

Section 2- Efforts to Avoid Court Involvement Summary

This is a synopsis of Section 2, *Efforts to Avoid Court Involvement* and is not intended to be inclusive of all of the information covered in this section:

- Youth who have been processed through the Court system (status offenses) are more likely to re-enter the justice system and experience other negative individual and family outcomes;
- Research has shown that formal processing in and of itself can have a negative impact on a youth;
- Studies also indicate that for low level delinquency offenders diversion programs have a more positive effect than formal court involvement and are more cost effective;
- Because youth entering the Court system have often experienced high levels of trauma and often come from chaotic homes, and enter the Court system due to failures of other systems i.e. education or welfare it is imperative that an appropriate screening occur to identify physical, mental health, special education needs, as well as substance abuse issues are detected;
- Developing a plan based on the youth's needs and strengths that protects them from future victimization is paramount;
- It is imperative that juvenile justice, child welfare, and community based services use evidence based or empirically supported screening tools to triage institutional responses, and assessment tools to identify areas in which the youth may require assistance;
- Title IV-E of the Social Security Act requires that before ordering the removal of a child from a home, the Courts must determine whether "reasonable efforts" have been made to prevent the removal. Argument is being made that reasonable efforts are not made once a child commits a low level delinquent offense and that Agency's should be seeking diversion resources before the formal process begins;
- High caseloads for probation officers often don't lend time to provide the intensive services a youth and family may require. Unfortunately, when a probation officers interventions fail to meaningfully address the child's needs the child is often times pushed deeper into the system;
- When deciding whether a formal or informal approach is most appropriate, consider:

- What circumstances exist at home, school, community;
 - Which services is the youth willing to work with;
 - What services does the youth need, and what is the course of action;
 - What is the youth's relationship with his parents, are the parents willing to work on family issues also;
 - What are the legal consequences of system involvement;
 - What service provider can provide the best services that meets the presenting need;
- Agency professionals must be cautious to not increase youth contact with the system with the primary purpose of accessing services;
 - When a youth is transferred from one system to another, professionals should share and use information effectively without violating the youth's privacy. This can be achieved through MOU's with connected systems;
 - First responders should be trained in various home, community and educational factors that contribute to or cause delinquency;
 - Juvenile court involvement should be choice of last resort for law enforcement and used only after available alternatives have been exhausted.
 - Law enforcement officers should be seeking to understand the situation that is driving the youth's decision making to seek community based alternatives to incarceration. The youth's behavior is a manifestation of situations caused by adults as well as a call for help;
 - Implement responses to truancy that match the reasons that youth are absent from school and that aim to avoid court involvement;
 - Chronic truancy has been shown to be a risk factor for drug use, delinquency, adult criminality, suicide attempts, and employment problems;
 - Responding to truancy should always involve working with the youth and family to identify and address the underlying reasons for school absence and then make appropriate referrals to services that can assist rectify the issues;

- First responder agencies should be particularly cognizant of instances where youth are referred to them because of status offenses when in fact the youth is a victim of child abuse or neglect;
- Juvenile Courts should critically assess what efforts first responders made to identify the reason the youth was referred to them and to implement a proper course of action that exhausts all available resources to help the child and family resolve their problems outside of the Court;
 - Courts should develop clear protocols for intake officers to assure that no case is petitioned before the intake officer has determined that every reasonable effort was made to avoid court involvement;