

# THE LINK

CONNECTING JUVENILE JUSTICE AND CHILD WELFARE

## Youth in Foster Care Who Commit Delinquent Acts *Study Findings and Recommendations*

By Leslee Morris

Echoing previous studies, recent research by the Children and Family Research Center at the University of Illinois at Urbana-Champaign finds that youth who have experienced abuse and neglect are more likely to engage in juvenile delinquency than are youth in the general population.

Using a sample of all maltreated and nonmaltreated children in Cook County, Illinois, researchers found delinquency rates among victims of maltreatment are an average of 47% higher than for children who are not abused or neglected. Researchers also found that children with at least one placement in foster care were significantly more likely to have a delinquency petition, compared with children who had never entered foster care.

This research confirms what those familiar with child welfare and juvenile justice have long suspected: Youth in foster care face a strong likelihood of appearing before the juvenile court.

“In my experience, foster care is just one of those preparatory steps before the kid commits a crime,” one juvenile court judge asserts. “The vast majority of kids in foster care will do something—trespass, shoplift, assault, smoke marijuana, whatever. If you get in foster care, the risk factors go up, and you’ll probably see the kid in the delinquency system.”

Fortunately, recent changes in federal law reflect an increased awareness of the overlap between child maltreatment and juvenile delinquency and demonstrate the federal government’s interest in supporting more coordinated responses to youth who are involved in both the child welfare and juvenile justice systems. Congress has amended two federal laws, the Juvenile Justice and Delinquency Prevention Act and the Child Abuse Prevention and Treatment Act,

to address the multisystem needs of these youth. Capitalizing on progress in research and policy, Children’s Rights, a national child advocacy organization based in New York City, recently examined the experiences of youth who were in foster care when they appeared in a juvenile court on delinquency charges. The study also explored how foster parents view their role when the child or teen in their care is arrested, the perceptions of the child welfare agencies, and the perspectives of juvenile court judges.

Additionally, the study identifies innovative programs that address the issues affecting children and youth in the overlap of the two systems and examines the extent to which law, policy, and practice help young people in foster care involved in delinquency achieve positive outcomes. Further, it explores how well child welfare agencies and foster parents advocate in behalf of these youth.

Based on its findings, Children’s Rights recommends improvements in both child welfare and juvenile justice practice and policy to advance the response of both systems to youth in foster care who commit delinquent acts.

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# DIRECTOR'S MESSAGE

*As many of you may know, in August 2003 I was appointed Deputy Director of CWLA's National Center for Program Leadership. Although my role has changed, I have continued to maintain direct responsibility for our work and will continue to be actively and significantly involved.*

*Recently, Christy Sharp was officially named the new Program Director for Juvenile Justice. She has worked diligently and effectively as a Program Manager within the Juvenile Justice Division for two years and has earned this new level of responsibility and leadership. Please join me in congratulating her on her new assignment.*

*For the last three years, I have enjoyed authoring this section of The Link, but it's time to pass the baton to Christy.*

*John A. Tuell  
Deputy Director, CWLA National Center for Program Leadership*

As I look back over the years, one particular young woman, Jill, stands out in my mind. Frequently, when sitting in a meeting, attending a conference, or reading a report, I wonder how the knowledge I have now would have affected my ability to work with her years ago.

Jill was a 16-year-old girl I worked with in therapeutic foster care when she was involved in the juvenile justice system. In many ways, Jill reminded me of myself: She was intelligent, creative, and fun, yet also bound and determined to assert her independence. At times, she could be challenging and argumentative, and, to be honest, she drove me nuts. But at the same time, Jill had some truly endearing characteristics.

I've always wondered why Jill's life took the direction it did. I suspect part of the answer is a lack of family support. Looking back, I realize how woefully unprepared I was to help address the many needs of Jill and her family. As her caseworker, I always questioned why she was in juvenile justice and why child welfare was not involved. With intervention services for Jill and her siblings, and appropriate mental health care for her mother, I believe Jill's life would have been very different.

That experience, joined with many others, is what drew me to CWLA. Having seen firsthand what we can accomplish by working together, I know the importance of improved coordination and integration between the child welfare and juvenile justice systems, I am aware of the consequences if we fail to do so, and I recognize the necessity of increased resources for these systems and the critical work they do.

I am pleased to be the new Director of Juvenile Justice, and I look forward to working with our new Program Manager, Dodd White. We welcome the opportunity to speak with you individually about our work and how we can continue to provide support.

Christy Sharp  
Director, CWLA Juvenile Justice Division

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The Child Welfare League of America is the nation's oldest and largest membership-based child welfare organization. We are committed to engaging people everywhere in promoting the well-being of children, youth, and their families, and protecting every child from harm.

A list of staff in CWLA service areas is available online at [www.cwla.org/whowhat/serviceareas.htm](http://www.cwla.org/whowhat/serviceareas.htm).

