

INSTRUCTOR'S GUIDE

Training Curriculum

Improving Responses to Youth Charged with Status Offenses

Based on the Coalition for Juvenile Justice's
National Standards for the Care of Youth Charged with Status Offenses

Module 1: Principles for Responding to Status Offenses

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Module 1: Principles for Responding to Status Offenses

Duration of Instruction: 2-6 hours, depending on time allotted for group activities.

Trainer Notes

This module highlights principles that professionals working with families and youth alleged to have committed status offenses should adhere to in order to protect youth and family safety, promote family connections and permanence, and ensure youth and family well-being. These principles were developed by the Coalition for Juvenile Justice, in partnership with multidisciplinary experts across the country, as part of the *National Standards for the Care of Youth Charged with Status Offenses*. Collectively and individually, these 12 principles acknowledge and address the individual, familial, and community contexts in which status offenses may occur and are the basis for the policy and practice recommendations made in later lessons.

For each of the 12 principles covered in this module, the instructor will read the text of the Standard, and then cover the "Background information" and "Key discussion points" provided. Many of the principles also contain "Action Steps" and "Resource Spotlights" for the instructor to share. There are also many opportunities for interactive, multimedia, and peer-to-peer learning, including case study discussions, group activities, videos, and question and answer periods.

For each principle, as time allows, it is suggested that the instructor and participants engage in the recurring activity described below. For this activity, and all interactive learning opportunities, the goal is to get participants to think through how the principles apply, or could apply, in their jurisdiction and how it could be implemented.

Activity: "Who, What, and How of Improving Responses to Status Offenses"

For each principle in Module 1, lead a discussion that examines the relevant discussion points and action steps and identifies:

1. What needs to happen to implement the action step and ultimately comply with the principle?

This discussion should include an examination of what participant's jurisdictions' current practices are, how they

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do or don't meet the principle and specific details that accompany it, and what it would look like if they did.

2. How could the "what" (the items/actions identified above) be accomplished?
This will require identifying steps to be taken, questions to be asked, etc. It also includes determining if there needs to be practice change, policy change, or both.
3. Who needs to complete the action steps necessary to achieve this principle?
Answers could include both who carries out the action, and who the recipient is.

For this exercise, distribute the "Who, What, and How of Improving Responses to Status Offenses" handout, which includes space for participants to answer/take notes on the discussion. Depending on the size and makeup of the group, the discussion on these items can happen in small groups (with a report-out/full class discussion at the end), or with the entire class at once. Plan to take notes (or designate someone else to do so), and organize, edit, and share with participants after the training.

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2 minutes



Slide 1-2

Overview: What are Status Offenses?

Instructor's note: Many training audiences will already be very familiar with what a status offense is, but if not, mention the general information below. Depending on the expertise and geographic diversity of the training audience, it may also be necessary to add jurisdiction-specific information on definitions and data on status offenses.

The *National Standards* defines status offenses as “non-delinquent/non-criminal infractions that would not be offenses but for the youth’s status as a minor” and go on to say “[t]his includes running away, failing to attend school (truancy), alcohol or tobacco possession, curfew violations and circumstances where youth are found to be beyond the control of their parent/guardian(s), which some jurisdictions call ‘ungovernability’ or ‘incurability.’”

Principle 1: Prioritizing Safety, Well-being, and Permanency for Children

Begin by sharing the Standard in full:

Judicial, Legal, Law Enforcement, Justice, Social Service, and School Professionals Should Apply a Child and Family-centric Approach to Status Offense Cases by Prioritizing Child and Family Safety, Well-being, and Permanency for the Child

Share the following background information:

Despite the fact that youth charged with status offenses have not been accused of a criminal or delinquent offense, more than half the states (and their local jurisdictions) vest the authority to respond to status offenses with their respective delinquency systems rather than child welfare systems. In many cases, whether a child enters one system over the other is simply a function of the child's age.

Status offenses are often symptomatic of underlying personal, familial, community and systemic issues, as well as other, often complex, unmet and unaddressed needs. Issues that underlie status offense allegations are especially acute for minority youth and adolescent girls. Minority youth identified as status offenders are more likely to have their cases formally petitioned to court than similarly-situated white youth. Research also shows that girls accused of status offenses are petitioned to court more often and detained twice as long as boys.



10-30 minutes



Slide 3-5

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Multimedia



Slide 6-8

Multimedia: Show video of Robert Schwartz, founder of the Juvenile Law Center, discussing about how jurisdictions respond to status offenses: https://www.youtube.com/watch?v=gWCM_dCxSWg.

Key discussion points to include:

- *The National Standards proposes an approach to responding to status offenses that mirrors the “safety, permanency, and well-being” framework of the child welfare system’s Adoption and Safe Families Act of 1997 (ASFA).*
- *Like ASFA’s focus on the child’s best interests, the National Standards advocate for states and local jurisdictions to configure their systems to quickly identify the root cause of a youth’s alleged charge and consistently keep youth and their families’ interests at the center of any response or intervention.*
- *Important principles adapted from ASFA that can and should be considered when responding to families and youth alleged to have committed a status offense include:*
 - *Efforts to identify the cause of the status offense should begin well before court involvement and be expedited, where appropriate, with the provision of services to the youth and family.*
 - *Involvement in the court system for a status offense can lead to deeper justice system involvement.*
 - *Responses to status offense behaviors should focus on system accountability and positive outcomes for youth and their families.*
 - *Effective responses to status offense behaviors should do no harm.*



Group Activity

Group Activity: The “Who, What, and How of Improving Responses to Status Offenses.” Lead participants in the *Who, What, How* activity described at the beginning of this module. For this principle, consider asking the following questions:

- Which system(s) in your jurisdiction respond to status offenses and how well (and quickly) are the underlying causes of behaviors identified and responded to? “
- What are the merits and drawbacks of your jurisdictions’ current approach?
- Does your jurisdiction apply the child and family-centric approach called for by the *National Standards*? If yes, what does this look like?

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- Describe the ideal practice and/or policy needed to be truly child and family-centric, responding to the underlying causes of behavior.
- What steps would need to be taken for this change to occur?
- Who (beyond those already discussed) would need to have a role for these changes to occur and what would those roles be?

If time allows, and based on the discussion above, delve deeper into one or more of the discussion points for this section. For example, the *National Standards* say that status offense interventions should “do no harm.” Ask the group if this is the case in their jurisdiction and, if not, adapt the questions above to specifically address the issue chosen (e.g., Which practices or policies harm children and what would non-harmful practice and policy look like? What steps would need to be taken to achieve these? Who would need to drive this change and whose day-to-day practice would ultimately be changing?).

In the case of the “do no harm” example, this discussion could take many forms. Participants can discuss the impact of juvenile records on children’s lives, the fact that assessments intended to help children are sometimes used against them, or that out-of-home placements for truant students may lead to greater educational disruption. The instructor’s role is to let the group identify one or more issues, ensuring that they delve into practical and manageable action steps that attendees can utilize outside of the training.

Principle 2: Understanding and Applying Scientific Knowledge about Adolescent Development



10-30 minutes



Slide 9-14

Begin by sharing the Standard in full:

Judicial, Legal, Law Enforcement, Justice, Social Service, and School Professionals Should Understand and Apply Current and Emerging Scientific Knowledge about Adolescent Development, Particularly as it Relates to Court-involved Youth

Share the following background information:

Thanks to advances in brain science and technology, we now know that adolescents’ brains are different from adults’. Young people’s brains continue to mature until their early- to mid-20s. Adolescents are more likely to be influenced by peers, engage in risky and impulsive behaviors, experience mood swings, or have reactions that

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are stronger or weaker than a situation warrants. Understanding these differences gives professionals the opportunity to more effectively respond to youth behavior that is harmful to themselves or others.

Key discussion points to include:

- Adolescence is also a time of exploration when young people figure out who they are and how they want to contribute to society. As they become more engaged with their surroundings, they are prone to test boundaries, take risks, and try new things.
- Skipping school, experimenting with alcohol, challenging parental and adult authority, and staying out past curfew are behaviors that fall well within the realm of normal adolescent behavior. Accordingly, these behaviors do not automatically or necessarily warrant court intervention.
- The U.S. Supreme Court has acknowledged the differences in youth brain development and culpability in several recent decisions that strike down extreme sentencing for court-involved youth.
- The National Academy of Sciences, at the request of the Office of Juvenile Justice and Delinquency Prevention, reviewed behavioral and neuroscience research and released a report with numerous recommendations on how to reform the juvenile justice system to make it more fair, accountable, and efficient for youth and communities.
- Many juvenile and family courts are not entirely familiar with the relevant science and research. Therefore, they are not yet fully using available research to guide decision-making.
- Professionals and systems need to educate themselves about the inherently different ways youth understand and react to the world around them and use this knowledge to inform system responses.



