field, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) launched its largest investment ever in mental health research in 2001. The result of this effort is a report entitled “Blueprint for Change: A Comprehensive Model for the Identification and Treatment of Youth with Mental Health Needs in Contact with the Juvenile Justice System” (Skowbyra & Coocoza, in press). This Comprehensive Model, developed by the National Center for Mental Health and Juvenile Justice, offers a conceptual and practical framework for juvenile justice and mental health systems to use when developing strategies and policies aimed at improving the mental health services for youth involved with the juvenile justice system. The model captures the existing activity in the field, examining the juvenile justice system as a continuum from intake to re-entry, identifying the best ways to respond to youth with mental disorders at key points of contact, and providing recommendations, guidelines, and examples for how best to do this.

**Underlying Principles.** The Model is centered around a set of Underlying Principles that represent the foundation of a juvenile justice system that is committed and responsive to the mental health needs of youth in its care. These Principles represent the essential elements necessary to create a “model” system and address a range of issues including:

- The importance of diverting youth with mental disorders, whenever possible and when matters of public safety allow, into evidence-based treatment in a community setting;
- The need for families to be full partners in the development of treatment plans and decisions for their children;
- The fact that multiple systems share responsibility for these youth and that all responses developed should be collaborative in nature; and
- The need for services to be developmentally appropriate and sensitive to issues of gender, ethnicity, race, age, sexual orientation, socio-economic status, and faith.

**Cornerstones.** From the Principles emerged four Cornerstones that provide a framework for putting the underlying principles into practice. The Cornerstones reflect areas of improvement that are most critical for enhancing the delivery of mental health services: Collaboration, Identification, Diversion and Treatment. The Comprehensive Model includes a discussion of each Cornerstone, as well as detailed recommended actions that provide direction on how to implement strategies consistent with the Cornerstone. A brief summary of each Cornerstone is presented below.

**Collaboration.** In order to appropriately respond and effectively provide services to youth with mental health needs, the juvenile justice and mental health systems should collaborate in all areas and at all critical intervention points.

Despite the large numbers of youth with mental health needs in the juvenile justice system, service delivery
for these youth is often fragmented and inconsistent, and operates without the benefit of a clear set of guidelines specifying responsibility for the population. An effective response to this problem must include the development of collaborative approaches involving both the mental health and juvenile justice systems. The recommended actions for this Cornerstone stress that the juvenile justice and mental health systems engage in joint strategic planning, funding, and evaluation activities; that family members be included in all collaborative efforts; and that cross-training be provided to help systems learn about each other.

Identification. The mental health needs of youth should be systematically identified at all critical stages of juvenile justice processing.

The development of a sound screening and assessment capacity is critical in order to effectively identify and ultimately respond to mental health treatment needs. Screening and assessment should be routinely performed at a youth’s earliest point of contact with the system, and standardized instruments should be used. Further, the results of mental health assessments and risk assessments should be linked to help guide decisions about a youth’s suitability and need for diversion to community-based services. The recommended actions for this Cornerstone propose that the mental health screening process include the administration of an emergency mental health screen as well as a general mental health screen, that mental health assessments be administered to any youth whose mental health screen indicates a need for further assessment, and that policies protecting the confidentiality of pre-adjudicatory screening information be in place.

Diversion. Whenever possible, youth with identified mental health needs should be diverted into effective community-based treatment.

Many youth end up in the juvenile justice system for behavior brought on by or associated with their mental health disorder. Some of these youth are charged with serious offenses; many, however, are in the system for relatively minor, non-violent offenses. Mental health experts agree that it is preferable to treat youth with mental disorders outside of juvenile correctional settings (Koppelman, 2005). However, a youth’s mental illness and level of risk to community safety must be considered when determining whether a youth can be diverted into community-based treatment. The recommended actions for this Cornerstone advocate that procedures be in place to identify youth appropriate for diversion to treatment, that effective community-based services be available to diverted youth, and that diversion mechanisms and programs be instituted at key decision-making points within the juvenile justice continuum.

Treatment. Youth with mental health needs in the juvenile justice system should have access to effective treatment to meet their needs.

