

Involving Families of Youth Who are in the Juvenile Justice System

Definition of “Family Member”

A child’s family is the group of individuals who support that child - emotionally, physically, and financially. It can include individuals of various ages who are biologically related, related by marriage, or not related at all.

A family unconditionally provides love, guidance, care, support, and otherwise nurtures all members – especially its children. Each family has a culture of its own - in addition to the external cultures it affiliates with. This influences how the family approaches the tasks of daily living (food, dress, work, school) and can direct how a family faces the challenges of raising a child with mental health needs. Families work in different ways and have different resources at their disposal. This publication focuses on families raising a child with mental health problems who are involved with the juvenile justice system.

Context

Youth often would rather be seen as dropping out of school or in trouble with the law than be viewed as having a mental health issue. The Department of Justice reports that each year more than 2 million youth under the age of 18 are arrested; more than 100,000 are in juvenile detention and correction facilities on any given day; and 73 percent have mental health problems with an estimate that over 60 percent may also have substance abuse disorders. Children and youth are often regarded as criminals for actions that were the result of their mental or emotional disorders.

The goal of the federal Juvenile Justice and Delinquency Prevention Act of 1974 is the protection and rehabilitation of youth who have committed juvenile offenses – including addressing their mental health needs. Families, advocates, and mental health providers in local communities and their juvenile justice system partners must be alert to preserving

these protections and upholding the spirit and intent of the law. In order to achieve their rehabilitation and contribute to community safety, children and youth who come in contact with the juvenile justice system should have all their health and safety needs met and also have full access to the supportive involvement of their families and communities.

Youth who enter the juvenile justice system must receive screening, assessment and treatment for mental health and substance abuse issues. They should receive effective vocational and independent living skills training, education and special education, health and mental health services, social services and substance abuse treatment. Their families should have information, training, and support to participate as they choose in all stages of their child’s experience with the juvenile justice system. Knowledgeable and engaged families are essential for insuring that youth continue to function responsibly after discharge from juvenile detention or correctional facilities.

First Contact

Families are propelled into the justice system when law enforcement is called upon to respond to the disruptive behaviors of their youth with mental health needs. When their children are arrested, families are confused - their sense of alarm may be coupled with the relief of knowing where their child is. These initial reactions are rapidly followed by concern for their child’s safety, fearing their child may become a victim of suicide, or assaults perpetrated by other inmates or staff. Such incidents may arise from overcrowding, poor supervision, inappropriate or ineffective behavioral management, excessive use of restraints or isolation, or simply the stress of confinement. Families may also be anxious for the future of their children and grieve for their own loss of power to make decisions or resent that other interventions were not available or effective. Typically they become isolated from other family members and the natural supports in their

Involving Families in the Juvenile Justice System

communities. Uninformed about pending processes and protocols, and unarmed with the skills and supports necessary for effective involvement, parent's visions of appropriate and successful treatment are soon replaced by the reality of absent or inadequate services coupled with a court record that lays the foundation for future prosecutions.

A juvenile's record of law enforcement and juvenile justice system contacts routinely follows the juvenile into the criminal justice system. Juvenile delinquency or court history records are often used when filing felony charges, at bail hearings and during trial. Prosecutor's offices frequently use juvenile delinquency or court history records in felony prosecutions, including disposition and arrest records and probation reports. These records may also be used during pre-trial negotiations and at the sentencing stage of felony prosecutions.

Default

Youth with mental health needs who come in contact with the juvenile justice system often do so by *default* – other systems may not have responded early enough with health, social, emotional or educational supports. Families of such youth are sometimes advised that the way to access these essential services is to press charges against their own children. Using non-criminal status offenses such as running away, incorrigibility, truancy, under-age drinking and curfew violations, families reach out in desperation to find a partner in juvenile justice who will help them access the supports they need to keep youth safe and their family intact. Those families who previously avoided the justice system are left to experience the very shame and family devastation they had hoped to avert. Betrayed by the “broken promise” of access to treatment, this divisive action leaves youth less trusting of their families, families disappointed in the system, and the system unable to help.