Action Steps



Slide15

Action steps for change:

Ask the group to suggest ways that stakeholders can help turn this principle into practice. To the extent that they have not already been mentioned, discuss the following action steps:

- Support and participate in education and awareness raising activities related to adolescent development.
- Ensure that courts and other decision-makers who impact the lives of adolescents not only take into account general

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information about youth development and maturity, but also look at the specific circumstances of each young person's past and present life circumstances (e.g., prior offenses, past and current trauma, family relationships).

- Use available scientific knowledge to evaluate and inform decisions about competence, culpability, disposition, and defenses.
- Focus on adolescents' ability to contribute to their families and society, and work to build on their existing interests and strengths.
- Encourage and work with government and philanthropic organizations to fund promising or proven scientific approaches to craft and implement responses to youth who allegedly commit status offenses. Work to support the evaluation and reform of state laws on these issues.



Group Activity



Slide 16

Group Activity: The “Who, What, and How of Improving Responses to Status Offenses.” Lead participants in the *Who, What, How* activity described at the beginning of this module. For this principle, consider asking the following questions:

- When new research relevant to status offenses, such as adolescent brain science research, is released, do decision-makers and practitioners in your jurisdiction learn about them? How does this happen or, if it doesn't, how could it?
- What would policy and practice that took this research into account look like?
- What steps would need to be taken for this change to occur?
- Who (beyond those already discussed) would need to have a role for these changes to occur and what would those roles be?

If time allows, and based on the discussion above, delve deeper into one or more of the discussion points for this section. For example, the *National Standards* say that providers or supporters of status offense interventions should participate in education and awareness raising activities related to adolescent development. Ask the group if this happens in their jurisdictions. If so, ask them to describe the activities and discuss ways they could be broadened or improved. If not, adapt the questions above to specifically address the issue chosen. (e.g., What would need to happen to develop these activities, and what would they cover? Who would develop the content and deliver it, and who would the recipients be?).

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In the case of the education and awareness raising example, this discussion could take many forms: participants could talk about ways to disseminate existing written resources to the relevant parties, could think about bringing in relevant experts to speak at conferences or brown bag lunches, or could focus on developing new content, such as guidelines or a handbook that talks about adolescent brain science but applies it very specifically to law and practice in their jurisdiction. The instructor's role is to let the group identify one or more method of addressing the issue, but to ensure that the group ultimately generates some action steps to achieve the ideas they discuss, to memorialize those steps, so that the group can act on them after the training.



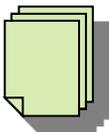
Resource Spotlight



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Resource Spotlight: National Research Council, National Academy of Sciences: "Reforming Juvenile Justice: A Developmental Approach" and "Implementing Juvenile Justice Reform: The Federal Role."

Over the past decade, research has given us a new understanding of adolescent brain development. In 2013 and 2014, the National Academy of Sciences (NAS) released groundbreaking reports examining the implications of this research, proposing a developmental approach in juvenile justice, and outlining the role of the federal government in implementing reforms. These reports help readers understand the science of adolescent brain development, and how to apply it in practice and policy to improve the juvenile justice system.



Resources

Resources/References/Handouts:

National Research Council, National Academy of Sciences. (2013). "Reforming Juvenile Justice: A Developmental Approach." Available at: <http://www.nap.edu/catalog/14685/reforming-juvenile-justice-a-developmental-approach>.

National Research Council, National Academy of Sciences. (2014). "Implementing Juvenile Justice Reform: The Federal Role." Available at: <http://www.nap.edu/catalog/18753/implementing-juvenile-justice-reform-the-federal-role>.

Coalition for Juvenile Justice. (2015). "Implementing an Adolescent Developmental Approach in Juvenile Justice" (webinar). Available at: <http://www.juvjustice.org/webinars-and-trainings/resources>.

Coalition for Juvenile Justice. (2006). "Applying Research to Practice Brief: What Are the Implications of Adolescent Brain Development for

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Juvenile Justice?" Available at:

http://www.juvjustice.org/sites/default/files/resource-files/resource_138_0.pdf.

Campaign for the Fair Sentencing of Youth. (nd). "Miller V. Alabama" (summary). Available at: <http://fairsentencingofyouth.org/what-is-jlwop/the-supreme-court/miller-v-alabama/>.

International Association of Chiefs of Police. (2015). The Effects of Adolescent Development on Policing. Available at: <http://www.theiacp.org/Portals/0/documents/pdfs/IACPBriefEffectsOfAdolescentDevelopmentonPolicing.pdf>.

Principle 3: Understanding and Using Positive Youth Development Principles

Begin by sharing the Standard in full:

Understand positive youth development principles and how they can be used to achieve better outcomes for court-involved youth.



10-30 minutes



Slide 18-20



Group Activity



Slide 21

Share the following background information:

Positive Youth Development (PYD) focuses on assets and skills, rather than risks and problems, and allows youth to develop decision-making abilities, work as part of a team, and help others. Research has shown that approaches focusing on youth's strengths and assets, and that help youth build resiliency, are more effective than approaches that only address their needs or weaknesses.

Group activity: Ask participants to write on a piece of paper what relationships, activities, or interests they enjoyed in their own adolescence which contributed to becoming a successful adult. Pass the paper to the person to their left (or to the person behind them if they are the end of the row). Ask each person to read what is on the paper, considering whether or not these relationships, activities, etc., would be achievable for young people who have unmet needs and/or are involved in the status offense system. Have participants write down any potential barriers and pass the paper to the left again.

Finally, have participants compare the pro-social activities/relationships and the barriers listed on the paper they just received. They should examine ways that these pro-social opportunities could be better supported for youth charged with status offenses and ways the identified barriers could be overcome. (Note: the instructor can "close the circle" by giving the paper from the first person in the

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room to the last person in the room.) Encourage participants to share the ideas they and others listed, pointing out when someone identifies a principle of positive youth development or a way to foster it in court-involved youth.



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Key discussion points to include:

To the extent they did not come out in the group activity discussion, share these suggestions, adapted from Jeffrey Butts' brief for the Coalition for Juvenile Justice, "What Are the Implications of Adolescent Brain Development for Juvenile Justice?":

- *Encourage youth relationships with adults, other than parents, who can serve as positive role models and advisors.*
- *Promote safe and healthy relationships with peers, based on shared interests and support.*
- *Encourage healthy lifestyle choices, including exercise and nutrition.*
- *Support positive organized activities, such as sports, the arts, or faith-based leagues or groups that give youth a sense of belonging.*
- *Allow youth to participate in activities that enable them to be engaged in, and feel attached to, their community and local events.*
- *Place youth in situations where they are able to make good decisions, use good judgment, come to understand the risks and consequences of their own decisions, set goals, and envision a future where their goals are achieved.*
- *Support honest discussions between adolescents and their parents that address and resolve conflict while encouraging development and recognizing strengths and accomplishments.*



Group Activity

Group Activity: The "Who, What, and How of Improving Responses to Status Offenses." Lead participants in the *Who, What, How* activity described at the beginning of this module. For this principle, consider asking the following questions:

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- How does (or does not) your jurisdiction's practice include Positive Youth Development as described in this principle?
- What would practice and/or policy need to look like to use positive development principles?
- What steps would need to be taken for this change to occur?
- Who (beyond those already discussed) would need to have a role for these changes to occur and what would those roles be?

If time allows, and based on the discussion above, delve deeper into one or more of the discussion points for this section. For example, the *National Standards* discuss encouraging positive relationships with peers and adults other than parents. Adapt the questions above to specifically address the issue chosen. (e.g., Ask the group if practice and policy in their jurisdictions supports these relationships and, if not, why not? What would need to happen for them to do so? Who would need to drive these changes and who would need to carry them out in day-to-day practice? Who would the changes impact?)

In the case of the positive relationships example, this discussion could take many forms. For example, participants could discuss the barriers to sustaining relationships that come from out-of-home placements or could focus on the availability of, or lack of, mentors in their community. The instructor's role is to let the group identify one or more issues or ideas, ensuring that they move beyond just identification to determine possible action steps. The instructor must then memorialize those steps so that the group can act on them after the training.



Resources



Slide 24

Resources/References/Handouts

Jeff Butts, et al./Coalition for Juvenile Justice. (2010). "Positive Youth Justice: Framing Justice Interventions Using the Concepts of Positive Youth Development." Available at:

<http://www.juvjustice.org/sites/default/files/resource-files/Positive%20Youth%20Justice.pdf>.

