

JUVENILE DELINQUENCY GUIDELINES

Improving Court Practice in Juvenile Delinquency Cases

NATIONAL COUNCIL OF JUVENILE
AND FAMILY COURT JUDGES

NCJFCJ

NATIONAL COUNCIL OF
JUVENILE AND FAMILY COURT JUDGES

Est. 1937

OJJDP

Office of Juvenile Justice and
Delinquency Prevention

Table of Contents

A. THE CONTINUING NEED FOR THE JUVENILE DELINQUENCY COURT.....21

B. THE GOALS OF A JUVENILE DELINQUENCY COURT OF EXCELLENCE.....22

C. KEY PRINCIPLES OF A JUVENILE DELINQUENCY COURT OF EXCELLENCE.....23

1. Juvenile Delinquency Court Judges Should Engage in Judicial Leadership and Encourage System Collaboration.....23
2. Juvenile Delinquency Systems Must Have Adequate Staff, Facilities, and Program Resources.....24
3. Juvenile Delinquency Courts and Juvenile Abuse and Neglect Courts Should Have Integrated One Family-One Judge Case Assignments.....24
4. Juvenile Delinquency Court Judges Should Have the Same Status as the Highest Level of Trial Court in the State and Should Have Multiple Year or Permanent Assignments.....24
5. All Members of the Juvenile Delinquency Court Shall Treat Youth, Families, Crime Victims, Witnesses, and Others With Respect, Dignity, Courtesy, and Cultural Understanding..25
6. Juvenile Delinquency Court Judges Should Ensure Their Systems Divert Cases to Alternative Systems Whenever Possible and Appropriate.....25
7. Youth Charged in the Formal Juvenile Delinquency Court Must Have Qualified and Adequately Compensated Legal Representation.....25
8. Juvenile Delinquency Court Judges Should Ensure Crime Victims Have Access to All Phases of the Juvenile Delinquency Court Process and Receive All Services to Which They Are Entitled by Law.....25
9. Juvenile Delinquency Courts Should Render Timely and Just Decisions and Trials Should Conclude Without Continuances.....26
10. Juvenile Delinquency System Staff Should Engage Parents and Families at all Stages of the Juvenile Delinquency Court Process To Encourage Family Members To Participate Fully in the Development and Implementation of the Youth's Intervention Plan.....26
11. The Juvenile Delinquency Court Should Engage the School and Other Community Support Systems as Stakeholders in Each Individual Youth's Case.....26
12. Juvenile Delinquency Court Judges Should Ensure Court Dispositions Are Individualized and Include Graduated Responses, Both Sanctions and Incentives.....26
13. Juvenile Delinquency Court Judges Should Ensure Effective Post-Disposition Review Is Provided to Each Delinquent Youth as Long as the Youth Is Involved in any Component of the Juvenile Justice System.....27
14. Juvenile Delinquency Court Judges Should Hold Their Systems and the Systems of Other Juvenile Delinquency Court Stakeholders Accountable.....27
15. Juvenile Delinquency Court Judges Should Ensure the Court Has an Information System that Can Generate the Data Necessary To Evaluate Performance.....27
16. The Juvenile Delinquency Court Judge Is Responsible to Ensure that the Judiciary, Court Staff, and all System Participants Are Both Individually Trained and Trained Across Systems and Roles.....28

D. ROLES AND RESPONSIBILITIES WITHIN THE JUVENILE DELINQUENCY COURT OF EXCELLENCE.....	28
• Law Enforcement.....	28
• Juvenile Delinquency Court Intake and Docketing.....	29
• Prosecution.....	29
• Detention Intake.....	29
• Detention.....	29
• Victim Advocates.....	30
• Certified Interpreters.....	30
• Counsel for Youth.....	30
• <i>In loco parentis</i>	31
• Judge or Judicial Officer.....	31
• Security.....	32
• Juvenile Delinquency Courtroom Case Management.....	32
• Hearing Recording.....	32
• Mental Health, Substance Abuse, and Education Evaluation Clinic.....	32
• Probation.....	33
ENDNOTES.....	33

The *JUVENILE DELINQUENCY GUIDELINES* is intended to be used by courts and other juvenile delinquency system stakeholders to assist their efforts to improve practice. The *GUIDELINES* is aspirational - they focus on what should be as opposed to what is. Every effort has been made to make the *GUIDELINES* practical and usable, and to ground recommendations in the most current research and promising practices available at the time of development.

Some jurisdictions are already following many of the recommendations. Some jurisdictions may find it extraordinarily challenging to follow the recommendations. Regardless of jurisdictional status and resources, it is hoped that the *GUIDELINES* will provide a common vision and motivational framework for those working toward an improved juvenile delinquency system.

As jurisdictions strive to implement the *GUIDELINES* with training and technical assistance from the NCJFCJ, juvenile delinquency system practitioners from all situations - urban, rural, suburban, and with varying degrees of resources - will be able to create and share successful implementation methods.

This chapter of the *DELINQUENCY GUIDELINES* provides the foundation a juvenile delinquency court needs to become a court of excellence. The chapter begins with a basic discussion of why a separate court for juveniles and adults continues to be necessary. The chapter moves to the goals and key principles of a juvenile delinquency court of excellence. The chapter concludes by defining critical roles in the juvenile delinquency court process and the responsibilities of each role.