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**SAVE THE DATE**

## **2005 Juvenile Justice National Symposium: *Joining Forces for Better Outcomes***

CWLA invites you to the 2005 Juvenile Justice National Symposium: *Joining Forces for Better Outcomes*. The symposium will focus on the integration and coordination of the juvenile justice and child welfare systems to better serve our nation's children.

This symposium will provide cross-system opportunities for information sharing, networking, and collective learning. We welcome proposals focusing on juvenile justice and child welfare system integration and the connection between child maltreatment and juvenile delinquency. Potential topics include:

- examples of state or local reform that lead to more effective coordination between systems,
- jurisdictional coordination of community-based services for abused and neglected youth populations involved or at risk for involvement with the juvenile justice system,
- legal or policy analysis of barriers to more effective coordination between systems,
- integrated and consolidated funding streams to better serve shared populations, and
- efforts to reduce the detention bias for foster care populations.

Proposals focusing on traditional juvenile justice issues, including mental health and juvenile delinquency, alternatives to incarceration, girls in juvenile justice, transfer and waiver, disproportionate minority representation, zero tolerance, juvenile death penalty, delinquency prevention, evidenced-based practice, and restorative justice are also welcome.

Priority will be given to proposals that are practice-oriented and/or focus on integration and coordination between child welfare and juvenile justice systems.

To submit a presentation proposal please visit us online at [www.cwla.org/conferences](http://www.cwla.org/conferences). All proposals must be received by November 8, 2005. For more information, contact Dodd White at [dwhite@cwla.org](mailto:dwhite@cwla.org) or 202-639-4959.

# June 1-3, 2005

**Renaissance Eden Roc Hotel, Miami, Florida**

## **JUVENILE JUSTICE NEWS AND RESOURCES**

### **Youth Violence and Juvenile Justice: An Interdisciplinary Journal**

#### **Special Issue: Pathways to Desistance**

*Caeti, T., & Fritsch, E. (July 2004). Thousand Oaks, CA: Sage Publications.*

This journal provides students, educators, and practitioners in juvenile justice and related fields with a resource for publishing current empirical research, discussing theoretical issues, and reviewing promising interventions and programs in youth violence, juvenile justice, and school safety. The journal emphasizes the applicability of the research to juvenile justice and youth and school violence prevention. It particularly encourages the publication of program evaluations, policy analyses, empirical research, and practical, theoretical, legal, and qualitative analyses. Interdisciplinary in scope, Youth Violence and

Juvenile Justice serves a diverse audience of academics and practitioners in the fields of criminal justice, education, psychology, social work, behavior analysis, sociology, law, counseling, public health, and all others with an interest in youth violence, juvenile justice, and school safety.

### **Juvenile Suicides 1991-1998**

*Snyder, H.N., & Swahn, M. (March 2004).*

*Washington, DC: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention (OJJDP).*

This brief bulletin examines mortality statistics compiled by the Centers for Disease Control and Prevention. The data show suicide was the fourth leading cause of death for juveniles ages 7-17, behind accidental deaths, homicides, and cancer.

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The study involved three methodologies:

- qualitative research using in-depth individual and focus group interviews with youth, foster parents, judges, child welfare and juvenile justice administrators, and other child welfare professionals,
- research into program approaches that meet the needs of youth involved in both the child welfare and juvenile justice systems, and
- legal research on the rights of foster parents and other interested parties when youth in foster care appear in delinquency court.

Children's Rights' research yielded four findings:

**A youth's involvement in the child welfare system may contribute to delinquent behavior.**

Many of the youth interviewed for the study were separated from their families, placed with family or caregivers they did not know, and moved often. As a result, the youth said they did not feel connected to their foster parents or caretakers and adopted an attitude of disregard and a sense of unaccountability.

"If kids lived with their family maybe they'd try not to get in trouble," one young adult with a previous arrest and experience in foster and group homes said. "But they don't have a family, so [they think], 'So what if their group home or foster family finds out? They're not the real parents.' You figure you got nothing to lose because you're not with your family."

Another young adult who lived in a group home and was arrested for assault remarked, "A lot of kids from group homes get into trouble because there's no guidance there. They don't ask you how you did in school today, if you did your homework. The staff is abusive; they talk down to you. A group home ain't nothing but a place to sleep. It shouldn't be called group home it should be called group house."

Group homes often serve multiple populations of young people, meaning delinquent youth often live with youth with other issues. The study revealed that a number of youth began selling drugs and associating with gangs after observing their peers in the group home involved in similar activities. One young man described his group home as "the West Point of crime," describing the pressure from peers to commit delinquent acts.

Interviewees among all groups noted the tendency of group home staff and foster parents to call the

police for otherwise "normal" adolescent behaviors that generally would be handled within the family. Several youth remarked that police were called frequently for situations staff could have resolved, such as fighting and minor thefts. The study also revealed that some foster parents summon the police when youth become unruly. Of the 17 foster parents interviewed, 13 said they had called the police to report a problem, rather than the appropriate agency.