Juvenile Justice Information Exchange. (2011). "Benjamin Chambers Interviews Dr. Jeffrey Butts on Positive Youth Development" (video).

Available at: <http://jjiie.org/dr-jeffrey-butts-on-positive-youth-development-juvenile-justice/>.

John Kelly/The Chronicle of Social Change. (2015). "Positive Youth Justice: Curbing Crime, Building Assets." Available at:

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<https://chronicleofsocialchange.org/news/positive-youth-justice-curbing-crime-building-assets/9388>.

Note that two of the resources from the previous section, "The Effects of Adolescent Development on Policing" and "Applying Research to Practice Brief: What Are the Implications of Adolescent Brain Development for Juvenile Justice?" also contain useful information on positive youth development and should be referenced/reviewed here.

Principle 4: Identifying and Responding to Past Trauma and Other Experiences

Begin by sharing the Standard in full:

Ensure that past trauma and other experiences, which may underlie or lead to status-offending behaviors, are identified and responded to with appropriate screening, assessment, treatment, services, and supports.



10-30 minutes



Slide 25-29

Share the following background information:

Many youth alleged to have committed status offenses have been victims of child abuse or neglect and/or have witnessed family or community violence. These experiences may be traumatic and in some cases will lead to short- or long-term traumatic stress symptoms. Traumatic stress can manifest as anxiety, depression, concentration issues (post-traumatic stress is frequently misdiagnosed as ADHD), impulsivity, emotional numbing, lack of affect, and conduct problems, among other issues.

Key discussion points to include:

- A survey of children and adolescents published in 2011 found that half had experienced two or more types of victimization (being the target of or witnessing violence) and eight percent had experienced seven or more types of victimization.
- Other studies estimate that past traumatic experiences and Post Traumatic Stress Disorder (PTSD) are twice as common among juvenile justice-involved youth.
- While identifying trauma is key to helping youth overcome it, professionals and systems also need to ensure that youth are protected from self-incrimination.
- System-induced trauma should be minimized by avoiding court involvement and secure confinement, minimizing out-of-home placement and placement changes, and choosing

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therapeutic, rather than punitive, settings if out-of-home placement is necessary.

- *Understanding a young person's past (and possibly traumatic) experiences can help professionals better serve them in many ways, from an attorney advocating that traumatic experiences should be considered as a mitigating factor at disposition to a caseworker, probation officer, or detention staff member ensuring that an adolescent is screened and receives necessary treatment for PTSD.*



Action Steps



Slide30

Action steps for change:

Ask the group to suggest ways that stakeholders can help turn this principle into practice. To the extent that they have not already been mentioned, discuss the following action steps:

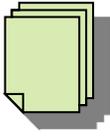
- *Implement screening using trauma-specific instruments with proven reliability and validity.*
- *Provide youth with evidence-based or empirically-supported interventions to address the effects of trauma.*
- *Raise awareness among court staff, agency personnel, and the community about the impact of trauma. This includes multi-disciplinary training for judges, social workers, and others about how trauma impacts brain development, symptoms of traumatic stress, and other trauma-related topics.*
- *Provide intensive training for detention facility staff so that certain youth behaviors are recognized as symptoms of traumatic stress, rather than simple disobedience or acting out, and responded to appropriately.*
- *Front-load and expedite dispositions and provide court orientations to youth in order to connect them to services faster and reduce the likelihood of system-induced trauma.*
- *Educate attorneys on how to interview clients using trauma-informed strategies.*



Group Activity

Group Activity: The “Who, What, and How of Improving Responses to Status Offenses.” Lead participants in the *Who, What, How* activity described at the beginning of this module. Target the questions specifically to this principle. If time allows, and based on the group discussion, delve deeper into one or more of the discussion points for this section.

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Resources



Slide 31

Resources/References/Handouts

National Task Force on Children Exposed to Violence. (2012). "Report of the Attorney General's National Task Force on Children Exposed to Violence." Available at:

<http://www.justice.gov/defendingchildhood/cev-rpt-full.pdf>.

Susan Burrell/Youth Law Center. (2013). "Trauma and the Environment of Care in Juvenile Institutions." Available at:

http://www.nctsnet.org/sites/default/files/assets/pdfs/ji_trauma_brief_environofcare_burrell_final.pdf.

David Finkelhor, Heather Turner, Sherry Hamby, Richard Ormrod/Juvenile Justice Bulletin. (2011). "Polyvictimization: Children's Exposure to Multiple Types of Violence, Crime, and Abuse." Available at: <http://www.unh.edu/ccrc/pdf/jva/Polyvictimization%20JJDP%20bulletin.pdf>.

Thomas Grisso. (2009). "10 Steps for Implementing Mental Health Screening." Available at: http://www.statusoffensereform.org/wp-content/uploads/2014/05/Guidelines_for_Instructing_Youth_Prior_to_Administration_of_a_Mental_Health_Screening_Tool.pdf.

Lisa Pilnik, Jessica Kendall/Safe Start Center. (2012). "Victimization and Trauma Experienced by Children and Youth: Implications for Legal Advocates" (Issue Brief #7). Available at:

<http://www.safestartcenter.org/publications/issue-brief-7-victimization-and-trauma-experienced-childrenand-youth-implications>.

Lourdes Rosado, Riya Shah/Juvenile Law Center. (2007). "Protecting Youth from Self-Incrimination when Undergoing Screening, Assessment and Treatment within the Juvenile Justice System."

Available at: http://www.jlc.org/sites/default/files/publication_pdfs/protectingyouth.pdf.

Liane Rozzell/Families and Allies of Virginia Youth. (2013). "The Role of Family Engagement in Creating Trauma-Informed Juvenile Justice Systems." Available at: http://www.nctsnet.org/sites/default/files/assets/pdfs/ji_trauma_brief_familyengagement_rozzelll_final.pdf.

Substance Abuse and Mental Health Services Administration. (2014). "SAMHSA'S Concept of Trauma and Guidance for a Trauma-Informed Approach." Available at:

<http://store.samhsa.gov/shin/content//SMA14-4884/SMA14-4884.pdf>.

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Valerie Williams, Thomas Grisso. (2009). "Guidelines for Instructing Youth Prior to Administration of a Mental Health Screening Tool." Available at: [http://www.statusoffensereform.org/wp-content/uploads/2014/05/Guidelines for Instructing Youth Prior to Administration of a Mental Health Screening Tool.pdf](http://www.statusoffensereform.org/wp-content/uploads/2014/05/Guidelines_for_Instructing_Youth_Prior_to_Administration_of_a_Mental_Health_Screening_Tool.pdf).

The National Child Traumatic Stress Network. (2013). "Child Welfare Trauma Training Toolkit, 2nd Edition." Available at: <http://www.nctsn.org/products/child-welfare-trauma-training-toolkit-2008>.

Substance Abuse and Mental Health Services Administration. (2015). "National Registry of Evidence-based Programs and Practices" (database). Available at: <http://nrepp.samhsa.gov>.

Patricia Kerig. (2013). "Trauma-Informed Assessment and Intervention." Available at: http://www.nctsn.org/sites/default/files/assets/pdfs/jj_trauma_brief_assessment_kerig_final.pdf.

Carly Dierkhising, et al. (2013). "Trauma histories among justice-involved youth: findings from the National Child Traumatic Stress Network." Available at: http://www.ejpt.net/index.php/ejpt/article/view/20274/pdf_1.

Justice Policy Institute. (2010). "HEALING INVISIBLE WOUNDS: Why Investing in Trauma-Informed Care for Children Makes Sense." Available at: http://www.justicepolicy.org/images/upload/10-07_REP_HealingInvisibleWounds_JJ-PS.pdf.

Principle 5: Encouraging Meaningful Youth Engagement

Begin by sharing the Standard in full:

Implement a status offense system framework that promotes shared leadership and responsibility by encouraging youth engagement in court, agency, and other meetings affecting their case, safety, well-being, treatment services, and/or placement.

Share the following background information:

It is critically important that youth have a voice in their status offense cases, where others are making critical decisions about their lives. Youth involvement can range from gaining their input about the services in which they participate to where they may live or when and how they interact with their families or other important people in their lives.



10-30 minutes



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Instructor CuesKey discussion points to include:

- Youth engagement is particularly important to ensuring fairness in cases where the parent is the one who initiated the petition (e.g., in an ungovernability or runaway case).
- Youth engagement must be undertaken in ways that minimize the impact of system-induced trauma (see National Standards Section 1.4 for more information).
- By being present in court and meetings, youth can offer important insights into their lives and the causes of the alleged behavior, allowing judges and professionals to make more informed decisions for youth and their families.
- Youth also benefit by gaining a better understanding of the status offense agency, court processes, and repercussions which may serve as an important tool to encourage shared responsibility in resolving problems and limiting court involvement.