A. THE CONTINUING NEED FOR THE JUVENILE DELINQUENCY COURT

As described in the Introduction, during the 1990s legislatures moved away from a rehabilitative juvenile delinquency court model toward a more punitive model by reducing the minimum age of transfer to adult court and expanding the offenses for which a juvenile could be transferred. They also moved away from individualized justice by instituting automatic waivers and direct criminal filings that reduced judicial discretion. These changes caused some individuals to question whether there was still a need for a separate juvenile delinquency court. The answer is unequivocally yes.

In most instances, the criminal court is focused on deterrence and punishment. The juvenile delinquency court is focused on identifying the underlying issues causing the delinquent behavior and providing interventions to address these issues. Both courts have a goal of community safety. The juvenile delinquency court, however, accomplishes this goal through individualized responses as opposed to standard sentencing, an important difference. In *Roper v. Simmons* (2005) the U.S. Supreme Court stated the following three reasons that make juveniles under 18 different from adults:

- *First, as any parent knows and as the scientific and sociological studies tend to confirm, a lack of maturity and an underdeveloped sense of responsibility are found in youth more often than in adults and are more understandable among the youth. These qualities often result in impetuous and ill-considered actions and decisions.¹ In recognition of the comparative immaturity and irresponsibility of juveniles, almost every State prohibits those under 18 years of age from voting, serving on juries, or marrying without parental consent.²*

- *Second, juveniles are more vulnerable or susceptible to negative influences and outside pressures, including peer pressure.³ Youth is more than a chronological fact. It is a time and condition of life when a person may be most susceptible to influence and to psychological damage. This is explained in part by the prevailing circumstance that juveniles have less control, or less experience with control, over their own environment. As legal minors, juveniles lack the freedom that adults have to extricate themselves from a criminogenic setting.⁴*
- *Third, the character of a juvenile is not as well formed as that of an adult. The personality traits of juveniles are more transitory, less fixed.⁵*

Because youth are more readily changeable, interventions that enhance their understanding and skills are most effective in changing their behavior and consequently, in most instances, more effective in improving future community safety than strictly punitive responses. Community safety is inextricably linked to teaching juvenile offenders the skills that will change their behavior from offending to law abiding. Research suggests that there are effective responses that can prevent crime and reduce risk factors for crime.⁶

The juvenile delinquency court of excellence is the hub of the juvenile justice system. From this hub, schools and public and private social agencies draw additional authority when the problems of troubled youth and their families rise to the level of youth breaking the law.⁷ Without the involvement of these system stakeholders, the attitudes, skills, and behaviors of most youth may not be changed. With their involvement, the change that will produce safe communities can occur.

The child welfare system has an important impact on the juvenile justice system. Research is clear that youth who have been abused and neglected are at heightened risk for early onset of delinquency. Examples of research findings include:

- Physical abuse and parental psychological unavailability at an early age were found to be risk factors for antisocial behavior in adolescence.⁸
- Characteristics that are common in parents of abused and neglected children, including poor parenting skills, parental stress, low interaction between parent and child, poverty, young parents, parental criminal problems, and low parental education are related to later violence in offspring.⁹
- Almost 50% of the maltreated boys in one

study were persistent serious delinquents by age 13 years, compared with 19% of the matched controls. This relationship is all the more important because early onset of serious delinquency is a general indicator for a continued serious delinquent career.¹⁰

- Children who witness partner violence have higher rates of distress, internalizing problems, noncompliance, aggression, delinquency and other antisocial behavior.¹¹
- Almost 50% of the sexually assaulted boys in the study reported engaging in delinquent acts, compared with only 16.6% of those not sexually assaulted; the girl's rate was 19.7%, four times higher than the delinquency rate of girls who had not been sexually assaulted (4.8%).¹²

Recognizing the importance of the heightened risk of delinquency for adjudicated abused and neglected youth, the Juvenile Justice and Delinquency Prevention Act of 2002 requires a study of juveniles in the juvenile justice system who were in the care or custody of the child welfare system prior to becoming delinquent.

In addition to the heightened risk of delinquency for abused and neglected youth, there is a heightened risk of delinquency for youth who have experienced other types of victimization and child trauma, including witnessing violence and physical assault. Recent studies have found that:

- Youth who are victimized have a 78% likelihood to offend as compared to a 32% likelihood of non-victims.¹³
- Almost 47% of physically assaulted boys report engaging in delinquent acts as compared with almost 10% of boys who were not physically assaulted. Twenty-nine percent (29%) of physically assaulted girls report engaging in delinquent acts as compared with 3% of non-assaulted girls.¹⁴
- About 33% of boys who had witnessed violence reported engaging in delinquent acts as compared with 6.5% of boys who did not witness violence. About 17% of girls who witnessed violence reported delinquent behavior as compared with 1.4% of girls who did not witness violence.¹⁵

These interrelationships and complexities regarding delinquent behavior, victimization, trauma, abuse, and neglect further emphasize the need for a separate juvenile delinquency court - a court staffed with judges and other professionals who understand and can address these dynamics in their responses to youth who break the law.

Countries across the world have juvenile delinquency courts for the same reasons. They are the legal institutions that address the problems of

youth who break the law by bringing together the professionals, parties, and tools that will make a difference in the unacceptable behavior of these youth. Formal legal proceedings in the juvenile delinquency court bring parents, social workers, probation officers, schools, service providers, and members of the community into a problem-solving environment to address some of society's most enduring problems. There is no substitute for the juvenile delinquency court and society will not function well without it.