Crisis Response

Increasingly, crisis response in schools and communities depends on the involvement of law

enforcement for de-escalation and transportation of youth with mental health and substance abuse disorders. Youth whose mental health issues are escalating may resist attempts to help them by becoming physically aggressive, verbally assaultive and generally uncooperative. Inadequate training, insufficient staff, and lack of other resources may lead school personnel and law enforcement officials to press charges for these behaviors.

Abandonment

Families who express concern for the health and safety of their recently arrested or detained or incarcerated children discover that the juvenile justice system lacks the flexibility and resources to respond adequately and appropriately care for their child. When families feel the greatest need to be in contact with and reach out their child, they report that access is denied until the juvenile justice system is ready to accommodate it. Even when they have critical information regarding their child and want to be involved in the decision making process families report feeling treated like criminals and that their search for a response can cause repercussions for their child.ⁱ

Involving families is challenging when jurisdictions lack services and coordination among child-serving state and local agencies is insufficient.

Alternatives

Systems of Care

Communities that develop systems of care provide opportunities for youth and their families to be involved as partners with community agencies in planning treatment goals and interventions that are individualized and community-based. This process promotes the development of trusting relationships and honors the culture of the family.

Planning in systems of care is based on the strengths and needs of youth, their families and communities. Service plans are implemented through collaborative agreements, interagency communication, service coordination and flexible funding.

Involving Families in the Juvenile Justice System

Programs and services in a system of care provide prevention, intervention, treatment and aftercare, offering families, youth, and systems the tools they need for promoting public safety and reducing youth involvement in juvenile justice.

Family Involvement

Youth in the juvenile justice system continue to need the supportive involvement of their families in planning and obtaining educational, health, rehabilitative, and social services. Families know their children best, and can provide information about critical issues including:

- ✓ The strengths and needs of their child;
- ✓ The family's commitment to participating;
- ✓ Their child's medical status and reaction to medications;
- ✓ Circumstances that affect their child's well-being;
- ✓ Their child's patterns of responding to people and events in their surroundings;
- ✓ Their child's individualized educational plan (iep) and other educational needs; and
- ✓ Transition services essential for successful and permanent re-entry to the community.

The juvenile justice system benefits by learning from families about the supports they need to participate and factors that can affect the rehabilitation, health, education and well being of youth they are serving.

Supporting Families

Families that are effectively involved in all stages of their child's journey through juvenile justice system contribute to successful outcomes. General suggestions for supporting families so they can be effectively involved include:

- ✓ Being flexible with meeting times and being on time;
- ✓ Facilitating access to financial support for transportation and dependent care;

- ✓ Providing regular communication using channels that are readily available and comfortable for families;
- ✓ Expressing appreciation for family participation and input and validating their efforts; and
- ✓ Following through with commitments.

A family's journey through the juvenile justice is dictated by the stages of the system itself. Their needs for information and support as well as the opportunities and ways they can be involved in decision making and treatment expand and change as their child progresses deeper into the system. At each stage there are specific things juvenile justice personnel can do to facilitate effective family involvement.

At the time of arrest:

At the time of arrest law enforcement officers take the youth into their custody, usually transporting them to the police station for questioning. If there is probable cause to believe that they were involved in the offense, youth will then be formally booked. As an alternative, police may turn custody over to a court intake worker through the court or detention center. To facilitate family involvement:

- ✓ Immediately contact parents.
- ✓ Ask parents how they want to be involved.
- ✓ Encourage parents to be present during questioning and interrogation. If the jurisdiction does not allow for family involvement in this process, inform families regarding the chain of command for their formal protest.
- ✓ Have a liaison or third party spend time with the parents prior to and during questioning so they can be appropriately involved in the process. The best person for this job is likely to be a parent who has had similar experience.
- ✓ Explain the steps in the process, including that incriminating statements are admissible at the adjudication hearing.

Involving Families in the Juvenile Justice System

- ✓ Refer parents to existing programs for support and peers or mentors and other community programs.