Action Steps



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Optional: Action Steps for Direct Service Providers

If your audience includes a significant proportion of professionals who work directly with youth in status offense cases (e.g., attorneys, caseworkers, service providers, etc.) or managers of direct service providers, ask the group to suggest ways they can support their clients' engagement. To the extent they are not raised, share the following ideas, based on suggestions from the American Bar Association Center on Children and the Law:

- To the fullest extent possible, schedule meetings and hearings before or after school hours for school-aged youth. When a youth is not able to attend in person, consider allowing him/her to participate via alternative means, such as video-conferencing or conference calls.
- Explain your role to the youth and what issues you can and cannot address.
- Avoid using acronyms or legal jargon that may make it difficult for the youth to understand what is happening during the meeting or hearing.
- Prepare the youth for upcoming meetings or court hearings by telling the youth who will be present, what their roles will be, what is expected to happen, and what the youth's involvement will entail.
- If the youth is expected to speak or testify, provide guidance about how to do so most effectively. Advise the youth if

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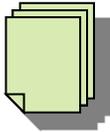
other participants will ask him/her questions and what the nature of those questions may be.

- Provide age-appropriate reading materials to the youth to describe the court or agency process. (Note that these guides will necessarily be very jurisdiction-specific, but an example of a good guide written for youth involved with the Philadelphia juvenile justice system is available at <http://bit.ly/1ScGSfH>.)



Group Activity

Group Activity: The “Who, What, and How of Improving Responses to Status Offenses.” Lead participants in the *Who, What, How* activity described at the beginning of this module. Target the questions specifically to this principle. If time allows, and based on the group discussion, delve deeper into one or more of the discussion points for this section.



Resources

Resources/References/Handouts

Andrea Khoury/American Bar Association Center on Children and the Law. (2007). “With Me, Not Without Me: How to Involve Children in Court” (Child Law Practice, Vol. 26, No. 9). Available at: http://www.americanbar.org/content/dam/aba/publications/center_on_children_and_the_law/empowerment/withme_notwithoutme.athcheckdam.pdf.

Andrea Khoury/American Bar Association Center on Children and the Law. (2008). “Establishing Policies for Youth in Court—Overcoming Common Concerns.” Available at:

<http://www.isc.idaho.gov/cp/docs/Establishing%20Policies%20for%20Youth%20in%20CourtCommon%20Concerns.pdf>.

Center for Court Innovation. (2009). “A Pilot Program on Youth Engagement.” Available at: http://www.courtinnovation.org/sites/default/files/Youth_ECHO_1year.pdf.

Principle 6: Utilizing Alternative Dispute Resolution Strategies

Begin by sharing the Standard in full:

Utilize alternative dispute resolution strategies to resolve youth and family conflicts outside of the court system.

Share the following background information:

Youth charged with status offenses may enter the system as a result of significant family conflict where disputes may result, for example, in a youth running away or being charged as “incurable.” In many



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10-30 minutes



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instances, the court system is not well suited to resolve these high conflict situations, relying on an adversarial process that may only worsen the fragile parent-child relationship.

Key discussion points to include:

- *Introducing alternative dispute resolution (ADR) strategies, such as mediation, before court involvement and/or before an adjudicatory hearing can empower families to resolve conflicts internally with professional guidance. This may limit child and family exposure to court and deeper justice system involvement.*
- *The goal of ADR strategies is to reach an agreement between the youth and his/her family in ways that encourage harmony, rather than punish the youth for actions often rooted in family dysfunction.*
- *It is incumbent upon professionals working with families to assess whether ADR approaches are appropriate and to ensure that the youth is willing to participate. In instances where there is evidence of violence between the youth and parent/caregiver, professionals should determine how ADR processes could be altered to assure youth and family member safety and well-being, recognizing that in some circumstances ADR approaches may not be appropriate.*



Program Example



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Program Example:

Share the following program example with participants, then ask for volunteers to share any ADR approaches they know of in their jurisdiction that are used in status offense, child welfare (dependency), or delinquency cases.

More than a decade ago, Ohio Judge David E. Stucki recognized that Ohio law does not provide for many non-detention responses to truancy. Therefore, Judge Stucki and his colleagues created the Truancy Mediation Program, designed to reveal the root causes of a child's chronic absenteeism and link the child and family to necessary services in the community. Conducted in partnership with the Community Mediation Center of Stark County, the program deploys intake officers to review the record and conduct an investigation upon receiving a referral from a school guidance counselor or principal, and before a formal complaint is filed.

Once the investigation is complete, the court assigns a trained mediator to conduct one or more sessions between school officials, the child, the parent(s), and any relevant court officials. A recent

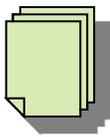
Instructor Cues

study of the program revealed that the average number of absences for children identified as truant dropped by 51% following mediation. [Reprinted from: "POSITIVE POWER: Exercising Judicial Leadership to Prevent Court Involvement and Incarceration of Non-Delinquent Youth"].



Group Activity

Group Activity: The “Who, What, and How of Improving Responses to Status Offenses.” Lead participants in the *Who, What, How* activity described at the beginning of this module. Target the questions specifically to this principle. If time allows, and based on the group discussion, delve deeper into one or more of the discussion points for this section.



Resources

Resources/References/Handouts

Status Offense Reform Center. (2014). “Using Restorative Practices in Response to Status Offense Behaviors” (webinar). Available at: <http://www.statusoffensereform.org/wp-content/uploads/2014/09/SORC-Restorative-Practices-Webinar-FINAL.pdf>.

Principle 7: Engaging and Empowering Families



10-30 minutes



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Begin by sharing the Standard in full:

Employ family engagement strategies that identify and emphasize a family’s strengths, and which empowers families to find and implement solutions outside of the court system.

Share the following background information:

Similar to youth engagement strategies, family engagement strategies focus on strengths the family unit can bring to the process, not just the family’s deficits. They seek to access and leverage a family’s willingness to solve problems with professional guidance. Family engagement strategies provide a less formal setting for 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 unit needs to move forward.

Key discussion points to include:

- Working with families is an important part of all juvenile justice cases, but when a young person is charged with a status offense 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

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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 the parents' inability to help the child address personal or other issues leading to absence from school.
- Family Group Decision Making (FGDM) is an engagement strategy that allows the family to lead decision-making, encouraging them to actively participate in identifying viable solutions to the problems they face. This strategy is often used in child welfare matters, so even if your jurisdiction is not currently using FGDM in status offense or delinquency cases there may be local expertise available. FGDM may also be called Family Group Conferencing or Family Team Meetings.
- For any family engagement strategy, the professionals working with the family must assess whether the youth is willing to participate and ensure that the youth is safe and comfortable participating in the process. If there is a history of violence between the youth and parent, the process may need to be changed to allow for extra safety precautions and certain family engagement strategies may not be appropriate.



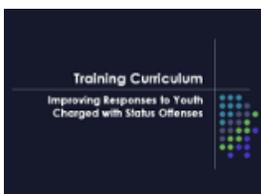
Multimedia



Group Activity



Policy Point



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Multimedia: Show video of Louisiana Judge Patricia Koch discussing family engagement: <https://www.youtube.com/watch?v=PorddgGvTTQ>.

Group Activity: The “Who, What, and How of Improving Responses to Status Offenses.” Lead participants in the *Who, What, How* activity described at the beginning of this module. Target the questions specifically to this principle. If time allows, and based on the group discussion, delve deeper into one or more of the discussion points for this section.

Policy Point: Section 4.9 of the *National Standards* 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

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Resources



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offenses, and the underlying reasons for the behaviors, the [Family Group Decision Making/Family Team Meeting] 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 that are not already doing so.

Resources/References/Handouts

Campaign for Youth Justice. (2014). "FAMILY Comes First: A Workbook to Transform the Justice System by Partnering With Families." Available at: http://www.campaignforyouthjustice.org/documents/finalfamily%20comes%20first%20executive%20summary_web.pdf.

Coalition for Juvenile Justice. (2014). "Status Offenses and Family Engagement." Available at: <http://www.juvjustice.org/sites/default/files/resource-files/Family%20Engagement%20and%20SO.pdf>.

American Humane Association. (nd). "About Family Group Decision-Making" (website). Available at: <http://www.americanhumane.org/children/programs/family-group-decision-making/about-family-group-decision.html>.