**Youth in foster care often appear in court without family or child welfare representatives.**

Most often, youth appeared in court with a legal aid attorney but without caseworkers, foster parents, or family members. The youth believed the lack of family and caseworker support reinforced the judge's negative assumptions. "If someone comes, it shows the judge that you have somebody—that they are still working with you," one young man remarked. "But if nobody shows up, it looks like nobody cares about you, and the judge thinks you are so bad that nobody wants to deal with you."

Most judges interviewed seemed to bear out this view, observing that youth who appear in court without family members are perceived as less stable than those surrounded by family. Aside from the judge's perceptions, youth who appear in court without active family participation are unlikely to be considered for alternatives to detention, which generally rely on family involvement.

Youth often felt disappointed and angry that the adults in their lives did not accompany them to court. One young man, who had been living in a group home for a year, was asked why the staff and social workers he interacted with failed to visit him when he was detained and never appeared in court with him. "I have no idea," he replied. "You should call them and ask them." Young adults generally believed that foster parents did not appear with them in court because they did not care about the youth or did not want to get involved in legal proceedings.

**Youth would benefit significantly from improved coordination between systems.**

In most cases, child welfare agencies retain case planning responsibility for arrested youth until a judge orders custody transferred to the juvenile justice system. For detained youth, the child welfare system maintains a significant amount of responsibility, despite not having physical custody.

# The Nurse-Family Partnership: Pennsylvania's Investment in Families

By Ruth R. Williams

In 1998, the Pennsylvania General Assembly approved a budget that was considered a minor miracle among many children/youth and juvenile justice stakeholders. The budget included \$2 million in new state funding to support research-based prevention programs. The funds, administered by the Pennsylvania Commission on Crime and Delinquency, were available to community collaboratives to implement effective programs to reduce problem behaviors in adolescents, such as violence, delinquency, substance abuse, and teen pregnancy.

By the time this “miracle budget” was passed, Pennsylvania already had demonstrated a strong commitment to prevention programming, viewing prevention as a means to reduce public costs associated with problem behaviors among children and youth. Pennsylvania's prevention efforts, however, primarily had been financed by funds available through the federal Juvenile Justice and Delinquency Prevention Act. The new state funding stream aimed to expand prevention work, and the list of programs eligible for the funding stream was limited to those designated as “research-based” prevention programs—such as those programs identified by the Center for the Study and Prevention of Violence at the University of Colorado as Blueprints for Violence Prevention model programs. Successful applicants were eligible to receive funding for four years, with the first two years awarded on a match-free basis, and the third and fourth years requiring a match of 25% and 50%, respectively.

One of the Blueprint model programs that quickly caught the attention of Pennsylvania policymakers and community collaboratives was the Nurse-Family Partnership (NFP) program developed by David Olds, Director of the Prevention Research Center for Family and Child Health at the University of Colorado. The NFP program represents a highly refined approach to the long-established strategy of home visiting. It works to improve pregnancy outcomes by helping women practice good prenatal health, helps parents provide more responsible and competent care for their children, and improves families' economic self-

sufficiency by helping parents develop a vision for their future, plan future pregnancies, continue their education, and find jobs.

Several program components have proved key to NFP's effectiveness:

- The program focuses on low-income, first-time mothers and is most likely to benefit low-income women who have not yet learned to care for themselves during pregnancy and for their children after giving birth.
- Home visitors are nurses with the necessary combination of skills, knowledge, and cultural legitimacy to work successfully with high-risk families.
- Home visitors follow a visit schedule based on the developmental stages of pregnancy and early childhood. The nurses visit the expectant moms weekly for the first month after program enrollment and then biweekly until delivery. After delivery, the nurses visit weekly for the first six weeks and then biweekly until the child is 21 months. Thereafter, the nurses make monthly visits until the child is 2 years old. The first two years of a child's life has been identified as the most critical time in the development of the mother's role as caretaker and her relationship with her child.
- Home visits involve the mother's support system, including family members, the child's father when appropriate, and friends to help families learn to use family and community resources and get necessary support beyond home visits.
- Nurse home visitors' caseloads include no more than 25 families to ensure nurses and families have continuous relationships for the duration of families' participation in the program.
- The organization implementing the program provides a well-prepared half-time nursing supervisor for every four nurse visitors. The supervisor guides nurses in their work and helps to broker relationships within the organization and with other community agencies and organizations.
- The program is located in and run by an organization known in the community as a successful provider of services to low-income families. A strong, positive reputation is key to being able to establish the early credibility necessary to get the program off to a good start and sustain it.
- Program staffs use a clinical information system specifically designed for NFP to track family char-

acteristics, needs, services provided, and progress. The National Center for Children, Families, and Communities provides monthly reports to sites regarding program implementation processes from statistics generated from the system.

### Proving NFP's Effectiveness

NFP has been carefully tested through ongoing, longitudinal randomized trials in Elmira, New York, a semi-rural area, and in Memphis, Tennessee, an urban area.

