

Section 3. Efforts to Limit Court Involvement

Summary

Judicial Officers should:

- Ensure petitioning parties have made reasonable efforts to provide services and supports to children and families before petitioning a case.
- Know that the Indian Child Welfare Act applies in status offense cases.
- Ensure youth charged with status offenses have independent, qualified, and effective representation. Legal representative should have specialized training in addressing the needs of this population.
- Not allow children in status offense cases to waive counsel until the court has fully inquired into the child's understanding and capacity.
- Prioritize community-based services and other systems that would alleviate the need for continued court jurisdiction.
- Provide oversight to help ensure service providers are adequately responding to the needs of families'. The goal should be to prevent youth from being drawn deeper into the juvenile justice system.
- Ensure reasonable efforts have been made to avoid out-of-home placement.
- When a placement is necessary, ensure youth are placed in home like settings that ensure safety and provide appropriate services that address their needs. Youth should never be placed in a residential treatment facility as a default when more appropriate placement options are not readily available.
- Ensure that youth are not securely detained or confined at any point in the status offense process.

Lawyers for alleged and adjudicated status offenders should:

- Ensure that the child's due process rights are protected.
- Advocate against the use of secure confinement.
- Advocate for voluntary and community-based assistance to limit and avoid continued court involvement.
- Educate parents who may mistakenly believe court involvement will benefit their child.

Judicial officers and entities providing case management services should:

- Conduct early screening and assessments to determine the services necessary for developing a successful case management plan.
- The case plan should be realistic about the family's capacity and link them to community-based services and support systems.
- Develop a transitional case plan that provides the family and child needed support as they leave the status offense system.