Status Offense Reform Center. (2014). "Why Families Matter: Engaging Families for Better Outcomes" (webinar). Available at: <http://www.statusoffensereform.org/blog/catch-webinar-families-matter-engaging-families-better-outcomes>.

Juvenile Detention Alternative Initiative Research Series. (2013). "Family Engagement in Juvenile Justice" (webinar). Available at: <http://www.mass.gov/eohhs/docs/dys/jdai/family-engagement-brief.pdf>.

National Council of Juvenile and Family Court Judges. (2009). "Family Teaming: Comparing Approaches." Available at: <http://www.ncjfcj.org/sites/default/files/teaming-comparing-approaches-2009.pdf>.

National Council of Juvenile and Family Court Judges. (2015). "Family Engagement Tip Sheet." Available at: http://www.ncjfcj.org/sites/default/files/12_Family%20Engagement_TIP_SHEET.pdf.

International Institute for Restorative Practices. (2010). "Coming Together for Sam: FGDM (FGC) Helps a Family Find a Solution of Its

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10-30 minutes



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Own." Available at: http://www.iirp.edu/iirpWebsites/web/uploads/article_pdfs/61832_Sams-FGDM.pdf.

Principle 8: Eliminating Racial and Ethnic Disparities

Begin by sharing the Standard in full:

Eliminate racial and ethnic disparities by being culturally aware and ensuring impartial and equal access to culturally-competent prevention and intervention services and treatment for youth charged with status offenses and their families.

Share the following background information:

Disproportionate minority contact (DMC) refers to the disproportionate representation of ethnic, racial, and linguistic minority youth in the juvenile court system. The federal Juvenile Justice and Delinquency Prevention Act (JJJPA) was broadened in scope in 2002 to require that states address "disproportionate minority contact" (emphasis added) instead of only being required to address the disproportionality of minority youth in confinement. Under the JJJPA, the federal government can withhold some of a state's future grant allocation for the subsequent year if they fail to address disproportionality at all stages of justice system involvement.

Key discussion points to include:

- *Minority youth are overrepresented in every aspect of the justice system. Research shows that youth of color are treated more harshly than white youth when charged with the same category of offense, including status offenses.*
- *In 2011, the runaway case rate for African American youth was more than three times the rate for white youth and the ungovernability case rate for African American youth was more than twice the rate of white youth.*
- *That same year the liquor law violation case rate for American Indian juveniles was more than three times the white rate.*
- *Altering the overrepresentation of minority youth in the system requires an understanding of, and action plan to, address the underlying disparities that bring minority youth in contact with the system.*
- *Effective responses to youth charged with status offenses and their families must have the intent and the effect of reducing the disparate treatment of minority youth at all*

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points along the continuum, from prevention to identification to intervention.

- Research reviewed by the Vera Institute of Justice suggests that young people whose parents do not speak English are more likely to be detained for delinquent offenses. This is due, in part, to the fact that their parents are not able to advocate as effectively on their behalf due to language barriers.



Action Steps



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Action steps for change:

Explain that there are many things system professionals, from law enforcement to social service providers and courts, can do to reduce racial and ethnic disparities, including:

- *Collect and analyze data at all decision points so intentional strategies can be developed to reduce racial and ethnic disparities.*
- *Use culturally competent screening and assessment tools and culturally and linguistically competent practices at appropriate points throughout a status offense case.*
- *Implement family engagement and alternative dispute resolution strategies during status offense cases.*
- *Provide access to family-connected and community-based services in youths' home communities, especially where a community may have disproportionately high involvement in the status offense system.*



Group Activity

Group Activity: The “Who, What, and How of Improving Responses to Status Offenses.” Lead participants in the *Who, What, How* activity described at the beginning of this module. Include a discussion of what efforts participants' jurisdictions are currently making to address racial and ethnic disparities. Ask how status offenses have or have not been addressed as part of these efforts. Target the questions specifically to this principle. If time allows, and based on the group discussion, delve deeper into one or more of the discussion points for this section.



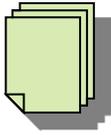
Resource Spotlight

Resource Spotlight: The Coalition for Juvenile Justice: *Disproportionate Minority Contact and Status Offenses.*

In addition to discussing the importance of addressing the racial and ethnic disparities among youth charged with status offenses, this resource includes a discussion of the data deficit on this issue, and

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never-before-published data from the National Center on Juvenile Justice.



Resources



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Resources/References/Handouts:

Coalition for Juvenile Justice. (2014). "Disproportionate Minority Contact and Status Offenses." Available at:

[http://www.juvjustice.org/sites/default/files/resource-files/DMCEmerging Issues Policy Brief Final_0.pdf](http://www.juvjustice.org/sites/default/files/resource-files/DMCEmerging%20Issues%20Policy%20Brief%20Final%200.pdf).

Tiana Davis/ Status Offense Reform Center. (2014). "Status Offenders and Race." Available at:

<http://www.statusoffensereform.org/blog/status-offenders-race>.

Mark Soler/Center for Children's Law and Policy. (2014). "Reducing Racial and Ethnic Disparities in the Juvenile Justice System." Available at: <http://www.ncsc.org/~media>

[/Microsites/Files/Future%20Trends%202014/Reducing%20Racial%20and%20Ethnic%20Disparities_Soler.ashx](http://www.ncsc.org/~media/Microsites/Files/Future%20Trends%202014/Reducing%20Racial%20and%20Ethnic%20Disparities_Soler.ashx).

Tiana Davis/Center for Children's Law and Policy. (2012). "The DMC Stakeholder: Buy-In and Participation" (presentation). Available at:

<http://www.statusoffensereform.org/resource/the-dmc-stakeholder-buy-in-and-participation>.

Sarah Hockenberry, Charles Puzzanchera/National Center for Juvenile Justice. (2014). "Juvenile Court Statistics 2011." Available at:

<http://www.ncjj.org/pdf/jcsreports/jcs2011.pdf>.

U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention. (2012). "In Focus: Disproportionate Minority Contact." Available at:

<http://www.ojjdp.gov/pubs/239457.pdf>.

Sentencing Project. (2014). "Disproportionate Minority Contact in the Juvenile Justice System." Available at:

http://www.sentencingproject.org/doc/publications/jj_Disproportionate%20Minority%20Contact.pdf.

Dana Schoenberg/Center for Children's Law and Policy. (2012).

"Models for Change: Reducing Racial and Ethnic Disparities in Pennsylvania." Available at: [http://www.cclp.org/documents/DMC/Innovation Brief Reducing Racial and Ethnic Disparities in Pennsylvania.pdf](http://www.cclp.org/documents/DMC/Innovation%20Brief%20Reducing%20Racial%20and%20Ethnic%20Disparities%20in%20Pennsylvania.pdf).

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Chapin Hall Center for Children. (2008). "Understanding Racial and Ethnic Disparity in Child Welfare and Juvenile Justice." Available at: http://cjjr.georgetown.edu/pdfs/cjir_ch_final.pdf.

U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention. (2009). "Disproportionate Minority Contact Technical Assistance Manual." Available at: http://www.ojjdp.gov/compliance/dmc_ta_manual.pdf.

Mark Soler, Lisa Garry/Office of Juvenile Justice and Delinquency Prevention. (2009). "Reducing Disproportionate Minority Contact: Preparation at the Local Level." Available at: <https://www.ncjrs.gov/pdffiles1/ojjdp/218861.pdf>.

The Annie E. Casey Foundation. "Juvenile Detention Alternatives Initiative" (website). Available at: <http://www.aecf.org/MajorInitiatives/JuvenileDetentionAlternativesInitiative.aspx>.

Jeff Armour, Sarah Hammond/National Conference of State Legislatures. (2009). "Minority Youth in the Juvenile Justice System: Disproportionate Minority Contact." Available at: <http://www.ncsl.org/print/cj/minoritiesinjj.pdf>.

The Annie E. Casey Foundation. (2009). "Detention Reform Brief 3: An Effective Approach to Reduce Racial and Ethnic Disparities in Juvenile Justice." Available at: <http://www.aecf.org/resources/an-effective-approach-to-reduce-racial-and-ethnic-disparities-in-juvenile-j/>.

National Council of La Raza. (2007). "A Fair Juvenile Justice System: The Importance of Linguistic and Cultural Competency." Available at: <http://www.modelsforchange.net/publications/400>.

The Sentencing Project. (2014). "Disproportionate Minority Contact in the Juvenile Justice System." Available at: http://www.sentencingproject.org/doc/publications/jj_Disproportionate%20Minority%20Contact.pdf.