In a unique 15-year follow-up study of Elmira participants, low-income, unmarried women and their children who received visits by nurses fared significantly better than a control group who did not. Among the nurse-visited families, researchers found:

- The time between the birth of the first and second child was more than two years.
- The duration of welfare support following the first child's birth decreased by 30 months.
- Mothers posted 69% fewer arrests.
- Mothers demonstrated 44% fewer behavioral problems due to substance abuse.

The youth studied also posted positive outcomes. The 15-year-olds tracked had 56% fewer arrests and 69% fewer convictions and probation violations, had 58% fewer sexual partners, smoked 28% fewer cigarettes, and spent 56% fewer days drinking alcohol. Among families in the Memphis trial, researchers found that, compared with a control group, nurse-

visited families showed 25% fewer hypertensive disorders while pregnant, 25% percent fewer child injuries, 78% fewer days of child hospitalizations, and 30% fewer subsequent pregnancies and live births.

In addition, the Memphis trial data indicate a reduction in the mothers' dependence on food stamps and welfare, increases in the number of women living with the father of her children and living with employed men, and increases in marriage rates.

In producing such positive outcomes, NFP more than pays for itself. Net reductions in public costs begin to accrue by the time the children are 4 years old. Further, the RAND Corporation has independently estimated that the cost savings to society and government over the child's lifetime are at least four times greater than the cost of the program, and the savings begin to accumulate sooner than in other early childhood programs.

Pennsylvania policymakers and community collaborators were convinced. NFP quickly became popular among applicants for the new state research-based prevention funding. In 2000, Pennsylvania's prevention initiative received another boost when the state's Department of Public Welfare announced it was transferring \$20 million over four years in federal Temporary Assistance for Needy Families funds to the Pennsylvania Commission on Crime and Delinquency to implement NFP throughout the state.

Since 1999, Pennsylvania has invested more than \$22 million in NFP. Today, the program operates in

## LEGAL UPDATE:

### United States Supreme Court Hearing on the Juvenile Death Penalty

In January, the U.S. Supreme Court decided to hear arguments in *Roper v. Simmons*, a case involving a Missouri Supreme Court ruling that found executing offenders who were under age 18 at the time of their crimes violates the Eighth Amendment. In making its decision, the state court relied heavily on *Atkins v. Virginia*, a 2002 U.S. Supreme Court case in which the justices ruled that the Eighth Amendment prohibited executing mentally retarded youth offenders.

In 1989, the Supreme Court ruled in *Stanford v. Kentucky* that executing youth who committed crimes at age 16 or 17 did not violate evolving standards of decency and, therefore, did not violate the cruel and unusual punishment clause of the Eighth Amendment. Since the ruling, however, eight states have eliminated the juvenile death penalty, leaving 19 states that still allow the execution of offenders who were under age 18 at the time of the crime. Of these 19 states, 12 currently have juvenile offenders on death row. Although seven states have put juvenile offenders to death since the death penalty was reinstated in 1976, three—Oklahoma, Texas, and Virginia,—are responsible for 82% of the 22 executions of juvenile offenders since that time.

Since 2000, just four other countries have reportedly executed juvenile offenders—China, Congo, Iran, and Pakistan. Each of these nations, however, considers such incidents a violation of law or has indicated plans to change its laws regarding capital punishment for juvenile offenders. Thus, the United States stands virtually alone in executing young criminals. Several international treaties prohibit the juvenile death penalty, including the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, and the American Convention on Human Rights. In 2002, the Inter-American Commission on Human Rights ruled in *Domingues v. Nevada* that executing those who committed crimes while under the age of 18 is a violation of *jus cogens* international law and thus is akin to genocide, slavery, and apartheid.

## PUBLIC POLICY UPDATE

23 sites, with 150 nurses serving 4,073 families and 2,885 infants in 32 counties. Although the program is still young in terms of operation, evaluation data from these programs has produced promising results. The second annual evaluation report on Pennsylvania's NFP programs indicates:

- Eighty percent of eligible participants are enrolled, above the national standard, which calls for 75% enrollment of eligible participants.
- Workforce participation for NFP participants increased between intake and the time their children reached 18 months. Participants 17 or younger at the time of intake had an 8% increase in workforce participation, and participants 18 or older increased workforce participation by 19%.
- Twenty-five percent of participants earned a high school diploma or GED by the time their children reached 18 months, 9% enrolled in education beyond high school, and 36% were working toward their diplomas or GEDs.
- Just 17% of mothers in NFP programs became pregnant within the first 18 months after the births of first children, compared with a 25% national performance standard for the rate of subsequent pregnancies.
- Child immunization for children is above the national standard of 90%, with the exception of haemophilus influenzae type b at 18 months.
- Twenty-one percent of toddlers scored below the 10th percentile for language acquisition; 36% scored above the 50th percentile.
- The number of women smoking during pregnancy decreased 10%; the number of women using marijuana during pregnancy dropped 60%.

Children and youth professionals have heard these young mothers talk about the positive impact the program has had on their lives and on the healthy development of their children. These young mothers and their children—who are healthy and happy little individuals—show great promise for the future.