B. THE GOALS OF A JUVENILE DELINQUENCY COURT OF EXCELLENCE

In order for systems to be effective and be able to prove their effectiveness, they need to have clearly stated measurable goals. The key principles or steps that will lead the system toward goal achievement must be defined. Participants in the system must continually measure progress toward key principles and goals, instituting process improvement when needed. The juvenile delinquency court and the stakeholders that directly interact in the court's processes need to have compatible goals in order for the juvenile justice system to serve most effectively the youth and families that come before it. In the juvenile delinquency court of excellence, stakeholders involved in the daily operations of the juvenile justice system work together to craft goal statements and work together to monitor progress toward goals.

A juvenile delinquency court goal statement should include some aspect of all of the following components:

The goals of the Juvenile Delinquency Court are to:

- *Increase safety in communities by supporting and implementing both effective delinquency prevention strategies as well as a continuum of effective and least intrusive responses to reduce recidivism;*¹⁶
- *Hold juvenile offenders accountable to their victims and community by enforcing completion of restitution and community service requirements;*¹⁷ and
- *Develop competent and productive citizens by advancing the responsible living skills of youth within the jurisdiction of the juvenile delinquency court.*¹⁸

The juvenile delinquency court cannot achieve these goals alone. These goals can only be achieved when the

juvenile delinquency court collaborates with stakeholders in the community and other components of the juvenile justice system.

Some juvenile delinquency courts may choose to call this statement a vision or mission statement as opposed to a goal statement. Regardless of what nomenclature the juvenile delinquency court chooses, all of the concepts apply.

Some juvenile delinquency court judges express concern about the appropriateness of becoming involved in system collaboration. They are often concerned because they believe that collaboration may be perceived as engaging in *ex parte* or unethical communication that violates judicial canons. Juvenile delinquency court judges must be diligent regarding protection of the rights of all parties and should therefore not engage in *ex parte* discussions regarding substantive issues of pending cases without the knowledge of all parties. When involved in collaborative and training activities, the juvenile delinquency court judge must make it clear that no discussions will occur involving pending cases and that case examples will protect the confidentiality of the parties. Judges must also examine their judicial ethics advisory committee opinions, if available, and any court decisions interpreting state judicial conduct codes as to the propriety of judicial and non-judicial conduct.

However, the prohibition against *ex parte* communications and the restrictions created by state judicial conduct codes should not preclude the involvement of juvenile delinquency court judges in community and system collaboration. Accordingly, the National Council of Juvenile and Family Court Judges (NCJFCJ) has taken a leadership role in advocating judicial collaboration since the early 1990s. ***The DELINQUENCY GUIDELINES recommends where state expectations are not clear or prohibit juvenile delinquency court judges from community involvement and collaboration, juvenile delinquency court judges should make every effort to either adopt rules that encourage judges to be involved in system collaboration, or advocate change in their state judicial conduct codes to permit system collaboration.***

C. KEY PRINCIPLES OF A JUVENILE DELINQUENCY COURT OF EXCELLENCE

It is important for juvenile delinquency courts to identify the *Key Principles* that will lead them to achieve their goals. The NCJFCJ has researched and published recommendations on more than 25 different issues within the juvenile delinquency system. Throughout these publications, there are

certain principles that are consistently recommended, and it is from this group of recommendations, as well as the Project Development Committee's extensive experience, that these foundational *Key Principles* for the optimal juvenile delinquency court of excellence have been identified.²⁰

It is important to note that some jurisdictions may currently have state statutes that prevent them from implementing one or more of these key principles. In order for a juvenile delinquency court to be *optimally* efficient and effective, implementation of these principles in their entirety is necessary. However, implementation of any of the principles should improve the juvenile delinquency court process. In jurisdictions where state statutes prevent implementation of a key principle, juvenile delinquency court judges should consider working with the legislature and delinquency system participants to change these statutes.²¹

The *DELINQUENCY GUIDELINES 16 Key Principles* that form the foundation for juvenile delinquency courts of excellence to reach their goals are:

1. ***Juvenile Delinquency Court Judges Should Engage in Judicial Leadership and Encourage System Collaboration*** – *The juvenile delinquency court judge should regularly convene system stakeholders and the community to promote mutual respect and understanding within the juvenile delinquency court system, and to work together to improve the system. The juvenile delinquency court judge and court administrator should engage the state chief justice and state court administrator in system collaboration.*

In addition to state and local judiciary, juvenile delinquency court stakeholders include state court administrators, law enforcement officers, detention and juvenile delinquency court intake staff, prosecutors, public defenders and the defense bar, probation officers, detention staff, substance abuse and mental health systems professionals, education administrators and teachers, workforce development staff, child welfare professionals, representatives of community agencies, crime victims, crime victim advocates, victim services providers, legislators, and the community at large. If a state uses a judicial assignment system, it is important that both the judge who is responsible for assignments and the judges assigned to juvenile delinquency court are involved in juvenile delinquency court judicial leadership and system collaboration.