Enormous advances have been made in this area over the last decade and there are now evidence-based interventions that are well-documented and proven effective for treating mental disorders among youth. Currently, however, the vast majority of mental health services and programs available to treat youth involved with the juvenile justice system are not evidence-based. The recommended actions for this Cornerstone advise increasing the availability and application of evidence-based services for youth in the juvenile justice system, regardless of the setting or level of care; sharing responsibility between the juvenile justice and mental health systems for providing services; involving families as fully as possible in the treatment of their children; and providing services that are trauma-informed and gender responsive.

Critical Intervention Points

The Cornerstones of the Model were then applied to the juvenile justice processing continuum to identify places within the entire continuum—from intake to re-entry—where opportunities exist to make better decisions about mental health needs and treatment. Seven Critical Intervention Points (Figure 1) were identified where the Cornerstones could be addressed or implemented. For each Intervention Point, the Model discusses what happens to youth at that point in the processing and reviews...
the mental health issues associated with each point.

Program Examples

Over 50 programs are highlighted in the Model, providing illustrations of how communities across the country have taken steps to develop or enhance services at key stages of juvenile justice processing. Among these programs are two that are the focus of articles within this journal. One program is the FIT Program, which provides integrated individual and family services to youth who are transitioning from incarceration back into the community. The other program is the Integrated Co-Occurring Treatment Model, which serves as both a diversion program and a re-entry program for youth with mental health and substance use disorders involved with the Akron, Ohio juvenile court.

What Happens Next?

The Model represents the first-ever systematic, comprehensive review of the ways in which mental health service delivery strategies can be strengthened within the juvenile justice system. While the document is targeted to state and county administrators and program directors from the juvenile justice and mental health systems, any community stakeholder can benefit from the information and examples provided. The Model offers a blueprint for how mental health issues can be better addressed within the juvenile justice system as a whole. By focusing on a series of critical intervention points, the Model also allows jurisdictions to consider implementing individual components of the Model as a first step in improving their systems.

The premise is not complicated: Stronger partnerships between the juvenile justice and mental health systems can result in better screening and assessment mechanisms at key points of juvenile justice system contact, enhanced diversion opportunities for youth with mental health needs to be treated in the community, and increased access to effective mental health treatment. The Model provides a detailed blueprint for how communities can achieve these goals. What it cannot do, however, is actually effect the change. That must come from the leaders in the juvenile justice and mental health fields who have been struggling to develop solutions for these youth. The Model provides a tool to move forward. The energy, hard work and political will to make this happen must come from them.

References


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JUVENILE DELINQUENCY
GUIDELINES

Improving Court Practice in Juvenile Delinquency Cases

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AND FAMILY COURT JUDGES
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Honorable David E. Grossmann and
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National Council of Juvenile and Family Court Judges
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University of Nevada, Reno

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As early as 1996, the National Council of Juvenile and Family Court Judges (NCJFCJ) recognized the need to develop a document to guide court improvement in handling of juvenile delinquency cases. Although it was clear that improvement was necessary, court jurisdictions across the nation had no guidebook against which to measure or assess their daily practice. A document which would outline best practices and which could be used to help courts identify problem areas, to plan for change, and to implement improvement was critically needed.

In 2001, the National Council received funding from the Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice to begin drafting this document. A Development Committee of national experts was assembled along with a primary author – Barbara Seibel – to begin this work. In selecting members of the Committee, we were committed to including practitioners as well as policy-focused professionals. Academics and researchers were also included on the Committee. Through its diversity, and throughout three years of discussion, debate, and hard work, this Committee was able to generate a document which will serve as a tool for jurisdictions nationwide as they seek to improve daily practice and to better serve the communities and youth on their watch.

Our deepest appreciation to our Committee Co-Chairs Hon. David Grossmann and Hon. Maurice Portley; our funder; Robert Flores, Administrator, Office of Juvenile Justice and Delinquency Prevention; the primary author, Barbara Seibel; as well as to the members of the Committee, peer reviewers, NCJFCJ membership and staff who reviewed and edited this document. They gave generously of their time and energy to ensure this document’s accuracy, timeliness, and applicability to jurisdictions nationwide.