### More Success in Store

The future holds even more promise for NFP. The state's Department of Public Welfare (DPW) Secretary Estelle Richman has publicly declared her unequivocal support for NFP. Under her guidance, DPW and the Pennsylvania Commission on Crime and Delinquency will launch a pilot project to evaluate the effectiveness of linking NFP with the Parent-Child

On June 23, the House Appropriations Committee approved an FY 2005 spending bill for Commerce, Justice, State, and the Judiciary (CJS). The committee rejected a 40% cut to juvenile justice funding proposed by the Administration and instead voted to maintain funding essentially at current levels. The vote is a victory for juvenile justice practitioners, since such drastic funding cuts would force many community organizations to reduce services, providing fewer young people with access to quality community programs.

As of this writing, the Senate has not acted on the bill. CWLA encourages all juvenile justice advocates to urge their Senators to follow the House's lead and reject the proposed cuts in juvenile justice funding.

Below is a list of selected juvenile justice programs and funding levels in the House CJS bill, compared with the Administration's proposals and FY 2004 funding levels.

#### **Administration of the Office of Juvenile Justice and Delinquency Prevention**

House CJS FY 2005, \$350,000

Administration request, \$400,000

FY 2004, \$3.6 million

#### **Title II, Formula Grants**

House CJS FY 2005, \$84 million

Administration request, \$90 million

FY 2004, \$83.2 million

#### **Title V, Local Delinquency Prevention Grants**

House CJS FY 2005, \$80 million

Administration request, \$37.3 million

FY 2004, \$79.2 million

#### **Juvenile Accountability Block Grant**

House CJS FY 2005, \$60 million

Administration request, \$0

FY 2004, \$60 million

#### **Demonstration Grants**

House CJS FY 2005, \$70 million

Administration request, \$6.6 million

FY 2004, \$78.8 million

Home Program and Head Start. David Olds, who developed NFP, and his staff in Colorado will assist in creating the pilot. If the commonwealth succeeds in this effort, the lives of many mothers and their children will be vastly improved, and many public dollars will be saved as a result of less need for welfare and other publicly supported services.

*Ruth Williams, B.A., M.A., is Deputy Director of the Office of Juvenile Justice/Delinquency Prevention for the Pennsylvania Commission on Crime and Delinquency. She wishes to acknowledge David Olds.*

Although many of the child welfare professionals interviewed understood this process, several acknowledged that workers' commitment to and involvement with youth may ebb once youth are charged with delinquency. "When a kid goes into juvenile justice, the caseworker might keep the case open," one administrator said. "But for the most part, the attitude is, 'No longer on my caseload, I am done with this one.'"

Even when child welfare and juvenile justice professionals have the best of intentions, a good deal of confusion exists regarding the specific responsibilities of each of the systems when a youth is dually involved, the study indicates. Probation officers and caseworkers, for example, frequently are uncertain of their roles and how to interact with the "other" system, which results in gaps in service.

**Attorneys representing youth often lack a firm understanding of the youth's experiences with the child welfare system and the effects of involvement.**

A surprising number of judges commented on the need for attorneys trained in both child welfare and juvenile law. "The lawyers who are representing these kids need to have a knowledge base in both fields," one judge said. "Even if they are excellent trial lawyers, they cannot really do justice by their clients unless they have some knowledge about the other side." Because the attorney representing the youth in the delinquency case, usually a public defender, is best poised to present the most complete picture of the case, it is imperative that the attorney understand how the child welfare system works and the implications of a disposition on a youth's placement and permanency options.

One youth said that when he was given community service as a disposition, "the group home wouldn't help me get there. I would have to go AWOL to get to my community service. And my parole officer wasn't receptive to the fact that I was reliant on my group home to get me to community service."

Increased recognition of the need for dually trained attorneys is consistent with a component of the Juvenile Justice and Delinquency Prevention Act, reauthorized in 2002, requiring states to develop policies and systems to incorporate relevant child protective service records into juvenile justice records.

**Recommendations**

Based on its research findings, Children's Rights offers six recommendations:

- Foster parents and group home staff should receive training and support on effective youth intervention to avoid police involvement.
- A corps of attorneys with knowledge of child welfare law and juvenile delinquency law should be available.
- Notice of delinquency proceedings should be extended automatically to the adults legally responsible for the youth, and the adults should be required to attend delinquency proceedings.
- In addition to mandating the attendance of the legally responsible adults, delinquency courts should invite adults who are familiar with the youth to court proceedings and solicit their input.
- Child welfare and juvenile justice systems should increase communication and collaboration, and local police departments and delinquency courts should develop a system to identify detained youth in the child welfare system. Several jurisdictions have had positive results with memoranda of understanding that clarify the roles of agencies and their workers. Some jurisdictions have designated a staff member to handle coordination between agencies for dually involved youth.
- Interdisciplinary training should be conducted to ensure a unified and coherent response to youth who simultaneously are involved in both the child welfare and juvenile justice systems.