Juvenile delinquency court judges should regularly appear in the community for the purpose

of promoting better understanding and support. They should inform the community of the juvenile delinquency court's goals and the issues associated with youth, families and crime victims in the juvenile delinquency court system. Judges should encourage the development of successful programs, including volunteer and faith-based programs, to assist children and families within the juvenile delinquency court. Juvenile delinquency court judges should be willing to be engaged by system participants and the community to discuss juvenile delinquency court issues and the work of others on behalf of children and families.²²

States should consider creating juvenile justice commissions and juvenile court judges should consider creating statewide juvenile court judges organizations for the purpose of providing leadership and influence at the state level.²³ Supreme Court Chief Justices and state court administrators should be involved in juvenile delinquency court leadership and support efforts, and should empower judges at the local level to engage in leadership and collaboration activities.

- 2. Juvenile Delinquency Systems Must Have Adequate Staff, Facilities, and Program Resources** – *Juvenile delinquency systems must have sufficient numbers of qualified judges, judicial officers, probation officers, case management staff, intake staff, prosecutors, public defenders, and victims' advocates to create manageable caseloads and timely process. They must have adequate courtrooms, separate and safe waiting areas for victims and offenders, secure holding facilities, private meeting space for youth and counsel, and detention facilities that are both secure and non-secure. They must have the necessary array and quantity of quality services to meet the needs of delinquent youth.*

Juvenile delinquency courts must have access to a wide array of diversion resources as an alternative to formal juvenile delinquency court action, and to assessment services, treatment services for mental health, substance abuse and sexual offenders, educational assistance, restitution programs, non-secure community service programs, wrap-around services for youth with multiple needs, and community placements. Juvenile delinquency courts must have access to services for parents who need assistance in managing the behavior or special needs of their delinquent child.

Juvenile delinquency courts must have access to secure facilities for serious and violent offenders. These facilities should be staffed by qualified professionals and provide treatment and other

services that will prepare youth for reentry into the community.

- 3. Juvenile Delinquency Courts and Juvenile Abuse and Neglect Courts Should Have Integrated One Family-One Judge Case Assignments** – *One juvenile court judge should handle the delinquency and abuse and neglect hearings on all members of one family from the beginning to the end of all juvenile delinquency court processes. When the juvenile delinquency court has jurisdiction over other related matters, such as child support or domestic relations, those matters should also be included in One Family-One Judge case assignments. When the court does not have jurisdiction over other related matters, the juvenile delinquency court judge should initiate coordination among the courts to ensure consistency of response.*

One family-one judge provides consistency and increased knowledge of the youth and family. When an alleged delinquent youth is also an adjudicated abused or neglected youth, the same judge or hearing officer should, at a minimum, oversee disposition planning and monitoring to ensure consistency and avoid contradictory responses.

Judges should be trained to hear evidence impartially and should be unbiased in hearing evidence during the adjudicatory process, even though they have heard previous cases regarding the same youth. In many small jurisdictions, one family-one judge case assignments occur naturally since there is only one judge to hear juvenile cases. Judges are responsible to ensure that their appointed judicial officers are also trained to hear evidence impartially. If counsel has reason to believe that a judge or judicial officer cannot be impartial in a specific case, counsel should file a motion requesting recusal or disqualification.

- 4. Juvenile Delinquency Court Judges Should Have the Same Status as the Highest Level of Trial Court in the State and Should Have Multiple Year or Permanent Assignments** – *Juvenile delinquency court judges should do everything possible to inform elective and appointing authorities that in order for a juvenile delinquency court to be effective, its judges should have a professed interest in and capacity to handle juvenile and family matters, and judicial terms should be permanent or a minimum of six years.*

Juvenile delinquency courts of excellence have judges who are dedicated to and invested in

the juvenile delinquency court system. The breadth of knowledge and wisdom that result from experience are critical to ensure that this complex court serves the best interests of the community and its youth. ***The DELINQUENCY GUIDELINES recommends six continuous years as the minimum time for a judge or judicial officer to spend on the juvenile delinquency court bench.***

5. ***All Members of the Juvenile Delinquency Court Shall Treat Youth, Families, Crime Victims, Witnesses, and Others With Respect, Dignity, Courtesy, and Cultural Understanding*** – *The juvenile delinquency court must be accessible, understandable, and respectful to persons of all ages, cultures, and abilities, in its processes, its written materials, and its verbal and non-verbal communications.*

All members of the juvenile delinquency court system, from intake, assessment, diversion, courtroom, and disposition services, must understand and appreciate the ethnic and cultural traditions and mores, the socio-economic circumstances, the gender differences, the disabilities, and the strengths of those who enter the juvenile delinquency system. All members of the juvenile delinquency court should understand how courts can positively impact disproportionate minority contact, and should design and monitor decision points to ensure fair and consistent decision-making that minimizes the possibility of bias.

Effective juvenile delinquency court systems ensure certified interpreters are available to assist families who do not speak English or are hearing impaired; legal materials are available in the language of significant ethnic groups in the jurisdiction that do not speak English; and, services are designed with appropriate cultural and cognitive understanding. Juvenile delinquency courts of excellence strive to set their hearings and appointments at times that will minimize youth missing school and parents missing work.

