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Problems and Solutions in Juvenile Justice

The John D. and Catherine T. MacArthur Foundation recently announced the establishment of the new [Models for Change Resource Center Partnership](#). The Partnership will provide judges, prosecutors, defenders, policymakers, advocates, probation officers, and mental health and social service agencies with much needed technical assistance, trainings, tools, and resources to help advance juvenile justice reform across the country.

The Resource Center Partnership will further the Foundation's goal of protecting kids while holding them accountable for their actions, making communities safer, and improving the effectiveness, performance, and outcomes of the juvenile justice system. The new Partnership consists of four Resource Centers that will be fully operational by the end of 2013. The Centers will focus on areas critical to continued change in juvenile justice:

- response to mental health needs;
- stronger legal defense for indigent youth;
- interventions for youth charged with status offenses (activities that are criminalized for those under 18, e.g., truancy, running away, curfew violations); and,
- coordination of practices and policies for youth involved in both the juvenile justice and child welfare systems, and enhancement of probation system practices.

Mental Health & Juvenile Justice

The Problem:

- Each year, more than 2 million children, youth, and young adults formally come into contact with the juvenile justice system.¹
- Of those children, youth, and young adults, a large number (65–70 percent) have at least one diagnosable mental health need, and 20–25 percent have serious emotional issues.²

¹ Puzanchera, 2009. *Juvenile Arrests 2007* and Puzanchera and Kang, 2010, *Easy Access to Juvenile Court Statistics*.

² Shufelt & Coccozza, 2006. *Youth with mental health disorders in the juvenile justice system: Results from a multi-state prevalence study*.

- Over two-thirds of youth involved with the juvenile justice system experience mental health problems, most of whom can be safely and more effectively treated in community settings than in the juvenile justice system.³

The Solution:

We need to establish a system of care focused on meeting the mental health and related needs of youth who get in trouble with the law through comprehensive community-based services and supports. In so doing, we have the opportunity to not only develop an understanding around the unique challenges this population presents, but also to decide how best to overcome those challenges through planned and thoughtful programs, strong interagency collaboration, and sustained funding.

To learn more about building systems of care to address the needs of youth with mental health needs in the juvenile justice system, visit the [Mental Health and Juvenile Justice Collaborative for Change: A Training, Technical Assistance and Education Center](#).

Youth in the Child Welfare and Juvenile Justice Systems

The Problem:

- “Crossover youth” or “dually involved youth” are youth who move between the child welfare and juvenile justice systems, or who are known to both concurrently.
- Crossover youth are disproportionately youth of color and girls.⁴
- Youth who have been abused and neglected are at heightened risk for early onset of delinquency. These youth are also at increased risk for mental health concerns, educational problems, occupational difficulties, and public health and safety issues.⁵

The Solution:

Coordinated, multi-system integration has been shown to produce better outcomes for dually involved youth in a variety of states and localities. For example, a study commissioned by the Arizona Supreme Court found that:

- Dependent children over the age of eight are very likely to be (or to become) involved with the court on delinquency matters. That likelihood increases substantially for children 14 years of age and older;⁶ and

³ Shufelt & Cocozza, 2006. *Youth with mental health disorders in the juvenile justice system: Results from a multi-state prevalence study*. Henggele. & Schoenwald, 2011. “Evidence-based interventions for juvenile offenders and juvenile justice policies that support them,” *Social Policy Report*.

⁴ *The Connector: Working Together for Multi-System Youth*, Fall 2011.

⁵ Widom & Maxfield, February 2001. “An Update on the Cycle of Violence,” *National Institute of Justice Research in Brief*.

⁶ Halemba et al. 2004. *Arizona dual jurisdiction study: Final report*.

- Youth with histories of court involvement on dependency matters are twice as likely to recidivate if referred on a delinquency offense than juveniles with no history of dependency court involvement (62 percent compared to 30 percent).⁷

To learn more about multi-system integration to better serve the needs of youth in the child welfare and juvenile justice systems, visit the [Robert F. Kennedy National Resource Center for Juvenile Justice](#).