This document is not a reflection of the current state of juvenile justice today, but of what juvenile justice practice can be in the future. For the Committee’s foresight and dedication to this mission, we offer our deepest thanks.
-- Mary Mentaberry, Executive Director National Council of Juvenile and Family Court Judges
For decades, the National Council of Juvenile and Family Court Judges (NCJFCJ) has provided judicial training and juvenile justice technical assistance. NCJFCJ members understand that an effective juvenile justice system requires a highly skilled juvenile and family court judiciary and system professionals, effective and efficient court processes, and adequate resources.

Since 1990, the Permanency Planning for Children Department (PPCD) of the NCJFCJ, in collaboration with the Office of Juvenile Justice and Delinquency Prevention (OJJDP), juvenile court judges, juvenile court administrators, and child welfare experts across the country, led the Child Victims Act Model Courts Project. Believing that courts and agencies needed to undergo a fundamental paradigm shift to change the way they worked individually and in concert, this project designed an innovative and practice-based training and technical assistance model. This model for change, supported by The Adoption Assistance and Child Welfare Act (1980), Pub. L. No. 96-272, resulted in national systemic improvements in the way juvenile and family courts handle abuse and neglect cases. Two critical components of this change process were the publication of the RESOURCE GUIDELINES: Improving Court Practice in Child Abuse and Neglect Cases, and implementing the recommendations and other best practices through “Model Courts.” Lead judges of juvenile and family courts across the nation requested that their courts be selected as advocates and models for system change, committing to:

- Adhere to, and be guided by, the key principles of the RESOURCE GUIDELINES;
- Analyze practice and results of their existing court processes and identify improvement opportunities;
- Implement process improvement, measure results, and share their experiences both with other Model Courts and with all juvenile courts; and
- Commit to and promote systems change both within their own jurisdiction, and at the state, regional, and national levels.

Using this successful training and technical assistance model, the NCJFCJ hopes to achieve equally significant improvements in the way that the juvenile courts across the country and in U.S. territories handle their delinquency jurisdictions.

The first step toward change is the publication of this book – JUVENILE DELINQUENCY GUIDELINES: Improving Court Practice in Juvenile Delinquency Cases – for juvenile delinquency court judges and juvenile delinquency system professionals. Juvenile justice system practitioners from across the country have contributed to its development.

The second step in the change effort will be the broad dissemination of the DELINQUENCY GUIDELINES and the implementation of the DELINQUENCY GUIDELINES recommendations through designated Model Courts. In addition, the NCJFCJ will supplement the DELINQUENCY GUIDELINES with training and technical assistance, research and evaluation, and additional publications and tools for practice and policy development. Through these efforts, juvenile delinquency courts across the country will be assisted in assessing current practice, identifying areas in need of improvement, and planning and working toward positive change. The result will be a renewed focus on delinquency system improvement, including improved court handling of juvenile delinquency cases, innovative community-based collaborative responses to juvenile crime and delinquency, and expansion of professional networks interested in improving governmental responses to at-risk youth.

A. HISTORICAL PERSPECTIVE

As we reach for system improvement, it is helpful to review the past practices of our over 100-year-old United States juvenile court system. Prior to the establishment of its first juvenile delinquency court, America followed legal traditions inherited from England. These traditions categorized people as “infants” or “adults” and allowed three options for children and youth who broke the law:

- Any child below age seven was presumed to be incapable of criminal intent and conclusively exempt from prosecution and punishment.
- Children ages seven through 14 could invoke the “infancy defense” and try to convince the court of their incapacity for criminal intent. The prosecutor would counter such a defense to show criminal capability, and if successful, the child would face criminal penalties, including imprisonment or death.
- Children over the age of 14 were always prosecuted and punished as if they were adult criminals.

In the 1800s, believing that animals were treated better than children, members of the Society for the Prevention of Cruelty to Animals started a movement for prevention of cruelty to children, a movement that helped establish separate courts for juveniles and adults. The first juvenile court in the United States, authorized by the Illinois legislature, began operation in 1899 in...
Cook County (Chicago), Illinois. The legislation that created this court included a comprehensive set of definitions and rules "to regulate the treatment and control of dependent, neglected, and delinquent children." The court was charged with promoting the welfare of children in trouble, to avoid the stigma of crime and criminality, and to "as far as practical, treat children not as criminals but as children in need of aid, encouragement and guidance." The laws were to be "liberally construed," to accomplish the goal that the "care, custody, and discipline" of these children "shall approximate as nearly as may be that which should be given by parents."