Dana Shoenberg/Center for Children's Law and Policy. (2012). "Reducing Racial and Ethnic Disparities in Pennsylvania." Available at: http://www.cclp.org/documents/DMC/Innovation_Brief_Reducing_Racial_and_Ethnic_Disparities_in_Pennsylvania.pdf.

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Vera Institute of Justice. (2007). "If Parents Don't Speak English Well, Will Their Kids Get Locked Up? Language Barriers and Disproportionate Minority Contact in the Juvenile Justice System." Available at: http://www.vera.org/sites/default/files/resources/downloads/Language_Barriers_and_Disproportionate_Minority_Contact_in_the_Juvenile_Justice_System.pdf.

Principle 9: Responding to Gender Differences Appropriately



10-30 minutes



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Begin by sharing the Standard in full:

Understand the developmental, behavioral, and social differences between boys and girls and how their service needs are accordingly different. Make gender-responsive choices regarding interventions, treatment, and services before, during, and following court involvement.

Share the following background information:

Research shows that boys represent 72% of petitioned delinquency cases and 59% of petitioned status offense cases. Girls make up 53% of all runaway cases.

Key discussion points to include:

- Boys and girls may be charged with status offenses for different reasons and react differently to system involvement and related interventions because of physiological, sociological, and developmental differences.
- The relatively high arrest and detention rates for girls may be due to different standards of "acceptable" behavior for boys and girls, such as paternalistic attitudes to "protect" girls by locking them up. Running away, truancy, and other status offenses may also be a form of "self-defense" for girls who are being victimized at home or school.
- Research has shown that specific protective factors may make girls less likely to commit offenses, including support from a caring adult, succeeding and/or feeling connected to someone in school, and religiosity.
- School connectedness, family support, and positive social activities have been found to be protective factors for both boys and girls.
- In recent years, courts and communities have begun paying increased attention to the issue of human trafficking. Although not all youth who run away from home are victims trafficking and not all trafficking victims are runaways,

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concerns about this issue and the complex nature of the trauma trafficking victims have experienced may make them difficult to identify and serve. (Additional resources on this issue are included below.)

- To the extent gender-specific programming is offered, youth should participate according to their gender-identity rather than their biological gender if they are not the same.



Action Steps



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Action steps for change:

Explain that there are many ways agencies and courts who work with status offenders can be gender-responsive:

- Professionals who select and administer assessment instruments or rely on the results of these instruments should ensure that these tools are evidence-based or empirically-supported and have been designed for and tested with the specific gender of the client group.
- Even where there is a shortage of validated instruments for girls, practitioners should endeavor to continuously research the best possible options.
- While evaluation research on programs for girls is lagging behind the research on effective programming for boys, gender-responsive programs for girls offer a theoretical framework founded on research-based principles in effective female programming. Note that boys may also benefit from many of these program qualities. These include:
 - Being strength-based, trauma-informed, and relational;
 - Ensuring clients' physical, psychological, and emotional safety;
 - Employing staff who are sensitive to trauma and understand girls' socialization behaviors; and
 - Providing ongoing staff training and support.
- Ensure that elements of gender-responsive practice are present throughout, from first contact with the system through service and treatment provision.



Resource Spotlight

Resource Spotlight: Coalition for Juvenile Justice: *Girls, Status Offenses, and the Need for a Less Punitive and More Empowering Approach.*

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This report shares data and recommendations on how juvenile justice and other child-serving systems can better respond to the needs of girls who commit status offenses. It also discusses the relationship between paternalism, self-preservation, racism, and girls' involvement in status offenses. Highlight the following passage from this resource: "Incidents of physical or sexual abuse are particularly high among girls who run away from home. According to statistics, 46% of runaway and homeless youth reported being physically abused, 38% reported being emotionally abused, and 17% reported being forced into unwanted sexual activity by a family or household member. Thus, for girls who are victims of abuse and trauma, running away or staying out past curfew may be less an act of rebellion and more an attempt at self-preservation."

Although not all runaways are trafficking victims and not all trafficking victims have run away, there are often overlaps in these populations. The Coalition for Juvenile Justice has also held several webinars on identifying and responding to victims of human trafficking, available at: <http://www.juvjustice.org/webinars-and-trainings/resources>.



Program Example

Program Example: The Ramsey County Runaway Intervention Project provides empowerment programs and services intended to address the needs of runaway youth who are victims of sexual abuse and/or victims of trafficking. They only serve girls and focus on providing gender-responsive services. Learn more at: <https://www.co.ramsey.mn.us/Attorney/RunawayInterventionProject.htm>.



Group Activity

Group Activity: The "Who, What, and How of Improving Responses to Status Offenses." Lead participants in the *Who, What, How* activity described at the beginning of this module. Target the questions specifically to this principle. If time allows, and based on the group discussion, delve deeper into one or more of the discussion points for this section.



Resources

Resources/References/Handouts:

Coalition for Juvenile Justice. (2013). "Girls, Status Offenses, and the Need for a Less Punitive and More Empowering Approach." Available at: <http://bit.ly/1M840Vd>.

Coalition for Juvenile Justice. (2014). "Running Away: Finding Solutions That Work For Youth and Their Communities." Available at: http://juvjustice.org/sites/default/files/resource-files/Runaway%20Emerging%20Issues%20Brief%20FINAL_0.pdf.



Instructor Cues

Sarah Hockenberry, Charles Puzzanchera/National Center for Juvenile Justice. (2014). "Juvenile Court Statistics 2011." Available at: <http://www.ncjj.org/pdf/jcsreports/jcs2011.pdf>.

Liz Watson, Peter Edelman/Georgetown Center on Poverty, Inequality and Public Policy. (2012). "Improving the juvenile justice system for girls: Lessons from the States." Available at: http://www.law.georgetown.edu/academics/centers-institutes/poverty-inequality/upload/jds_v1r4_web_singles.pdf.

Barbara Bloom, Stephanie Covington. (2001). "Effective Gender-Responsive Interventions in Juvenile Justice: Addressing the Lives of Delinquent Girls." Available at: <http://www.statusoffensereform.org/resource/effective-gender-responsive-interventions-juvenile-justice-addressing-lives-delinquent-girls>.

Sydney McKinney/Status Offense Reform Center. (2014). "'Disproportionate Impact': A Conversation About Girls, Youth of Color, and LGBTQ Youth in the Status Offense System." Available at: <http://www.statusoffensereform.org/blog/disproportionate-impact-conversation-girls-youth-color-lgbtq-youth-status-offense-system>.

Sydney McKinney/Status Offense Reform Center. (2014). "Runaway Youth: A Research Brief." Available at: http://www.statusoffensereform.org/wp-content/uploads/2014/05/Running-Away_Final.pdf.

Kate Richtman/Status Offense Reform Center. (2015). "Building Resiliency for Runaway Girls." Available at: <http://www.statusoffensereform.org/blog/building-resiliency-runaway-girls>.

Malika Saada Saar/Status Offense Reform Center. (2014). "Trafficked and Exploited Girls Need Help, Not Incarceration." Available at: <http://www.statusoffensereform.org/blog/trafficked-exploited-girls-need-help-incarceraton>.

U.S. Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation. (2008). "Fact Sheet: Juvenile Delinquency." Available at: <http://aspe.hhs.gov/hsp/08/boys/FactSheets/jd/report.pdf>.

Margaret Zahn, et al./U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

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(2010). "Girls Study Group: Causes and Correlates of Girls' Delinquency." Available at: <https://www.ncjrs.gov/pdffiles1/ojdp/226358.pdf>.

Stephanie Hawkins, et al./U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention. (2009). "Girls Study Group: Resilient Girls—Factors That Protect Against Delinquency." Available at: <https://www.ncjrs.gov/pdffiles1/ojdp/220124.pdf>.
(For this study "delinquent behavior" was defined to include status offenses [truancy and unruliness], gang membership, selling drugs, serious property offenses, and assault).

Susan Brumbaugh, et al./U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention. (2010). "Girls Study Group: Suitability of Assessment Instruments for Delinquent Girls." Available at: <https://www.ncjrs.gov/pdffiles1/ojdp/226531.pdf>.

Principle 10: Responding to Lesbian, Gay, Bisexual, Transgender, Questioning and Gender Non-Conforming Youth Fairly and Equitably



10-30 minutes



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Begin by sharing the Standard in full:

Ensure that lesbian, gay, bisexual, transgender, and questioning (LGBTQ) youth who are charged with status offenses receive fair treatment, equal access to services, and respect and sensitivity from all professionals and other youth in court, agency, service, school, and placement.