6. ***Juvenile Delinquency Court Judges Should Ensure Their Systems Divert Cases to Alternative Systems Whenever Possible and Appropriate*** – *Juvenile delinquency courts should limit formal processing of petitions to cases where it is apparent that law enforcement diversion, prosecutor diversion, or juvenile delinquency court diversion to community services, has failed to protect, or will be ineffective in protecting the community from significant risk of harm.*

Juvenile delinquency courts should encourage

law enforcement and prosecutors to consider diversion for every status offender, every first-time, non-violent misdemeanor offender, and other offenders as appropriate. Juvenile delinquency court judges should engage the community, law enforcement, and the prosecutor to develop diversion programs, including dispute resolution alternatives. Juvenile delinquency court judges should participate in the creation and ongoing monitoring of these programs to ensure that they are successfully diverting appropriate alleged juvenile offenders.

7. ***Youth Charged in the Formal Juvenile Delinquency Court Must Have Qualified and Adequately Compensated Legal Representation*** – *Alleged and adjudicated delinquent youth must be represented by well trained attorneys with cultural understanding and manageable caseloads. Juvenile delinquency court administrative judges are responsible to ensure that counsel is available to every youth at every hearing, including post-disposition reviews and reentry hearings.*

Juvenile delinquency court judges and judicial officers should be extremely reluctant to allow a youth to waive the right to counsel. On the rare occasion when the court accepts a waiver of the right to counsel, the court should take steps to ensure that the youth is fully informed of the consequences of the decision. A waiver of counsel should only be accepted after the youth has consulted with an attorney about the decision and continues to desire to waive the right.

8. ***Juvenile Delinquency Court Judges Should Ensure Crime Victims Have Access to All Phases of the Juvenile Delinquency Court Process and Receive All Services to Which They Are Entitled by Law*** – *The prosecutor, probation officer, or both, should provide victim advocates to assist crime victims throughout the court process. Crime victims should be welcomed, respected, listened to, and involved in system improvement efforts.*

Juvenile delinquency court judges should ensure that crime victims are encouraged to participate in the juvenile delinquency court process by providing safe and separate waiting rooms, providing assistance in submitting victim impact statements, and making enforced orders of restitution. Judges should ensure that offending youth have opportunities to learn the impact of crime on the victim through victim impact panels or other methods, and that programs exist to assist youth to earn and pay restitution to victims.

9. **Juvenile Delinquency Courts Should Render Timely and Just Decisions and Trials Should Conclude Without Continuances** – *Timeliness includes the days between when a youth is charged, adjudicated and disposition orders are made and implemented, as well as the hours parties wait between the time their hearing is scheduled and when it actually begins. Just decisions ensure that the juvenile delinquency court's response is in line with the offense and that similar offenses with similar circumstances generally receive similar responses.*

Timely delinquency systems require that diversion decisions be made within days of the filing of an affidavit, that the initial hearing on formally processed petitions be scheduled within three weeks of the petition being signed for youth not in detention, and that cases are taken under advisement no more than five days. Timely delinquency systems require all hearings to be scheduled and held at specific times with the next hearing set at the end of each hearing. It is important to note that just decisions can be appropriate for the offense, be similar to those for other offenses with similar circumstances, and yet still provide individualized responses to meet the youth's needs.

26

10. **Juvenile Delinquency System Staff Should Engage Parents and Families at all Stages of the Juvenile Delinquency Court Process to Encourage Family Members to Participate Fully in the Development and Implementation of the Youth's Intervention Plan** – *Juvenile delinquency system staff should make efforts to identify and engage parents and other family members, including extended family. The juvenile delinquency court judge should strongly encourage delinquency system staff to involve the family in developing the case plan and make sure that the case plan includes services for the family that will enhance family skills to improve the youth's chances of success. The juvenile delinquency court judge should hold parents and legal guardians accountable for participation in the treatment plan.*

Juvenile delinquency system judiciary and staff should routinely gather identifying information on immediate and extended family members so that the court is aware of all resources and support systems that are available to become part of the youth's intervention plan and support system. The juvenile delinquency court should encourage the inclusion of the parents and family in devel-

oping the intervention plan to the maximum degree possible, as family involvement in negotiating and designing the plan, even choices with regard to minor details, can positively impact adherence and favorable outcomes.²⁴ The juvenile delinquency court judge should require the parent or legal guardian to participate in treatment when necessary to meet the needs of the youth, if state statutes permit such orders.

11. **The Juvenile Delinquency Court Should Engage the School and Other Community Support Systems as Stakeholders in Each Individual Youth's Case** – *The juvenile delinquency court enhances a youth's chance for success by working with school systems and other community support systems. The need to address a youth's educational functioning cannot be overemphasized, as education is a critical factor in every youth's potential success.*

Juvenile delinquency system staff should routinely collect information about the youth and family's cultural, religious and other community interests and connections, in order to build both short and long term support systems for the youth. Medical, mental health, substance abuse, child protection, developmental disabilities, and other systems should be engaged as appropriate to meet each youth's needs.

The juvenile delinquency court should routinely obtain information in every case to identify and address all of the youth's educational needs. Youth who are not succeeding in school are prime candidates for truancy, and truancy is a risk factor for delinquency. In today's job market, the lack of a high school diploma can mean unemployment or a minimum wage job. Unless the youth is in an appropriate education environment as part of the solution for change, the youth's chances of success are severely limited. Consequently, it is important that a coordinated effort be made by juvenile delinquency courts and schools to ensure each youth's success, especially youth who have dropped out or been incarcerated.