As more is understood about the experiences of and outcomes for youth involved in the child welfare and juvenile justice systems, it is evident that significant efforts are needed to prevent children in the foster care system from entering the juvenile justice system. Youth in foster care must be well served by foster families; receive mental health, education, and other needed services; and have safe, permanent families—whether through reunification, long-term placement with relatives, or adoption.

Judges, probation officers, attorneys, caseworkers, child welfare and juvenile justice administrators, group home staff, and foster parents can do much to ensure that any disadvantages these youth face before the delinquency court are minimized and youth receive coordinated, responsive services.

*Leslee Morris, JD, is a former policy analyst at Children's Rights. For more, see Morris's article in the November/December 2004 issue of Children's Voice magazine.*

# Bringing Justice Home

## *Lawrence Hall Establishes Nation's First Peer Jury in a Child Welfare Agency*

By Patricia Cronin

An increasing number of youth courts, or peer juries, are helping divert teens from the juvenile justice system, which became overtaxed in the 1990s due to rising numbers of nonviolent juvenile offenders. From just 50 peer juries in the country in 1991, their ranks have grown to more than 900 today, according to the Office of Juvenile Justice and Delinquency Prevention (OJJDP). As a result, 100,000 juveniles each year now are diverted from juvenile court, facing a court of their peers instead.

One peer jury stands out as the only one housed in a child welfare agency as part of its services for troubled youth: Chicago's Lawrence Hall Youth Services. Most Lawrence Hall peer jurors live in the agency's residential treatment program for children who are wards of the state. A typical case involves an infraction in one of the residential cottages on the agency's five-acre campus, or in one of the agency's other residences in the community. Children in Lawrence Hall's Therapeutic Day School, Independent Living, and other programs also may participate.

Now entering its third year, Lawrence Hall's program has been challenging but offers relevant experiences for other child welfare agencies.

Youth in state care are twice as likely as youth not in care to enter the juvenile justice system, and former wards continue to have higher rates of detention and incarceration after they emancipate. A peer jury is another way to identify and intervene in problem behaviors early and in a positive way. The peer jury program at Lawrence Hall is integrated with other therapeutic, social, and educational services to improve the youth's success. It also offers young people, many of whom already have had negative experiences with the juvenile justice system, the chance, in the words of local juvenile judge Sophia Hall, "to be justice givers rather than justice receivers."

### **A High-Risk Population**

Lawrence Hall's program is particularly relevant because the youth in residential treatment are at higher risk for being incarcerated, dropping out of school, or being unemployed than youth who are not in residential treatment.

About 20,000 children in Illinois are in state care, and Lawrence Hall houses and treats hundreds of the most challenged or at-risk. Its residential treatment program, which currently serves about 80 youth, is for children and youth ages 8–18 who have been removed from their families due to abuse, neglect, or abandonment. Most have documented histories of harming themselves or others, psychiatric issues, and severe behavior problems. Many have been involved with gangs or experienced multiple foster care or residential treatment placements. All have experienced significant trauma in their families of origin, and many have been retraumatized by experiences in the child welfare system, such as abrupt termination of relationships with caretakers and workers. Their lives have been marked by chaos, lack of continuity and structure, and insecurity.

In addition, about half of the youth struggle with substance abuse or dependence. About half attend therapeutic day schools, GED programs, or alternative schools. About one fourth are involved with the juvenile or adult justice system, and about one third take at least one psychotropic medication.

Lawrence Hall offers these young people a range of therapeutic, vocational, educational, and life-skills services. Like other child welfare agencies, Lawrence Hall is in a unique position to detect problem behaviors early and prevent youth from entering the juvenile justice system.

### **Creating the Model**

In working with youth, Lawrence Hall frequently collaborates with local agencies and organizations; the same is true when the facility developed the peer jury program. In 2001, encouraged by local police departments and juvenile justice officials, Lawrence Hall CEO Mary Hollie broached the idea of a peer jury with program managers, who began researching existing peer jury models and meeting with state leaders in the peer jury community.

Since the Attorney General's office established the Illinois Youth Court Association (IYCA) in 2000, Illinois has become a leader in the peer jury movement, helping communities develop youth courts and encouraging programs to share information. IYCA's jury network ranges from the 25 peer juries in the

Chicago Public Schools, to one of the best-known peer juries in the state, in New Trier Township, an affluent school district in the north suburbs.

In establishing its peer jury program, Lawrence Hall worked extensively with the state Attorney General's office and local police and received training from OJJDP. Grant writers in the agency's development department wrote proposals and received funding from the state Attorney General's office and OJJDP.

Although helped by outside sources, Lawrence Hall's staff and administrators tailor the agency's peer jury to its population's needs. Many peer juries, for example, are available only to first-time offenders. This is not the case at Lawrence Hall, as many youth already have been involved with the justice system. Also, some peer juries accept only A students or other cream-of-the-crop youth to serve. At Lawrence Hall, staff recommend just about any resident currently achieving his or her goals to serve. Even a young person who has appeared before the court in the past can later become a peer juror.