Share the following background information:

Lesbian, gay, bisexual, transgender and questioning (LGBTQ) youth are twice as likely as other youth to be sent to a juvenile detention facility for committing status offenses such as truancy or running away. They are also overrepresented in the juvenile justice system, and once in the system are more likely to be the target of abuse and violence, including at the hands of other youth. They may also receive overly harsh punishments due to court biases or misguided attempts to keep them "safe" through the use of unnecessary isolated housing. The National Council on Crime and Delinquency (NCCD) surveyed 1,400 youth in detention in seven jurisdictions across the country and found that 20% of those youth were LGBTQ or gender non-conforming (GNC); The Equity Project defines GNC

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youth as those who “[do] not subscribe to the gender expression or roles imposed by society.” NCCD also found that 85% of those LGBTQ/GNC youth were youth of color.

Key discussion points to include:

- Targeted interventions can work to change the behavior of families that are not initially accepting of LGBTQ/GNC children. Research shows that even small improvements in family acceptance of these youth can lead to better physical and mental health outcomes. For this reason, it is essential that LGBTQ/GNC youth and their families are offered support services and that every effort is made to keep youth in their homes whenever it is safe to do so.
- Youth and their families must also receive necessary supports and services to avoid court involvement altogether.
- Detention facilities and residential placements must be made LGBTQ/GNC-affirming to reduce victimization among youth who may need to be placed out of their homes. This includes ensuring that facilities have anti-harassment and nondiscrimination policies, and that residential staff or foster families are supportive and affirming of LGBTQ/GNC youth.
- Note, although much of the current research looks at lesbian, bisexual and gay youth, transgender, intersex, two-spirit, and gender non-conforming youth also face many of the same issues. The recommendations for ensuring they receive fair treatment, equal access to services, and respect and sensitivity apply equally to those youth as well. (For definitions of these terms, please see the National Standards, the glossary to this curriculum, or the Equity Project website, www.equityproject.org.)



Action Steps



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Action steps for change:

Professionals and systems can take the following steps to meet the needs of LGBTQ/GNC youth charged with status offenses:

- Ensure that LGBTQ/GNC youth receive appropriate services, such as connecting them to affirming social, recreational, and spiritual opportunities. Confidentiality should always be respected.
- Identify when youth are entering the system due to alienation, exclusion, or persecution at home, in foster care or group homes, in the community or at school as a result of their sexual orientation or gender identity. When this happens, preserving youth's safety and well-being must take

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precedence over returning them to a hostile environment. Professionals must also take steps to improve the home or school so that youth can return when safe.

- *Review nationally available best practice standards to ensure that your organization is doing all it can to meet LGBT/GNC youths' needs and follow a written nondiscrimination and anti-harassment policy.*
- *Recognize and acknowledge that experiences at home, in placement, in school, the community, and in the juvenile justice system may have been traumatic, and that LGBTQ/GNC youth may need support, intervention, or treatment for trauma.*
- *On an individual level, professionals must treat all youth, including those who identify as LGBTQ or GNC, with respect and fairness. Youth should be allowed to express their identity through choice of clothing, hairstyle, and nicknames without encountering pressure or judgment.*
- *If gender-specific services are offered, transgender youth should be allowed to choose which gender they would like to be served as.*



Case Study



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Case Study: Tracy's Story

Tracy is a transgender youth who identifies as female. Tracy, whose birth name was Terrence, was kicked out of her home after coming out to her parents as transgender. A teacher found out and called the local child welfare agency, who immediately placed Tracy in foster care, while simultaneously working to reunite her with her parents. Tracy's parents were remorseful for kicking her out, but said they did not want to take her back.

After an unsuccessful meeting with her parents and her child welfare caseworker, Tracy ran away from her foster placement. She went to live with Marcus, a friend who has multiple arrests for selling drugs. Tracy was found and was placed back with the foster family. After two months, the placement seemed to be going well. However, Tracy still felt out of place and ran away for a second time. The foster family refused to take her back, saying that they wanted the space in their home to be available to someone who wanted to be there. Her mother told the caseworker she wanted Tracy back. Tracy moved home, although her child welfare case remained open.

Tracy lived at home for three weeks. Due to frequent arguments with her parents about her clothes and hairstyle, she ran away for a third

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time, A judge found Tracy to be a “Child in Need of Service” (her state’s name for status offenders) and ordered her to participate in a variety of services. Tracy only saw her caseworker once a month and spoke to her on the phone once or twice a month. Tracy knew that if she ran away again she would be arrested. She remained at home, but began to skip school. Her parents, unaware that she was missing school, discovered that she was spending time with Marcus again. When her parents confronted her, Tracy denied it and made threats. Her mother called the police and reported that she was “out of control”.

Questions for Discussion:

- What are the underlying issues that led to Tracy's court involvement?
- What services, policies, or trainings available in your jurisdiction could have helped Tracy and her family?
- What services, policies, or trainings not currently available in your jurisdiction could have helped Tracy and her family?



Group Activity

Group Activity: The “Who, What, and How of Improving Responses to Status Offenses.” Lead participants in the *Who, What, How* activity described at the beginning of this module. Target the questions specifically to this principle. If time allows, and based on the group discussion, delve deeper into one or more of the discussion points for this section.



Resources

Resources/References/Handouts:

Coalition for Juvenile Justice. (2014). “LGBTQ Youth and Status Offenses.” Available at:

<http://www.juvjustice.org/sites/default/files/resource-files/LGBTQ%20Youth%20Guidance%20FINAL.pdf>.

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Coalition for Juvenile Justice. (2015). "LGBT & Gender Non-Conforming Youth in Juvenile Justice: Building an Equitable System with Data, Training, and Policy" (webinar). Available at: <http://juvjustice.org/webinars-and-trainings/resources>.

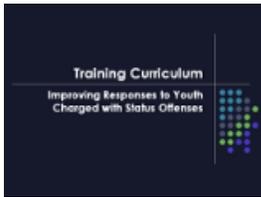
Principle 11: Youth with Undiagnosed or Mistreated Disabilities

Begin by sharing the Standard in full:

Ensure children do not enter the status offense system because of learning, mental health, sensory, speech/language, or co-occurring disabilities. Ensure that children with disabilities who do enter the status offense system are treated fairly and given access to needed evaluations, treatments, and services.



10-30 minutes

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Share the following background information:

Often the conduct that leads to status offense system involvement relates to an unknown, under-diagnosed, or mistreated disability. For example, unmet special education needs can lead to truancy; untreated mental health issues can lead to conflicts at home and/or running away.

Key discussion points to include:

- *Research shows that youth with learning and other disabilities are more likely to enter the justice system. Some estimate that as many as 70% of youth who enter the justice system have a mental health, sensory, or learning disability, and anywhere between 28% and 43% of detained or incarcerated youth have special education needs.*
- *Implementing and coordinating early screening, assessment, and intervention strategies before court involvement is key to providing supports to children and families and limiting or avoiding unnecessary court involvement.*
- *There are many federal laws that protect the rights of children and youth with disabilities, including Section 504 of the Rehabilitation Act and the Individuals with Disabilities Education Act (IDEA). (See the National Standards for more detail.)*
- *Minority youth may be disproportionately affected by learning disabilities. African American youth are 43% more likely to be diagnosed with a learning disability than youth in the general population. American Indian youth are 80% more likely.*



Action Steps



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Action steps for change:

There are many things law enforcement, education, mental health, and other child and family-serving systems can do to steer youth with disabilities away from the status offense court system:

- *Before referring children with identified or suspected disabilities to the status offense system, assess whether the conduct at issue relates to, or is caused by, the disability.*
- *Use resources available through IDEA, Section 504, and/or Medicaid-EPSDT to identify the extent of the disability and provide relevant services to avoid status offense system involvement. (Note: IDEA covers some mental illnesses, such as schizophrenia, but it will vary whether or not a mental health issue will qualify as a "disability" and provide legal protections.)*

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- *Use standardized screening tools or questionnaires that have proven reliability and validity to identify disabilities early.*
- *Require general staff training on the link between disabilities and justice system involvement. Identify disabilities early and the use of these screening and assessment tools.*
- *Establish mandatory procedures to review the adequacy and scope of accommodations offered before any child is referred to the status offense court system.*
- *Educate, engage, and support families and youth in plans for services, supports, and interventions.*
- *Develop a holistic approach to addressing the child's needs both during and outside of school hours through increased involvement with mentors, coaches, and youth development approaches.*
- *Ensure that when children with disabilities enter the status offense court system, court intake officers, judges, and lawyers obtain information relating to the child's disability and what services and treatments have already been offered. (For action steps specific to attorneys representing children, see Module 3 of this curriculum.)*
- *Consider requesting the appointment of a special advocate who understands the child's needs to help the child navigate the system. When available, these advocates can ensure the child understands the proceedings and what is expected of him or her. They also help the court and parties better understand the child's needs and how they may affect his or her ability to meaningfully participate in proceedings, fulfill court mandates, and comply with his or her treatment plan.*



Program Example

Program Spotlight: The Summit County, Ohio, Responder Program was created by local- and state-level stakeholders. Through this program, a “responder” is called in to screen and assess the youth when a young person who would normally be arrested for engaging in status offense behaviors appears to have a mental health issue. If a mental health need is identified, the youth is diverted. Service plans put in place and the case never goes to court. Approximately 85% of cases were closed successfully without juvenile court intervention. See: <http://www.juvjustice.org/sites/default/files/resource-files/Judicial%20Leadership%2007112012%20FINAL.pdf>.