12. **Juvenile Delinquency Court Judges Should Ensure Court Dispositions are Individualized and Include Graduated Responses, Both Sanctions and Incentives** – *Juvenile delinquency court staff should hold youth and families accountable for illegal behavior, deliver clear consequences when youth violate the law, and teach youth necessary behavior change. Effective juvenile delinquency courts accomplish these goals by using*

graduated responses that vary according to the severity, frequency and degree of violence of the offense, and the special needs, strengths, and circumstances of the youth and family.

In effective individualized juvenile delinquency court response systems, trained professionals, usually probation officers, assess each youth and accurately determine the strengths and needs around which to build responses. Individualized responses are designed so that they do not prevent a juvenile delinquency court from rendering similar responses for similar offenses under similar circumstances.

A graduated sanctions and incentives model has been developed by the Juvenile Sanctions Center of the National Council of Juvenile and Family Court Judges. The Center published *Graduated Sanctions for Juvenile Offenders: A Program Model and Planning Guide* in 2003. This publication describes in detail how a juvenile delinquency court can implement a multi-tiered continuum of interventions that emphasizes the need to hold each juvenile offender accountable for any and all offenses committed. The continuum provides services that can respond effectively to the individual needs of each offender, uses graduated consequences and positive reinforcement, and promotes the use of progressively more severe sanctions when needed for repeat offenders. This model recognizes that it is necessary, in order to prevent a youth's return to the juvenile justice system, to couple sanctions and incentives with a range of effective service interventions to address the underlying problems that caused the delinquent behavior.

Research suggests that graduated responses are more effective when they include not only consequences but also nurturing and cultivation of existing strengths.²⁵ Research also shows that responses are more effective when they enable youth to actively practice and demonstrate skills in a way that strengthens a community connection. Consequently, juvenile delinquency court judges should ensure that their graduated response systems include opportunities for youth to contribute positively to the community while developing necessary skills and knowledge to change their behavior.

13. Juvenile Delinquency Court Judges Should Ensure Effective Post-Disposition Review Is Provided to Each Delinquent Youth as Long as the Youth Is Involved in any Component of the Juvenile Justice System – Effective oversight ensures that youth and parents are complying with court orders and that service providers are following through

with timely, necessary services. Court orders should always be reasonable, necessary, and supported by evidence.

Juvenile delinquency courts should use their statutory oversight authority to the fullest extent possible. The juvenile delinquency court has the capacity to provide objective third party monitoring and recourse for parties to challenge decisions. Active and meaningful post-disposition review should occur until all court requirements are completed, including the process of successful reentry into the community if the youth has been placed.

If the juvenile delinquency court does not have oversight authority, the court should work together with the governmental systems that do have oversight authority to ensure that all delinquent youth are being held accountable and are receiving needed services in a timely fashion. If youth are frequently recidivating because they have not received appropriate and effective services, juvenile delinquency court judges should work collaboratively to improve existing systems. When necessary, juvenile delinquency court judges should advocate for changes in state law to provide judicial oversight authority to the juvenile delinquency court.²⁷

14. Juvenile Delinquency Court Judges Should Hold Their Systems and the Systems of Other Juvenile Delinquency Court Stakeholders Accountable – Juvenile delinquency court judges should ensure that the juvenile delinquency system has measurable goals, key principles, and objectives that serve as standards against which system performance is measured, and that an annual delinquency system “report card” is made available to stakeholders and the public.

The juvenile delinquency court judge should lead a collaborative effort of all delinquency system stakeholders to establish and clearly articulate delinquency system goals. The juvenile delinquency court and each system stakeholder should subsequently establish aligned goals and objectives so that the court and all system stakeholders are moving in the same direction and can measure and report progress. The juvenile delinquency court should measure the outcomes of all routinely court ordered services to ensure they are effective.

15. Juvenile Delinquency Court Judges Should Ensure the Court Has an Information System That Can Generate the Data Necessary to Evaluate Performance, Facilitate Information

Sharing with Appropriate Agencies, and Manage Operations Information – *Juvenile delinquency court staff should regularly generate aggregate data for monitoring and managing court performance. In addition, the judiciary and other appropriate court staff should be able to use the system to obtain case tracking and case management data on individual cases as well as manage other operation information needs such as property and evidence.*

Judges should ensure that their juvenile delinquency court information systems have the capacity to collect, analyze, and report data that measures the extent to which their key principles are being followed and their goals and objectives are achieved. Pre-programmed system reports should provide aggregate information on the timely processing of cases including the number of, reasons for, and lengths of time for continuances. Aggregate reports should report outcomes, recidivism, and the administration of consistent justice to youth with similar charges and characteristics. The system should have query abilities to produce *ad hoc* reports. Judges, judicial officers, probation officers, and other approved staff should be able to access current and complete information on the status and progress of any individual youth. The system should be able to link information on family groups and abuse and neglect cases.

The juvenile delinquency court should design information systems so that they maintain the privacy rights of individuals and so that within privacy parameters, information can be shared between the juvenile delinquency court and other appropriate governmental or service agencies.