During intake:

Intake workers have several options for managing the cases of youth who have been arrested. They can redirect youth out of the system (diversion), release them to their parents with a summons to return to court for an initial hearing, or detain them for a judicial hearing. In many cases intake workers file the formal charge (usually a petition), in others the prosecutor's office makes that decision. Prosecutors have the authority to dismiss charges, send youth to diversion programs, or file formal charges in juvenile or adult court (based on the jurisdiction and charge). To facilitate family involvement in the intake process:

- ✓ Support families in their quest for screening and assessment.
- ✓ Provide referrals for treatment.
- ✓ Request permission from the family to speak with school personnel and obtain a copy of the child's IEP or other relevant school records.
- ✓ Ask families what they will need in order to comply with a diversion process.
- ✓ Assist families in accessing community resources that can help them with any increased responsibility that results from the process (e.g. assistance with supervision while parents work or getting to mental health or substance abuse day treatment programs).

At the start of a period of detention:

This stage is critical. A hearing process is used to decide if youth will be held in custody. Youth who are detained are more likely to be incarcerated if they are found to have been involved in the offense. To facilitate the family involvement that is crucial to this process:

- ✓ Provide information to families regarding affordable legal services and guidelines for selecting legal representation for their child.
- ✓ Involve families in the development of service, discharge, and aftercare plans to insure the

success of the plan and provide information about options that may not work.

- ✓ Ask parents what they will need in order to comply with conditions of release.
- ✓ Be willing to help families find services and resources to implement court orders and juvenile justice plans.

Preparing for adjudication:

Adjudication is the hearing process where a judge hears witnesses and receives evidence for making a finding about whether the youth was involved in the offense. To help families be involved at this stage:

- ✓ Insure that parents understand the process and know when and where it takes place.
- ✓ Familiarize them with the court room layout and protocols. Pay particular attention to making sure they fully understand and can comply with security measures.
- ✓ Help parents prepare any statements they wish to make during the proceeding.
- ✓ Make sure that families have access to the general supports they may need for attending (transportation, child care, etc.)

At the time of disposition:

If the youth was found to have been involved in the offense, this hearing decides how the case is resolved, including any sanctions that are placed on the youth. The judge will make a decision based on the nature and severity of the offense and the history of the youth. Judicial options can be selected from a range of sanctions, including community service, restitution, probation, and commitment to community programs for treatment services, residential programs or to the division of juvenile services. To include families:

- ✓ Make sure that the predisposition report contains full background information on youth, including the history of and need for mental health and/or substance abuse treatment.
- ✓ Listen to families – they know their children and the influences in their environment best. They can inform staff of particular

Involving Families in the Juvenile Justice System

circumstances likely to affect the implementation of the court's decision.

- ✓ Inform families of all opportunities to advocate and participate in planning and treatment.
- ✓ Ask families if they need someone to support them during this process and connect them with a resource prior to the court or hearing date.
- ✓ Prepare families to see their youth in handcuffs and shackles. This can come as a shock and be emotionally devastating if they are unaware of the protocols.
- ✓ Explain if and when families can talk to their children or hug them. Help them understand what restrictions are in place and why these are necessary.

During placement:

This is the time when youth live in a residential or secure facility as the result of a court order. Residential facilities may be community-based, far from home, or even in another state. No matter where the youth is placed family involvement should be supported. Strategies to maintain family connection to their child include:

- ✓ Residential and secure facilities should share their policies and protocols with families as soon as a child is admitted.
- ✓ Tell families about the daily activities of youth, including behavioral interventions used.
- ✓ Arrange for regular and frequent family access to and communication with youth.
- ✓ Invite and encourage families and facility staff to fully participate in the planning process for all aspects of the youth's life (health, education, employment training, etc.).
- ✓ Include parents in planning for youth reintegration to the community.
- ✓ Help families advocate for and obtain the necessary community services and resources to pay for them.
- ✓ Provide opportunities for skills development for families to have good relationships with their child and for applying effective and

appropriate supervision and discipline after release.

Engaging Families in Juvenile Justice System Improvement

The successful rehabilitation of youth in the system, and their sustained reintegration to the community, rely interdependently upon juvenile justice systems and families mutually supporting one another to accomplish this goal.

Establishing Relationships

In order to establish effective relationships with families it is important to learn about their culture and environment. Knowing HOW families make their decisions and WHY provides far more information than the decision itself. It is important to know of any special circumstances that affect their daily lives and may provide validation for the outcome of their choices and reactions. The same is true for families – they must know the structure of the system, how and where decisions are made, and the process and protocols that govern each stage.