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Group Activity



Resources



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Group Activity: The “Who, What, and How of Improving Responses to Status Offenses.” Lead participants in the *Who, What, How* activity described at the beginning of this module. Target the questions specifically to this principle. If time allows, and based on the group discussion, delve deeper into one or more of the discussion points for this section.

Resources/References/Handouts:

Joseph Tulman/American Bar Association Center on Children and the Law. (2010). “Using Special Education Advocacy to Avoid or Resolve Status Offense Charges” ([Representing Juvenile Status Offenders](#), chapter 6). Available at:

http://www.americanbar.org/content/dam/aba/migrated/child/PublicDocuments/RJSO_FINAL.authcheckdam.pdf.

National Disability Rights Network. (2015). “Juvenile Justice.”

Available at: <http://www.ndrn.org/en/issues/juvenile-justice.html>.

Christopher Mallett/National Council of Juvenile and Family Court Judges. (2011). “Seven Things Juvenile Courts Should Know about Learning Disabilities.” Available at:

http://www.ncjfcj.org/sites/default/files/Learning%20Disabilities%20Publication%20Final_0.pdf.

Pacer Center. (2013). “Students With Disabilities and the Juvenile Justice System: What Parents Need to Know.” Available at:

<http://www.pacer.org/jj/pdf/jj-8.pdf>.

Peter Leone, Lois Weinberg. (2010). “Addressing the Unmet Educational Needs of Children and Youth in the Juvenile Justice and Child Welfare Systems.” Available at: <http://gcjir.dcwdhost.com/wp-content/uploads/2014/12/authorprespeterleonePP.pdf>.

Principle 12: Ensuring Inter-Agency Coordination

Begin by sharing the Standard in full:

Coordinate with other relevant formal and informal systems of care to better serve children and families.



10-30 minutes



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Share the following background information:

Children and families often come to the status offense system with numerous needs that require the assistance of more than one agency. When many services are needed, how effective one service is may relate to the availability and effectiveness of other services required by the child or family. Using a coordinated approach early

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on can ultimately help families limit or avoid deeper involvement with the court and justice system by creating a complete network of community-based care upon which the family can rely. This is often more efficient and cost-effective.

Key discussion points to include:

- *Benefits of inter-agency collaboration include: (1) reducing duplication of services, (2) having a fuller understanding among partners of each other's funding, policy, and practice issues, and (3) maximizing resources, particularly during difficult economic times or in communities that are under-resourced.*
- *Interagency collaborations should engage public, private, and faith-based organizations working with youth charged with status offenses and their families, such as juvenile justice, child welfare, mental health, education, substance abuse, courts, tribes, and law enforcement.*
- *Interagency collaborations will not only involve management and administrative coordination, but frontline practitioner collaboration. This can be achieved through cross-training opportunities, the development of formal agreements, communication plans, and interagency protocols for case coordination and information sharing.*
- *An important collaboration for status offense system stakeholders to establish is with their child welfare system counterparts. Often when children are referred to the status offense system, the misconduct for which they have been referred is caused by, or related to, instances of abuse or neglect. For example, a child who has run away from home may be running from a neglectful situation; a child who is labeled 'ungovernable' may have experienced abuse at home.*
- *The first responder to the status offense allegation must conduct a thorough investigation to assess whether a referral to another system, such as child welfare, mental health, or substance abuse, is appropriate in lieu of moving forward with the status offense case; this must be a part of agency policy and procedure.*
- *Law enforcement systems also play a critical role in forming partnerships with social service, education, mental health, and other child-serving systems. Often the first responder to alleged status offenses, it is critical that police departments have strong working relationships with community service*

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providers to ensure the youth and families get the assistance they need.



Resource Spotlight

Resource Spotlight: Coalition for Juvenile Justice: *Exercising Judicial Leadership to Reform the Care of Non-Delinquent Youth: A Convenor's Action Guide for Developing a Multi-Stakeholder Process.*

This guide offers concrete steps for judicial leaders who want better outcomes for youth charged with status offenses. The Convener Action Guide shares the experiences of judges from across the country who leverage their roles on the bench to make a difference in the lives of youth and families in need. A companion webinar focuses on how judges can act as convenors and improve outcomes for non-delinquent youth in their communities is also available. Presenters offered concrete steps that judicial leaders and other juvenile justice practitioners can take to convene a multi-stakeholder process. (See below for links to both resources.)



Group Activity

Case Study/Group Activity: Discuss the case study below. If time allows for a group activity, ask participants to split into groups and draw a flow chart showing the case's steps through the system, marking which agencies (besides the juvenile justice system) were involved (or should have been) at different points. Ask each group to share how many systems/agencies they identified. Allow participants to return to facilitate a discussion about the challenges of interagency collaboration, what strategies can help make inter-agency collaboration more effective, and highlight success stories they have seen first-hand through inter-agency collaboration.



Case Study



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Case Study: Mia's story

Four months ago, Mia was charged with truancy after missing 24 days of school. The Judge was lenient and gave her probation because it was her first offense. When Mia met with her probation officer, she revealed that she was not attending school because she had to help her mother with her three siblings. Mia also revealed that she was not actually related to a man she had previously claimed was her uncle, but that 'she worked for him.' Mia would not answer any follow up questions about the man.

Concerned about her safety, the probation officer called a local organization working with young run away girls who may have been trafficked. Mia was assigned a caseworker and a mentor. She began attending group and individual therapy once per week.

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Mia went to the first few therapy sessions, but they were at an inopportune time (3:00 PM and 4:00 PM; her mother did not get home until 6:00 PM). Mia tried to change her appointment time to 6:30 PM and asked for the therapist to make in-home visits. Unfortunately, the organization was unable to provide in-home services due to funding constraints. For three weeks Mia brought her three siblings to her therapy sessions, but eventually stopped altogether due to the difficulty. The mentor continued to meet with Mia for several more weeks, but stopped after Mia failed to return three phone calls. At this point, Mia had missed another 34 days of school and is at risk of repeating the ninth grade.

Five days ago Mia ran away from home. Her mother called the police three days ago. When the police found her, Mia was with the man reported to be her uncle. She will appear before a judge tomorrow on charges of truancy and running away. Her public defender attempted to meet with her, but Mia refuses to answer his questions. She says that her "uncle" will take care of things for her.

Questions for Discussion:

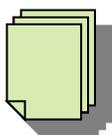
- What are the underlying issues that led to Mia's court involvement?
- What services, policies, or trainings available in your jurisdiction could have helped Mia and her family?
- What services, policies, or trainings not currently available in your jurisdiction could have helped Mia and her family?



Multimedia



Group Activity



Resources

Multimedia: Show video of Louisiana Judge Patricia Koch discussing inter-agency cooperation:

<https://www.youtube.com/watch?v=Vj3xIDP2qOY>.

Group Activity: The "Who, What, and How of Improving Responses to Status Offenses." Lead participants in the *Who, What, How* activity described at the beginning of this module. Target the questions specifically to this principle. If time allows, and based on the group discussion, delve deeper into one or more of the discussion points for this section.

Resources/References/Handouts:

Coalition for Juvenile Justice. (2014). "Exercising Judicial Leadership to Reform the Care of Non-Delinquent Youth: A Convenor's Action Guide for Developing a Multi-Stakeholder Process." Available at:

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National Evaluation and Technical Assistance Center for the Education of Children and Youth Who Are Neglected, Delinquent, or At Risk. (2015). "Tip Sheet: Creating and Maintaining Good Relationships Between Juvenile Justice and Education Agencies." Available at: http://www.neglected-delinquent.org/sites/default/files/docs/NDTAC_Tip_Relationships_508.pdf.

JAIBG Bulletin. (2000). "Model Interagency Agreement." Available at: https://www.ncjrs.gov/html/ojdp/jiabg_blltn_03_1_00/4.html.