16. The Juvenile Delinquency Court Judge Is Responsible to Ensure that the Judiciary, Court Staff, and all System Participants Are Both Individually Trained and Trained Across Systems and Roles – *All participants in the juvenile delinquency court system should be trained in child and adolescent development principles, cultural differences, mental health, substance abuse, and learning issues, and community systems and services. All participants in the juvenile delinquency court system should be cross-trained in the basics of local process, goals, key principles, and individual roles.*

Training should include opportunities to learn about the ideas and promising practices of other juvenile delinquency court systems as well as current research on effective interventions. Training should enhance the system participant's ability to

build consensus, promote collaboration within the system and within the community, and provide effective outcomes. Training should identify system barriers and review process results and goal achievements in order to identify outcomes, and to design, implement, and determine the impact of system improvements. The focus of all training should not only be on knowledge transfer, but also attaining demonstrable skills so that system participants not only know what to do, but how to do it.

D. ROLES AND RESPONSIBILITIES WITHIN THE JUVENILE DELINQUENCY COURT OF EXCELLENCE

The final section of this chapter identifies and describes the different and critical roles within the juvenile delinquency court. This section speaks to the primary roles in the juvenile delinquency court process, and is not intended to cover the roles of all of the system stakeholders, such as service providers and state youth authorities. The roles and responsibilities follow the order that generally occurs in the juvenile delinquency system, beginning with law enforcement and ending with probation. Different departments of government, or of the juvenile delinquency court, carry out these roles in different jurisdictions, and they may be called by different titles; but each of these roles should be fulfilled in order for a juvenile delinquency court to operate effectively. In order to create a juvenile delinquency court of excellence, the professionals involved in every aspect of every role must be committed to timeliness, i.e., to keeping the length of time between the alleged youth incident and the next process step as short as possible. They must also be committed to cultural understanding.

- **Law Enforcement** – Whether called police, sheriff or another title, law enforcement personnel play a key role in the juvenile delinquency court. They protect children and the community, identify problems and resources, and, as the usual first point of contact with delinquent youth, are in a position to recognize early problem behaviors of youth. Law enforcement responsibilities in the juvenile delinquency court process include:

- In response to observation or a citizen complaint, conducting a timely preliminary investigation to determine if a law violation has occurred;
- Identifying the juvenile offender;
- Gathering evidence;
- Documenting the offense in clear, specific terms;
- Providing or referring the youth to diver-

sion services as quickly as possible when appropriate;

- Arresting the youth, if appropriate, and presenting the youth, reports and evidence to the juvenile delinquency court and prosecutor as quickly as possible;
- Testifying in juvenile delinquency court; and
- Enforcing court orders.

• **Juvenile Delinquency Court Intake and Docketing** – In most jurisdictions the affidavit (police report) is filed with the juvenile delinquency court and this begins court involvement. At this point, the responsibilities that must be carried out include:

- Working with the prosecutor to determine immediately legal sufficiency, and whether the case will be handled formally or informally, and processing the affidavit and petition; and
- If the charge will be handled formally, setting the case for a hearing and notifying parties as quickly as possible.

In some juvenile delinquency courts, probation officers handle intake; in some juvenile delinquency courts, intake is a separate department from probation; and in some juvenile delinquency courts, intake is handled by a combination of court staff and prosecutor's staff. Different models can work equally well as long as there are consistently followed, clear guidelines specifying which cases will be handled formally; and as long as well trained staff are making the decision of which diversion resource to use.

• **Prosecution**²⁸ – The prosecutor should screen every affidavit to determine whether the allegations are legally sufficient. Once the prosecutor determines the case is legally sufficient, the prosecutor should either assess the case for diversion, or refer the case back to juvenile delinquency court intake to assess the case for diversion. (Refer to Chapter III for more information.)

- The primary duty of the prosecutor is to seek justice in light of the special interests and needs of the juvenile as well as the safety and welfare of the community;
- Juvenile prosecution is a priority requiring experienced prosecutors. Juvenile prosecutors should be selected on the basis of their skill and competence. They should have a particular interest in youth, have knowledge of juvenile law, and be trained in the development, education, substance abuse, and mental health of youth. Juvenile delinquency court cases should not be assigned to entry level prosecutors;
- The prosecutor has a responsibility to

promptly and thoroughly investigate the youth's case in order to make informed judgments on the proper course of action in the case;

- The prosecutor should be knowledgeable of all the disposition resources available in the jurisdiction;
- The prosecutor should appear as an attorney for the state in all hearings concerning a juvenile accused of an act where the prosecutor would appear if an adult committed the same act. This includes, but is not limited to, hearings for detention, speedy trial, motions, dismissal, entry of pleas, trial, waiver, disposition, post-disposition review, probation and parole violation hearings, and any appeal from, or collateral attacks upon, the decisions in each of these proceedings;
- Before the trial and adjudication hearing, the prosecutor should file all appropriate pre-trial motions needed to protect the interests of the state; and
- Because a breakdown in the exchange of discovery materials can lead to adjudication by ambush and a disposition that fails to consider important information, the prosecutor should turn over all discovery materials as defined by court rule, or as properly requested by counsel for youth as soon as possible. Where the jurisdiction provides for reciprocal discovery, the prosecutor should pursue all such relevant materials.

• **Detention Intake** – if the youth is arrested by law enforcement and brought to the juvenile delinquency court with the affidavit or warrant, the following decisions need to be made:

- Whether to release the youth unconditionally;
- Whether to release the youth with conditions;
- Whether to place the youth in non-secure detention; or
- Whether to place the youth in secure detention.