The peer jury coordinator and therapists, teachers, or other staff who know the residents well can easily exchange information. "I can tell a client's therapist, 'This person participated well today, asked questions, and seemed enthusiastic,'" says Dawn Bushover, Lawrence Hall's peer jury program coordinator. "Or she can tell me, 'This individual is having a bad week and needs extra support.'"

### Peer Jurors in Action

The objective of Lawrence Hall's peer jury is reducing the number of arrests and juvenile court appearances for youth under age 17 who have committed non-felony offenses. The primary goal is that the offender will learn to make appropriate decisions and avoid further trouble. Other goals are to reduce substance abuse, gang involvement, and other risk factors leading youth into the juvenile justice system and to increase positive behaviors.

The program, for youth ages 13–17, uses the Balanced and Restorative Justice model, in which the court asks offenders to understand the harm their offenses have caused the community and to make restitution to the people involved. Youth also must consider what behavior led to their actions and learn to avoid reoffending. According to the group's mission statement, the court "provide[s] a way for young offenders to account for their behavior to a group of their peers."

The idea of justice based on restitution and second chances rather than punishment is new to many of the jurors, Bushover says. "As part of their training, I ask them to tell me how they feel about our court system. I thought they would be averse to it, but they generally accept it. They say, 'If you do the crime, you do the time.' I think they see it on TV and are so conditioned to it that they don't question it. It's a surprise to them to consider the idea of restitution—that there is another way of thinking of this."

Although Lawrence Hall staff identify, train, and support peer jurors, refer youth offenders, and ensure a safe environment, youth take leadership roles in the peer jury courtroom as much as possible. Prospective jurors complete a questionnaire about their ability to be fair as well as any past arrests. Staff then interview candidates and further educate them about the peer jury responsibilities.

Once selected, peer jurors receive special shirts and identification badges and begin a training process that continues throughout their involvement in the program. During training, jurors develop questions for offenders and participate in several mock juries. With guidance from the peer jury coordinator and a peer jury committee, jurors create a reference notebook with descriptive information and policies, such as the program's mission statement, criteria and conditions for removal of a juror, and sample consequences for various offenses.

If a young person in one of the residential units commits an offense, such as fighting in the unit or in the community, staff may offer him or her the option to go before a peer jury. Local police also may refer cases. When the jury approves a case for consideration, the foreman sends the youth offender and relevant adults a notice to appear.

The peer jury, comprising six jurors ages 13–18, carefully considers the offense, the triggers, and the most appropriate and productive consequences. It aims to select "natural consequences" that relate to the offense, reinforce the impact on the community, and provide learning opportunities. A youth who defaces a wall with graffiti, for example, may be required to clean up the property. In one case, a boy who kicked in a door at one of the residential cottages had to research the cost to replace the door and then help the maintenance staff install it. Another sentence might be writing a letter of apology. "It can be really hard to write one of those," Bushover says. "It usually makes you realize how

much you really do care about that person.”

The jurors take their roles seriously and hand down fair sentences, Bushover says, despite the special challenge of passing judgment on people they know and live with. “The kids all know each other pretty well,” she says. “When they consider a case, it may be their friend. [But] only once did I hear them say, ‘Oh, no, he couldn’t have done that; we know him.’ I think they are fair and don’t take [knowing the offender] into the room with them.” In fact, she says, peer jurors can even be more strict than staff might be, sending someone back to rewrite his or her letter of apology, for example, if they think it isn’t heartfelt.

### Gauging Success

During 2001–2002, the program’s first year, eight jurors were trained, and they heard one or two cases per month. Jurors also put in additional time for special juror activities, such as going out to dinner and making posters to advertise the program. From July 2002 to July 2003, the program trained 11 jurors. Staff and police referred 15 cases, but nine youth refused the option.

Although staff still are compiling the data for the July 2003–July 2004 period, between February and March alone (when Bushover came on board), eight jurors heard three cases. The peer jury is still new for both youth and staff, she says.

“Our kids face special obstacles that other kids don’t face,” she says. “They need to accept the idea of this approach from within; it’s successful when the kids are stakeholders in it.

“Many of the kids are not familiar with the option,” she continues. “Or they may say, ‘I don’t want my business to come out in front of my peers.’ Or they may not like the outcome—being asked to do service rather than face discipline on the unit.” She plans to make presentations about the peer jury to each unit so residents can learn more about the program.

Staff also aren’t yet in the habit of referring cases. “It’s also more work for them—not just helping to make sure that the consequence is carried out, but also filling out paperwork and doing follow up,” Bushover says. She plans to improve staff buy-in by making presentations to them as well. But, in general, the program is working, and Lawrence Hall expects to increase participation significantly by next year.

The program provides noticeable benefits for both jurors and respondents. Most offenders complete their sentences, and the peer jury experience does influence their behavior. “It works,” Bushover says. “They do take something away. The letters they write, for example, are heartfelt and build empathy. You can see them acknowledge that they hurt this person and that they do want to try to be better.”