By 1925, following Illinois' lead, all but two states had established juvenile courts based on the British doctrine of 

*parens patriae* (the state as parent). This doctrine gave government the right to intervene in the lives of children, with or without the consent of parents. This approach included the concept of individualized justice – not every child in every situation should receive exactly the same response. The focus was on the offender and not the offense, on rehabilitation instead of punishment. The court was responsible for balancing the needs of children, their families, and their communities. This approach produced court processes such as:

- The juvenile delinquency court controlling its own intake, as opposed to the criminal court, where grand juries and prosecutors controlled intake;
- The option of handling cases informally as opposed to formally;
- Less formal hearing procedures;
- Confidential proceedings;
- The absence of attorneys except in trials of the most serious cases; and
- Dispositions based on perceived remedial need instead of automatic dispositions determined by the offense.

The concept of individualized justice has remained the hallmark of the juvenile justice system since inception and has clearly differentiated it from the criminal justice system. Although the juvenile delinquency court considers the facts of the offense when determining the proper disposition of a juvenile delinquency case, the juvenile delinquency court is not driven by the offense, but instead, by the specific needs and circumstances of the individual youth. Thus the original design of the juvenile delinquency court optimized its chances of providing community safety by imposing consequences that have the best chance of producing change in each youth.

Three U.S. Supreme Court decisions caused the pendulum to shift in the 1960s and 1970s away from part of the *parens patriae* doctrine. These decisions responded to concerns that the rights of youth were being trampled, and that *parens patriae* and unbridled judicial discretion, however benevolently motivated, were arbitrary and unfair. These decisions were:

- *Kent v. United States* (1966) established that transfer to criminal court must consider due process and fair play, and that the youth must be represented by an attorney who must have access to the youth's juvenile records.
- *In re Gault* (1967) established that juveniles had the constitutional right to notice of the proceedings, the right to counsel, the right to confront and cross-examine accusers, the right against self-incrimination (i.e., the right to remain silent), and the right to appeal a decision of the juvenile delinquency court. Aggregately, these rights are referred to as due process rights.
- *In re Winship* (1970) changed the burden of proof from preponderance of evidence to proof beyond a reasonable doubt.

In contrast to this shift, however, *McKeiver v. Pennsylvania* (1971) moved in the opposite direction when the U.S. Supreme Court determined that in juvenile proceedings there was no right to trial by jury.

During this period, juvenile delinquency court purpose clauses began to use words such as "punishment" and "accountability," and juvenile delinquency court process focused more on the criminal nature of delinquent acts and adopted essential due process rights accorded to criminal court defendants. This shift caused mounting concern that youth who had committed acts which would not be considered criminal if committed by adults – referred to as status offenders – should be protected from inappropriate juvenile delinquency court responses. The Juvenile Justice and Delinquency Prevention Act of 1974 (Act) was passed for this purpose and limited the placement of status offenders in secure detention or correctional facilities. There was also concern that alleged and adjudicated delinquents were being harmed by contact with alleged and convicted adult criminals in adult jails, lockups, and other institutions. Consequently, the Juvenile Justice and Delinquency Prevention Act required that juvenile offenders be removed from adult jails and separated from adults in institutional settings. Subsequent amendments to the Act include:

- In 1980, Congress amended the Act to allow the secure detention of status offenders who had violated valid court orders.
• In 1984, Congress amended the Act to define valid court order and to refine other concepts.
• In 1992, Congress amended the Act to add programs to address gender bias, prevention, treatment, graduated sanctions, and risk assessments/needs assessments.
• In 1998, Congress amended the Act to address disproportionate minority confinement. Throughout the history of the juvenile delinquency court, juvenile offenders have represented all ethnic backgrounds and all socioeconomic levels. However, the juvenile delinquency court has been challenged throughout its years with the dynamic of disproportionate minority involvement in the juvenile justice system.
• In 2002, Congress continued the four core elements of the previous Acts and amendments – specifically, deinstitutionalization of status offenders, separation of juveniles and adults in secure institutions, removal of juveniles from adult jails and lockups, and reduction of disproportionate minority contact where it exists; and added emphasis on the link between child abuse and neglect and delinquency, with a new requirement that child welfare records should be available to the juvenile delinquency court system so that the youth’s best interest would be considered when the juvenile delinquency court made decisions.

