

Summary

SECTION 4. RECOMMENDATION FOR POLICY AND LEGISLATIVE IMPLEMENTATION

Overview

The purpose of Section 4 is to help policymakers institute legislative, policy, administrative, and budgetary changes that align with and support the implementation of the national standards. The goal is for policymakers to develop and implement the recommended law and policy changes to help divert youth who engage in behaviors labeled “status offenses” and their families away from court. Policymakers are also encouraged to incentivize and monitor uniform application of these principles and policies across the various agencies and jurisdictions within the state to ensure fair and equal treatment and opportunities for all youth and families.

Recommendations

4.1 Eliminate juvenile court penalties and sanctions for behaviors labeled status offenses and ensure that systems are accurately responding to behaviors as either episodes of normal adolescent behavior, or critical unmet youth and family needs that are best resolved through non-judicial interventions and supports.

Key Points

- Advances in science research has confirmed that adolescence is a period where youth linger between the immaturity of childhood and the accountability of adulthood, as such they are prone to making poor decisions.
- At times a child’s behavior is not a byproduct of adolescence, but a manifestation of a critical unmet need personal to the child or within the family.
- State and local authorities should take the position that juvenile court intervention should be avoided or limited in those instances where the young person is alleged to have committed a status offense.
- State and local policymakers should establish a continuum of care that is separate and apart from the court in the juvenile system and that relies on non-judicial interventions to respond to status behaviors.

4.2 Support an infrastructure of community-based and child and family serving programs and systems to ensure direct youth and family access to a seamless, comprehensive, and non-judicial continuum of care that is empowered and resourced to respond to behaviors that might otherwise be labeled as status offenses.

Key Points

- State authorities should not mandate, empower, or expect the court to step into the parents place, reign in the child, and/or meet the needs of the family.
- Judicial intervention related to status offenses can disempowered the parent, confuse roles and responsibilities, and trigger fines and other inappropriate and potentially progressive unity of sanctions.
- Policymakers should develop and implement laws and policies that provide direct links between youth and families and experts in the child and family welfare, mental health, and educational systems without judicial intervention.
- Evidence-based community programs that empower families and expeditiously meet the needs of the families should be supported.

4.3 In those limited circumstances where court involvement is necessary, ensure court mechanisms are in place that allow the appropriate court division to effectively serve the needs of the youth and family without inappropriate use or risk of more punitive outcomes for the child and family.

Key Points

- Court officials should ensure all reasonable efforts have been made to avoid or limit court involvement prior to when a case is petitioned to the court.
- If court involvement is necessary, mechanisms should be in place for the court to petition the case into the proper system of care so that the family and child receive the assistance and services needed.
- Policymakers should promote laws and policies that do not treat status offense cases as if they were delinquency matters. The delineation between delinquency cases and status offense case cases should focus on ensuring that youth who are the subject of status offense petitions are not subject to the punitive sanctions triggered by a delinquency petition.

4.4 Prohibit schools from referring youth who engage in status offense behaviors to court unless and until the school has made all reasonable efforts to avoid court involvement.

Key Points

- Policymakers should limit school's ability to refer status offense behavior to the court, especially truancy.
- Policymakers should work with school officials to discuss policies and processes that can be implemented to help identify child and family needs and better address truancy problems within the school system rather than referring children and families to court.

4.5 Prohibit parents/caregivers from referring youth who engage in status offense behaviors to the juvenile court until the family has first sought and meaningfully engaged non-judicial interventions.

Key Points

- Court should not be used to take the place of parenting when dealing with child behavior.
- Resources should be made available to juvenile Family Court judges so appropriate referrals can be made to help empower parents and family members with the skills and support needed to effectively communicate with their children, set and enforce boundaries, access economic, education, and health related resources to resolve intra- family conflict within judicial intervention

4.6 Promote coordinated, blended, or braided public funding streams that create a seamless, comprehensive community-based continuum of care for youth and families.

Key Points

- No single child or family serving system or agency can pay for and provide the array of services needed to effectively meet the often complex needs of youth and families who struggle with behaviors labeled status offenses.
- Policymakers need to break down silos and ensure that systems agencies and funding streams are coordinated blended or braided to ensure families have access to needed services without court involvement.

4.7 Enact laws that ensure the right to counsel for youth who come into contact with the juvenile court for a status offense by not allowing youth to waive their right to counsel or only allowing waiver if: (1) it is on the record, (2) the court has fully inquired into the child's understanding and capacity, and (3) the waiver occurs in the presence of and in consultation with an attorney.

Key Points

- Without the protection of counsel, court- involved youth are more likely to be placed in a locked facility pre-and post-adjudication, where they are more vulnerable to assault, suicide and sexual abuse, and are more likely to commit additional offenses after their release.
- Laws should be enacted that ensure youth understand the immediate and long-term ramifications of waving their right to counsel.

4.8 Prohibit the use of locked confinement for youth petitioned to court for a status offense.

Key Points

- Locked confinement is not an evidence-based practice for court involved youth, especially status offenders.
- Policymakers should consider prohibiting the secure confinement of status offenders under any circumstances and improve pre-and early court infrastructures offer families better and more community-based and early intervention services

4.9 Mandate meaningful efforts to engage youth and families in all aspects of case planning, service delivery, court proceedings, and disposition strategies.

Key Points

- Policymakers should support using an individualized family teaming approach related to case planning, service delivery, and treatment plans.
- Federal policymakers should support federal programs that promote and incentivize by state and local reforms that increase services to families and youth in need, reduce recidivism, and prevent at-risk young people from crossing over into the delinquency system.

4.10 Amend the JJDPA to prohibit the use of the valid court order (VCO) exception to securely confine youth adjudicated for status offenses.

Key Points

- Studies show that locked confinement does not address the underlying causes of status-offending behavior and may even exacerbate those causes.
- Policymakers should eliminate the use of the VCO exception and return to the DSO core requirement to its original intent.

4.11 Strengthen relevant federal agencies to provide research, training, and technical assistance to state and local authorities to better assist state status offense system reform efforts.

Key Points

- State and Local officials should lobby the federal government to provide sufficient funding to support the OJJDP research and evaluation of prevention, intervention and juvenile justice policies and practices to identify best practices.

4.12 Create coordinated approaches between federal government agencies and programs that serve youth and families that will help states coordinate, blend, or braid federal funding streams to create a seamless, comprehensive and, to the greatest extent possible, non-judicial continuum of care for youth and families.

Key Points

- State and Local officials should lobby the federal government to create coordinated approaches between federal agencies to ensure seamless access to programs and services for youth and families.