Youth-Specific or Status Offenses

The Problem:

- Many youth get in trouble for activities that are criminalized because they are under 18 and, therefore, the actions raise concerns among adults in their lives. These are commonly called “status offenses,” and they include truancy, running away, curfew violations, and underage liquor law violations.⁸
- In 2009, an estimated 142,300 status offense cases were petitioned in juvenile court. Of these cases, 82,400 (or nearly 60 percent) resulted in young people being adjudicated, or found guilty, of committing a status offense.⁹
- In 6,500 of the above cases (8 percent), young people were eventually placed out of their homes in a residential facility (equivalent to prison in the adult context).¹⁰

The Solution:

Status offenses are often indicative of deeper personal, familial, community, and systemic issues that family courts and confinement are often ill-equipped to address or deter. States and localities nationwide are now implementing immediate, family-focused alternatives to court intervention, which have proven effective at reducing family court caseloads, lowering government costs, and providing meaningful and lasting support to children and families.

To learn more about effective strategies to divert non-delinquent youth from the formal juvenile justice system, visit the [Status Offense Reform Center](#).

⁷ Halemba et al., 2004. *Arizona dual jurisdiction study: Final report*.

⁸ National Center for Juvenile Justice, May 2012. *Juvenile Court Statistics 2009*.

⁹ National Center for Juvenile Justice, May 2012. *Juvenile Court Statistics 2009*.

¹⁰ National Center for Juvenile Justice, May 2012. *Juvenile Court Statistics 2009*.

Juvenile Indigent Defense

The Problem:

- Juvenile defenders have an important role in protecting their clients' interests at every stage, including arrest and detention, pretrial proceedings, adjudication, disposition, and post-dispositional matters.¹¹
- To be effective, juvenile defenders must possess additional, specific skills including: familiarity with adolescent development, access to community-based programs, and the ability to effectively enlist a parent or guardian without compromising the attorney-client relationship.¹²
- However, public defenders or other defense attorneys often have limited practice in representing children, do not have a background in adolescent development, lack access to juvenile experts, and do not know how to make use of public safety arguments or keep children in juvenile courts.¹³

The Solution:

Juvenile defense attorneys are a critical shield against unfairness and serve as a crucial counterweight in a system that can lead to harmful outcomes for young clients. Through adequate training and development of new juvenile defense standards, we can ensure that youth in the juvenile justice system receive excellent, knowledgeable legal counsel and representation.

For more information on how to improve access to and the quality of juvenile defense, visit the [National Juvenile Defender Center](#).

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About the MacArthur Foundation's Support for Juvenile Justice

The MacArthur Foundation supports creative people and effective institutions committed to building a more just, verdant, and peaceful world. In addition to the MacArthur Fellows, the Foundation works to defend human rights, advance global conservation and security, make cities better places, and understand how technology is changing children and society. Additional information about the MacArthur Foundation's juvenile justice grantmaking is available at www.macfound.org/juvenile_justice.

¹¹ *A Call for Justice An Assessment of Access to Counsel and Quality of Representation in Delinquency Proceedings*, June 2002.

¹² *The Role of Defense Counsel in Delinquency Court*, 2009.

¹³ EWG, *International Perspectives on Indigent Defense*, September 2011.

- **The Mental Health and Juvenile Justice Collaborative for Change: A Training, Technical Assistance and Education Center:** Led by the National Center for Mental Health and Juvenile Justice at Policy Research Inc., the Center will be a training, technical assistance, and education center designed to promote and support the adoption of new resources, tools, and program models to help those in the field better respond to youth with mental health needs in the juvenile justice system.
- **The National Juvenile Defender Center:** The Center will improve access to counsel and quality of representation for children in the justice system and will bolster juvenile defense by replicating field-driven innovations, facilitating adoption of new juvenile justice defense standards, and developing a corps of certified juvenile indigent defense trainers.
- **The Robert F. Kennedy National Resource Center for Juvenile Justice:** Led by the Robert F. Kennedy Children’s Action Corps, the Center will use proven models, frameworks, tools, resources, and the best available research to serve local, state, and national leaders, practitioners, and youth-serving agencies to improve system performance and outcomes for youth involved with the juvenile justice system. The Center will focus primarily on youth with prior or current involvement in the child welfare and juvenile justice systems (known as dually-involved youth) and on the review and improvement of juvenile probation systems.
- **The Status Offense Reform Center:** Led by the Vera Institute of Justice, the Center will serve as a resource clearinghouse and assistance center for practitioners and policymakers in juvenile justice, with a focus on encouraging and showcasing strategies to safely and effectively divert non-delinquent youth and their families from the formal juvenile justice system.

To learn more about the Resource Centers and the research and best practices that have helped shape them, please visit <http://www.modelsforchange.net/resourcecenters>.