The next pendulum swing began in the mid-1980s in response to a rapid escalation in the volume and seriousness of youth crime. There was a growing public perception that juvenile delinquency courts were "soft" in their responses to serious crime. From 1988 to 1994, juvenile arrests for violent crimes increased 62%. In response to this escalation, legislatures significantly modified juvenile delinquency court processes in four areas. These areas included: 1) transferring youth to criminal court, 2) relaxing confidentiality protections, 3) the emergence of an increased role for the prosecutor in juvenile delinquency court, and 4) “toughening” juvenile delinquency court sanctions.

The first significant change in juvenile delinquency court practice addressed youth who had committed serious crimes and changed state statutes regarding who should be handled in juvenile delinquency court and who should be transferred (or waived) to the criminal court. Between 1992 and 1995, 40 states and the District of Columbia changed their laws to restrict juvenile delinquency court jurisdiction in the most serious cases in three ways:

• Passing laws requiring automatic waivers to criminal court for specified offenses - Prior to this time, laws specified that only certain offenses were eligible for transfer to criminal court. Laws were changed to specify that certain offenses must be transferred to criminal court.
• Lowering the age of transfer to criminal court - Prior to this time, laws generally did not permit the transfer of youth to criminal court if they were under the age of 14 to 16. By 1995, 11 states had lowered the age of transfer.9
• Removing or reducing discretion from juvenile delinquency court judges over whether to keep youth under the jurisdiction of the juvenile delinquency court or to waive youth to the criminal court - Not only were judges required to waive specified offenses, but also laws in some states gave prosecutors the discretion of whether to file an offense in juvenile delinquency court or criminal court. There was an increase in the number of states that required statutory exclusion or legislative transfer, which mandated certain offenses be filed directly in criminal court, removing specified youth from the original jurisdiction of the juvenile delinquency court. There was also an increase in the number of offenses included in this category.

The second significant change in juvenile delinquency court practice occurred in the area of confidentiality protections. Prior to the 1990s, juvenile delinquency court hearings and information were generally off-limits to the press and the public. Rarely was a juvenile offender's name or picture printed in the newspaper. Non-parties could not generally attend juvenile delinquency court hearings unless it was demonstrated that the public's right to know outweighed the youth's right to confidentiality. This perspective changed as many legislatures removed the confidentiality restrictions and determined that the community's right to know superceded the protection of the youth from stigma. Unless it was shown that opening the proceeding would significantly harm the youth, the juvenile process was opened to the public in many jurisdictions.

The third significant change in juvenile delinquency court practice resulted in routine involvement of the prosecutor in the juvenile delinquency court. Prior to In re Gault, prosecutors seldom appeared on juvenile delinquency cases except, on occasion, to help the probation department address legal matters. Over the past 30 years, more prosecutors have participated in juvenile delinquency court
according to their traditional role as the advocate for the community by reviewing and filing petitions, appearing at all hearings, and taking positions in each delinquency case at every stage of the proceedings. This development has led to the juvenile delinquency court resembling the adult criminal process in several respects, specifically the growth of the adversarial process in the juvenile delinquency court and the practice in many jurisdictions of extensive use of plea negotiating.

The fourth change in juvenile delinquency court practice toughened the sanctions available to juvenile delinquency courts. Examples of this change include lowering the age for youth to be held in secure detention, lowering the age for youth to be sent to secure correctional institutions, and the option of blended sentencing. In blended sentencing a judge may impose both a juvenile and criminal sentence. If the juvenile successfully completes the juvenile sentence, the criminal sentence may be set aside or the juvenile may be ordered to serve a sentence in a juvenile facility until reaching the age of majority and then be transferred to a criminal justice system facility to complete the sentence.