Exploring common hopes and concerns with families helps them be invested in the universal goal of helping their child be successful, and lets them know that is the goal of the system. Staying focused on the goal will help to avoid the distractions of fear and uncertainty, being judgmental, dwelling on past experiences, personality conflicts, and blaming. Families and juvenile justice workers should ask one another what is needed in order to fully participate in the planning of all services. Working together to identify community services and supports that are appropriate creates an environment for better follow up on commitments to one another and mutual ownership of the outcomes. Reaching out to work with family-run organizations can benefit families and the system.

Families and juvenile justice system personnel can all benefit from training and support to develop skills to help them work collaboratively.

Involving Families in the Juvenile Justice System

Sharing Information

Having valid information and consistent communication reduces confusion, frustration and disappointment. When families are fully informed about the juvenile justice system and understand its parameters they can help make publicly responsible recommendations and decisions for their own children as well as for overall system improvements.

Training and Other Support

Family-run organizations are best known for their skill in providing the individual emotional support families need for coping with the fear, anxiety, humiliation, anger, frustration, distrust and disappointment they experience when they encounter the juvenile justice system. They can also provide juvenile justice personnel training to help them better understand the family perspective and opportunities for families to be educated about the system, its processes and protocols. . Family-run organizations have the skills to establish culturally comfortable environments for families and juvenile justice workers to jointly plan meetings, workshops, and conferences where they can discuss common concerns and challenges to improving the system and its policies and practices.

Involving Families in Policy Groups

Family members contribute integrity to policy group work by providing reality-based, culturally relevant information from a perspective that no one else has. Yet, policy group leaders struggle to find family members who are willing and able to make such a commitment and sustain their involvement over time. Family run organizations can provide families with skills training preparing them to be fully contributing members of juvenile justice advisory and other policy groups shaping the system.

Understanding how the policy group operates is essential. Families must know what the structure is and how decisions are made. Providing the following information for families will help them decide if they want to participate:

- ✓ The purpose and responsibilities of the group, its authority and committee structure.

- ✓ The work of the group.
- ✓ Data available for the group to use in making system recommendations.
- ✓ The group process and procedures.
- ✓ Requirements for membership.
- ✓ If there are other families on the group.
- ✓ Knowing the composition of the group.
- ✓ Understanding how much influence the group has.
- ✓ When and where the group meets.
- ✓ How much time commitment – beyond attending meetings – is expected to prepare for meetings or attend to committee assignmentsstate plan or federal mandate that guides the
- ✓ .

Overall Goal

Families working together with concerned and caring service providers from child welfare, education, juvenile justice and mental health systems can provide hope for youth with mental health issues.

A commitment to protecting these children and youth from entering the juvenile justice system means ensuring that effective preventive strategies are in place; early, comprehensive screening and assessment is available, and effective individualized treatment is provided by qualified personnel using interventions that have been demonstrated to be effective.

Families of youth with mental health issues, and those who serve them, must also be vigilant in protecting youth who are involved in the juvenile justice system. We must make sure that youth who are confined have a clean, safe and humane environment; access to their families; qualified and competent mental health workers; protection from harm; and the opportunity for social, educational, recreational and developmental growth.

When youth and their families have grievance processes available to them and quality assurance programs are in place, families have the tools and information they need to report on the system's

Involving Families in the Juvenile Justice System

impact on the quality of their lives. Families and child serving systems working together CAN affect changes in policy and funding that will ensure a better future for

children and youth with mental health and substance abuse disorders who are in the juvenile justice system.

ⁱ Maryland Coalition of Families for Children's Mental Health, *Listening and Learning from Families in Juvenile Justice*, January 2001

For more information

Bazelon Center for Mental Health Law www.bazelon.org

Children's Defense Fund www.childrensdefensefund.org

Federation of Families for Children's Mental Health www.ffcmh.org

National Center on Education, Disability and Juvenile Justice www.edjj.org

National Criminal Justice Reference Service www.ncjrs.gov

National GAINS Center www.gainsctr.com

Office of Juvenile Justice & Delinquency Prevention www.ojjdp.gov

Youth Law Center www.ylc.org