Jurors take away benefits, too, she adds. They learn how to think critically and compassionately about others’ behavior, how to listen actively and ask open-ended questions as they learn more about a case, how to pick the best consequences, and how to persuade others to their point of view. Jurors also are learning lessons in the courtroom Bushover adds. “They realize as much as anyone that everyone deserves a second chance. They’ve gotten in trouble, too—they may have a record. Being jurors gives them the opportunity to be a role model and reminds them that they don’t want to go back to their own problem behaviors.”

Staff recently began training the next batch of jurors. They meet regularly with IYCA and other organizations and help train other organizations, such as local police departments. They are considering expanding the program to include a victim impact panel, sessions on domestic violence, and even a mediation option. They also plan to bring in members of the community around the campus. Recognizing its contributions in helping an at-risk population stay away from the justice system, the Lawrence Hall peer jury program recently won a Neighbor Award from the Chicago Council on Urban Affairs.

Illinois had 45,896 juvenile arrests in 2000. Behind the statistics are real children and youth, including many state wards. The peer jury program at Lawrence Hall is a promising model to help this at-risk population make better choices and learn lessons in civic responsibility that will contribute to their success as adults.

*Patricia Cronin is the Public Relations Coordinator at Lawrence Hall Youth Services in Chicago.*

More than 20,000 juveniles committed suicide between 1981 and 1998, with 17-year-olds 11 times more likely to commit suicide than 12-year-olds. Boys were also three times more likely than girls to commit suicide and were more likely to commit suicide using a firearm.

### **Juvenile Accountability Incentive Block Grant Program: National Evaluation**

*Barnett, L., & Parent, D., (August 2003). Cambridge, MA: Abt Associates.*

The Juvenile Accountability Incentive Block Grant Program (JAIBG) set out to evaluate how its program was administered, how grants were used on the state and local level, what types of programs were funded, access to training and technical assistance, attitudes about JAIBG, and how the states responded to JAIBG's areas of certification. The major congressional expectations for JAIBG were generally achieved; with OJJDP and the states successfully implementing the program within tight time limits. It also found the program was adaptable to varying state laws, practices, and procedures.

### **Access to Council**

*Jones, J.B. (June 2004). Washington, DC: OJJDP*

The second in OJJDP's online Juvenile Justice Practices Series, this report examines access to legal counsel. It describes problems affecting access at each stage of the juvenile justice process, discusses factors that hinder access to and quality of counsel, and identifies elements of effective counsel. The report outlines five approaches to improving access (program initiatives, legislation, administrative reforms, research, and litigation), cites examples, and lists resources for practitioners.

### **Northern Lights: Successes in Student Achievement and School Discipline at Northern Elementary School**

*Richart, D. (April 2004). Washington, DC: Building Blocks for Youth, Youth Law Center.*

In the wake of the Columbine High School shootings five years ago, many schools countywide toughened their zero-tolerance policies, resulting in more youth suspended, expelled, and referred to juvenile court. Students of color were most affected by the tougher standards. This new study demonstrates how that trend can be reversed and highlights how out-of-school suspensions can be decreased by more than 50% without compromising academic achievement. In fact, the same report shows major increases in school achievement during this same period.

### **Juveniles in Corrections**

*Sickmund, M. (June 2004). Washington, DC: OJJDP.*

This 24-page National Report Series Bulletin presents national and state data on juveniles in the correctional system, synthesizing data from OJJDP's Census of Juveniles in Residential Placement and the Bureau of Justice Statistic's National Corrections Reporting Program. It also examines imposition of the death penalty for juvenile criminal offenders. The bulletin is part of OJJDP's National Report Series, which updates topics covered in OJJDP's periodically issued National Report on Juvenile Offenders and Victims.

### **Trying and Sentencing Juveniles as Adults: An Analysis of State Transfer and Blended Sentencing Laws**

*Griffin, P. (October 2003). Pittsburgh, PA: National Center for Juvenile Justice.*

This 23-page report provides a comprehensive overview of the ways juveniles may be tried and sanctioned in the criminal justice system. Its updated and expanded research reflects changes made to state statutes through the 2002 legislative sessions and takes into account blended sentencing laws that enable juvenile courts to impose criminal sentences under certain circumstances.

### **Prostitution of Juveniles: Patterns from NIBRS**

*Finkelhor, D., & Ormrod, R. (June 2004). Washington DC: OJJDP.*

This 12-page bulletin, part of the Crimes Against Children Series, examines the prostitution of juveniles by analyzing law enforcement reports from the FBI's National Incident-Based Reporting System. The study noted that, when compared with adult prostitution, the prostitution of juveniles is more likely to occur in large cities and less likely to result in arrest. Youth are also more likely to work in groups with girls more likely to operate outdoors.

### **2002 National Youth Gang Survey Highlights**

*Egley, A., & Major, A. (April 2004). Washington, DC: OJJDP.*

The 2002 National Youth Gang Survey, conducted by the National Youth Gang Center, found that an estimated 3,000 jurisdictions nationwide experienced gang activity in 2002. All cities with populations of 250,000 or more reported gang activity, and some suburban and rural counties also reported incidents.