At the same time legislatures were toughening their response to juvenile crime, delinquency systems also began exploring the model of Balanced and Restorative Justice (BARJ). The model gives equal consideration to 1) protecting the community, 2) holding offenders accountable for their acts, and 3) helping offenders to develop the skills and attitudes they need to succeed in becoming law-abiding and productive members of society.

Ten years after this decade of toughening responses to juvenile crime, the U.S. Supreme Court moved in the opposite direction when it overturned the previous decision of Stanford v. Kentucky (1989) that execution of a person who was 16 or 17 years of age at the time of his or her offense did not offend the Eighth Amendment's prohibition against "cruel and unusual punishment." In Roper v. Simmons (2005) the U.S. Supreme Court determined that the national consensus had changed, that the death penalty was a disproportionate punishment for juveniles, and that youth under the age of 18 are categorically excluded from capital punishment. Whether this is the beginning of another shift, or an anomaly such as McKeiver v. Pennsylvania (1971), remains to be determined.

B. NEED FOR AND PURPOSE OF THE JUVENILE DELINQUENCY GUIDELINES

Societal trends carried from the 1990s into the new millennium – a mobile population, increasingly complex family situations, single parent homes, decreased supervision of children, parents who are less available to their children, substance abuse in youth and families, gang-related activity, and increasing incidence of serious mental health issues in younger youth – have created significant challenges for the juvenile delinquency court. Juvenile delinquency court judges are on the front-line, dealing with some of society's most difficult problems.

These dynamics have made it difficult for juvenile delinquency courts to maintain balance between meeting the needs of juvenile offenders and community safety. They have resulted in juvenile justice system challenges such as an increased percentage of mental illness in incarcerated youth, detention rates that are the highest in the world, disproportionate minority representation throughout the system, and a lack of uniformity in juvenile delinquency court practice and decision-making from jurisdiction to jurisdiction. Although pieces of the juvenile delinquency court process have been modified, there has been no major examination or comprehensive overhaul in decades.

Many challenges have rendered past practices ineffective and require new and innovative approaches. Juvenile delinquency court statistics, OJJDP research, juvenile justice experts, juvenile delinquency court judges, and juvenile justice system staff from many jurisdictions consistently express concern about the effectiveness of the juvenile justice system to address the following challenges:

- Increasing numbers of youth are failing and dropping out of school with educational deficits serving as the primary reason for entry into the juvenile justice system.
- Increasing numbers of youth have multiple needs including serious histories of trauma, mental health, and behavioral problems; most of these youth experience disconnected, uncoordinated service systems – child welfare, special education, mental health systems, and juvenile justice agencies – that have minimal communication or coordination regarding services to these youth.
- Because of limited resources, some agencies have become involved in "competition not to serve" these challenging youth and are "dumping" their most difficult clients into the juvenile justice system.
- Many youth are involved in repeated but unconnected contacts with law enforcement with a general lack of a continuum of graduated sanctions and available service options.
• The rate of arrests for serious crimes committed by females is rising in contrast to the overall decrease in the commission of serious crimes, and traditional services are not effective with this population.
• The rate of arrests for serious crimes committed by younger youth is rising in contrast to the overall decrease in the commission of serious crimes, with deficits in the services required to address their needs.

The leadership of the National Council of Juvenile and Family Court Judges, along with national experts in probation, youth corrections, prosecution, law enforcement, and defense agree that the juvenile delinquency court system needs guidelines that will help them improve practice. They need guidelines that will address both the enduring problems of delinquency and emerging challenges. Frustration with the ineffectiveness of old ways of doing business has provided significant momentum for the development and publication of recommendations that will be the foundation for positive change in our nation’s juvenile delinquency courts.

The purpose of the Juvenile Delinquency Guidelines: Improving Court Practice in Juvenile Delinquency Cases is to set forth the essential elements of effective practice for the court processes that are involved in the handling of juvenile delinquency cases. It identifies recommended practices throughout the juvenile delinquency court system – from the determination of whether a case should enter the formal juvenile delinquency court system, to determination as to whether juvenile delinquency court jurisdiction should be waived and the youth transferred to criminal court, and to post-disposition review of the reentry process for youth returning to the community from out of home placement.

