

Status Offenses and Family Engagement

Improving System Responses and Child and Family Outcomes

Working with families is an important part of all juvenile justice cases, but when a young person is charged with a status offense (an act that is only illegal due to the youth's age), family engagement can be essential—and challenging. Running away and ungovernability (also called unruliness or being beyond the control of one's parents), two of the most common status offenses, often involve charges initiated by parents, and may be a result of challenging family dynamics and unmet needs. Truancy, another common status offense, may also arise out of family circumstances, such as the need to care for a sick or younger family member, or simply the parents' inability to help the child address personal or other issues leading to absence from school.

For status offense behaviors, court involvement may do more harm than good, and may ultimately lead to secure confinement or out of home placements

that remove youth from their families and communities, depriving them of an opportunity to resolve the underlying issues leading to the behaviors. The Coalition for Juvenile Justice's *National Standards for the Care of Youth Charged with Status Offenses*, which have been endorsed by the National Network for Youth, the Parent Teacher Association, and numerous other organizations, include concrete recommendations for limiting or avoiding court involvement and eliminating secure confinement for all status offenders.

The *National Standards* specifically call for family and youth engagement in status offense cases. This recommendation is based, in part, on the recognition that youth and families are the experts on their own strengths and needs, and that one-size-fits-all services that are offered or ordered without child and family buy in are unlikely to result in lasting change.

WHAT IS THE SOS PROJECT?

CJJ's "Safety, Opportunity & Success (SOS): Standards of Care for Non-Delinquent Youth," ("SOS Project") is a multi-year partnership that engages State Advisory Group (SAG) members, judicial leaders, practitioners, service providers, policymakers and advocates to guide states in implementing policy and practices that eliminate the use of secure confinement for status offenders and offer them diversion and early intervention services to avoid court involvement.

As part of this project, CJJ convened an expert advisory group comprising key juvenile justice professionals, advocates, researchers, and judicial leaders to assist in the drafting and vetting of the *National Standards*. They met over the course of a year and a half to discuss policy and practice changes that would produce more favorable outcomes for youth charged with non-delinquent offenses. Stakeholders who, at key decision points, can impact whether youth are funneled into, or remain in the juvenile justice system for non-delinquent offenses should read and use these standards. This includes law enforcement, lawyers, school officials, court services personnel, advocates, judges, and community- and youth-serving providers.

Although the importance of family engagement is discussed throughout the *National Standards*, two sections focus primarily on family engagement:

Section 1.7 calls on judicial, legal, law enforcement, justice, social service and school professionals to “employ family engagement strategies that identify and emphasize a family’s strengths, and empower families to find and implement solutions outside of the court system.” The commentary to this section explains that:

- Family engagement strategies may limit child and family exposure to court and deeper justice system involvement and may reduce the number of youth who are removed from their family’s care.
- One example of a family engagement strategy is Family Group Decision Making (FGDM), an approach that recognizes the importance of involving families in making decisions about children who need assistance and care. FGDM allows the family to lead the decision-making, encouraging them to actively participate in identifying viable solutions to the problems they face.
- Less formal settings, such as those provided by FGDM and other family engagement strategies, allow families to ask questions and better understand the status offense process, while giving professionals an opportunity to consult families in a meaningful way about what they want for their child and what the family needs to move forward.
- Professionals working with the family must assess which family engagement strategies may be appropriate and ensure that the youth is willing to participate. In instances where there is evidence of violence between the youth and parent, professionals should determine how FGDM or other engagement strategies should be altered to assure the youth is safe and comfortable participating in the process. In limited circumstances, the approach may not be appropriate.

Section 4.9 calls for state and local policymakers and advocates to “mandate meaningful efforts to engage youth and families in all aspects of case planning, service delivery, court proceedings and disposition strategies.” The commentary to this section recognizes that the involvement of the child-serving systems in status offense cases is only a short term and partial solution to what is often a complex and long-term family challenge, and that “given the nature of behaviors labeled status offenses, and the underlying reasons for the behaviors, the family team approach is a perfect fit for status offense interventions and cases.” It also notes that child welfare systems in almost every state use these types of family engagement strategies, providing an infrastructure and knowledge base for juvenile justice systems who are not already doing so.

In addition to the above, the *National Standards* address many issues essential to working with youth and families in status offenses cases, such as positive youth development, cultural competency, and early intervention and diversion strategies, as well as concrete recommendations relating to girls, minority and lesbian, gay, bisexual and transgender youth.



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