In the effort to produce better results in our nation’s juvenile delinquency courts, the Development Committee of the Delinquency Guidelines has accessed a wealth of experience and data. The Committee recognizes that there are some areas where research is lacking, and have identified practices from innovative juvenile delinquency courts across the country that have shown positive results.

This collective experience comes together in the Juvenile Delinquency Guidelines: Improving Court Practice in Juvenile Delinquency Cases. This is the first organized effort by the NCJFCJ and the OJJDP to identify comprehensive and effective practice for the nation’s juvenile delinquency courts. The goals are to improve the nation’s juvenile delinquency systems and the outcomes for the youth, families, victims, and communities they serve. The results of the implementation of the Delinquency Guidelines recommendations, and other innovations developed and implemented through the Delinquency Guidelines Model Courts, will be measured and tracked to determine their effectiveness.

C. SCOPE, STRUCTURE AND USE OF THE JUVENILE DELINQUENCY GUIDELINES

The scope of the Juvenile Delinquency Guidelines: Improving Court Practice in Juvenile Delinquency Cases begins at the point when an affidavit alleging a violation of the law is brought to the juvenile delinquency court. It ends upon completion of all delinquency hearings on a petition, including post-disposition review hearings.

The Delinquency Guidelines distinguishes between illegal behaviors committed by youth (status offenses and delinquency), as opposed to illegal behaviors committed against youth (abuse, neglect, and dependency). A status offense is defined as those offenses that would not be illegal if committed by an adult, for example, truancy, runaway, incorrigibility, and alcohol or tobacco possession or use. The Delinquency Guidelines speaks only to the juvenile delinquency court processes involved with youth who are alleged to have committed illegal behaviors. The Delinquency Guidelines recognizes that in some states status offenders are under the jurisdiction of the abuse and neglect jurisdiction of the juvenile court as opposed to the delinquency jurisdiction. The Delinquency Guidelines does not recommend against the practice of status offenders being under the abuse and neglect jurisdiction. The Delinquency Guidelines does recommend, however, that only law-violating juveniles should be under the delinquency jurisdiction of the juvenile court.

All juvenile delinquency courts have jurisdiction over misdemeanor and felony cases, except those felony cases specified by state statute as prosecutor discretion to file in juvenile or criminal court, or those felonies specified as direct filings in criminal court. Most juvenile delinquency courts have jurisdiction over status offenses. Many juvenile delinquency courts have jurisdiction over juvenile traffic offenses. The Delinquency Guidelines recommends that juvenile delinquency courts use informal systems with status offenders unless their behaviors become chronic.

The Delinquency Guidelines begins in Chapter 1 with the reasons the juvenile delinquency court continues to be a necessary institution and describes the goals and key
principles that are a necessary foundation for juvenile delinquency courts of excellence. Chapter I concludes with the identification of roles and responsibilities that must exist in an effective juvenile delinquency court system.

In Chapter II, important general issues not already covered in the Key Principles are briefly presented. All persons involved in any delinquency system need to be knowledgeable about these issues. Many of these general issues have been extensively written about in multiple publications. The purpose of addressing them in the DELINQUENCY GUIDELINES is to emphasize their importance, to summarize the issues, and to identify additional references for in-depth study.

Chapter III begins with a petition that alleges a youth to have violated the juvenile code and covers:

- The importance of consistency in decision-making;
- Process and options for diverting complaints from the formal delinquency system;
- Engaging the formal system; and
- Alternatives to secure detention, managing the detention population, and restrictions on holding youth in adult jails.

The formal system is different from the informal system in that, if a youth complies with the expectations of the informal system, a petition is either not filed or dismissed, and the offense, even though admitted, should not become part of a delinquency record.

Chapters IV through XI describe the process of each of the hearings that are part of the formal juvenile delinquency court system. The structure of these chapters includes the purpose of the hearing, timing of the hearing, conducting the hearing, including who should be present and what information the juvenile delinquency court should have, as well as the decisions the juvenile delinquency court should make and record in their written findings and orders. These hearings include:

- The Detention or Initial Hearing
- Hearings on Motions To Waive Juvenile Delinquency Court Jurisdiction and Transfer Jurisdiction To Criminal Court
- The Trial and Adjudication Hearing
- The Disposition Hearing
- The Appeals Process
- Post-Disposition Review of Delinquent Youth Who Remain in Their Home with Court Ordered Services
- Post-Disposition Review of Delinquent Youth Placed Out of the Home by Juvenile Delinquency Court Order
- Probation and Parole Violations

The DELINQUENCY GUIDELINES ends with a final chapter on implementation issues, checklists, a glossary, and appendices.

The structure of this book has been time-tested by the National Council of Juvenile and Family Court Judges in publications previously created for use in the juvenile court's abuse and neglect jurisdiction. The NCJFCJ's Permanency Planning for Children Department has published two similar books - RESOURCE GUIDELINES: Improving Court Practice in Child Abuse & Neglect Cases, and ADOPTION AND PERMANENCY GUIDELINES: Improving Court Practice in Child Abuse and Neglect Cases. Tens of thousands of these books have been distributed and found to be useful by juvenile court judges and other juvenile court professionals across the country. They have been used as bench references, as system improvement roadmaps, and as training guides for system participants. As in the abuse and neglect books, the DELINQUENCY GUIDELINES includes hearing checklists that judges can use on the bench as reminders of the questions that must be answered and the key decisions for each delinquency hearing.

It is important to note that the juvenile delinquency court judges and other juvenile delinquency system professionals who collaborated on the development of the DELINQUENCY GUIDELINES understand that many juvenile delinquency courts will not be able to implement all of the recommendations. All juvenile delinquency courts, however, should be able to implement some of the recommendations and show increased effectiveness and efficiencies as a result. Some of the recommendations require transition funding to initially implement the practice, and then show sufficient cost reductions to allow the practices to continue without permanent cost increases. Some recommendations require resource shifts to implement. Other recommendations can be implemented without cost. Throughout the document and specifically in Chapter XII, examples of how juvenile delinquency courts have made these transitions are described.

The DELINQUENCY GUIDELINES is intended to be used by courts and other juvenile delinquency system stakeholders to assist their efforts to improve practice. The DELINQUENCY GUIDELINES is aspirational - they focus on what should be as opposed to what is. Every effort has been made to make the DELINQUENCY GUIDELINES practical and usable, and to ground recommendations in the most current research and promising practices available at the time of development.

Some jurisdictions are already following many of the recommendations. Some jurisdictions may
find it extraordinarily challenging to follow the recommendations. Regardless of jurisdictional status and resources, it is hoped that the \textit{DELINQUENCY GUIDELINES} provides a common vision and motivational framework for those working toward an improved juvenile delinquency system.

As jurisdictions strive to implement the \textit{DELINQUENCY GUIDELINES} with training and technical assistance from the NCJFCJ, juvenile delinquency system practitioners from all situations - urban, rural, suburban, and with varying degrees of resources - will be able to create and share successful implementation methods.

\bf{Endnotes}\\
\footnote{See the Preface for participants in the development of the \textit{DELINQUENCY GUIDELINES}.}
\footnote{Significant portions of this chapter were taken from: National Center for Juvenile Justice. (2002). \textit{Desktop Guide to Good Juvenile Probation Practice}. Pittsburgh, PA: Author.}
\footnote{See Appendix B for additional information on these cases and for additional key Supreme Court cases affecting the rights of juvenile offenders.}
\footnote{The David and Lucile Packard Foundation. (1996). \textit{The Future of Children: The Juvenile Court}, 6(3).}

According to the National Center for Juvenile Justice, by 2002, two states (Kansas and Vermont) specified age ten as the minimum age for transfer; three states (Colorado, Montana and Missouri) specified age 12; and 22 states and the District of Columbia have at least one provision for transferring juveniles to criminal court for which no minimum age is specified. (See http://www.ncj.org/stateprofiles/).\\
\footnote{Maloney, D., Rosinig, D., & Armstrong, T. (1989). Juvenile probation: The balanced approach. \textit{Juvenile and Family Court Journal} 3(3), 1-57. By the end of 2004, at least 30 states had adopted or were examining juvenile codes or administrative procedures that included this concept and 41 states articulated restorative principles in one or more policy documents.}
\footnote{Supra note 9.}