In many jurisdictions, these roles are the responsibility of probation staff. In other jurisdictions, intake departments or detention staff are responsible for these tasks. The staff making these decisions must be specially qualified to use validated risk of reoffending screening tools, and trained to deal with potentially difficult behavior.

• **Detention** – Whether operated by the juvenile delinquency court or by another public or private entity, secure and non-secure detention facilities should be components of all juvenile delinquency systems. The purpose of detention is to provide a holding place for youth who should not be released to the community pending the hearing

process. Detainment should only be considered when a youth is believed to be a danger to self or others, or at risk to reoffend or to abscond. Detention staff must be well-trained in safety and crisis management skills. Secure and non-secure detention environments should include all of the following:²⁹

- Safe, clean and healthy environment;
- Separation of youth by gender, maturity level, and seriousness of the offense;
- Medical, substance abuse, mental health, and trauma screening;
- Medical, mental health, and substance abuse emergency services;
- Psychological evaluation and mental health treatment;
- An environment that is conducive to learning and provides for the beginning of the rehabilitative process;
- Access to mail, telephone, and visitation by family, relatives, and counsel;
- Mandatory education; and
- Recreation programming.

- **Victim Advocates** – The responsibilities of advocates for victims of crime usually fall under the auspices of either, or both, the prosecutor's office and probation. Responsibilities to victims include:

- Explaining the juvenile delinquency court process to the victim and keeping the victim abreast of where the case is in the juvenile delinquency court process;
- If the case goes to trial, preparing the victim to testify, providing a safe waiting area separate from the alleged offender, and accompanying the victim throughout the time at juvenile delinquency court;
- Encouraging the victim to file a victim's impact statement, including a request for restitution, if appropriate, and assisting with these items, if requested;
- Assisting the victim to access any victim reparation funds that may be available and appropriate;
- Assisting the victim to access any social services or victims' organizations as needed and desired;
- Informing the victim of the juvenile delinquency court's response to the extent appropriate; and
- Assisting the victim throughout the post-disposition period to collect restitution and to inform the victim of appropriate changes in case status, such as offender release back into the community.

- **Certified Interpreters** – Whenever a youth or parent understands little or no English, or is hearing impaired, a certified court interpreter should be present to translate juvenile delinquency court proceedings. A qualified interpreter must have a high level of proficiency in both English and the second lan-

guage, as well as knowledge of juvenile delinquency court processes. The court interpreter must provide interpretation in a manner faithful to all canons of the code of professional responsibility, and in compliance with all juvenile delinquency court policies regarding court interpretation.

- **Counsel for Youth**³⁰ – In order to best represent the client and to provide for the speedy administration of juvenile cases, it is the responsibility of counsel for youth to begin active representation of the client before the detention or initial hearing (see Chapter III, Section C (3), Ensuring Qualified Counsel Is Available and Prepared for the Detention or Initial Hearing) and immediately following the counsel's appointment or retention. Counsel for youth must be able to explain the juvenile delinquency court process in terms the youth can understand. Whether performed by a public defender or the private bar, counsel for youth is responsible to:

- Be an advocate, zealously asserting the client's position under the rules of the adversary system;
- Be an experienced attorney in order to provide effective legal assistance. The representation of youth in juvenile delinquency court should not be an entry-level position that eventually graduates attorneys to other areas of defense work. Counsel for youth should have a particular interest in youth and family systems, focus on juvenile law, and be trained in the development, education, substance abuse, and mental health of youth. They should be selected on the basis of their skill and competence;
- Promptly and thoroughly investigate the client's case in order to be an effective advocate;
- Ensure the juvenile delinquency court has been informed of the youth's special needs;
- Be knowledgeable of all the disposition resources available in the jurisdiction;
- Appear as an attorney for the youth in all hearings concerning a juvenile accused of an act where the defense attorney would appear if an adult committed the same act. This includes, but is not limited to, hearings for detention, speedy trial, motions, dismissal, entry of pleas, trial, waiver, disposition, post-disposition reviews, probation or parole violation hearings, and any appeal from or collateral attacks upon the decisions in each of these proceedings;
- Before the trial and adjudication hearing, file all appropriate pre-trial motions in order to protect the youth's rights and preserve the fairness of the trial and adjudication hearing. Such motions may include efforts to obtain discovery materi-

als, to suppress physical evidence and confessions, or to challenge the circumstances of a pretrial identification, etc; and

- Actively pursue discovery from the prosecutor under informal procedures, court rule, and motions practice as appropriate. Effective representation of the client's interests is frustrated when counsel for the youth is ignorant of information contained in discovery materials. Where the jurisdiction requires reciprocal discovery, counsel for youth should provide such materials as promptly as possible.

- **In Loco Parentis** – A supportive parent or legal guardian should be present at every juvenile delinquency court hearing for an alleged or adjudicated delinquent youth. Occasionally, however, an alleged delinquent youth's parent or legal guardian may be unable to provide appropriate parental support and advice during the juvenile delinquency court process, and no other relative or other adult with a positive relationship with the youth is available. In such circumstances, the court should appoint an *in loco parentis*. Examples include:

- The parent or legal guardian is part of the prosecution of the case;
- The juvenile delinquency court judge believes the parent or legal guardian is so antagonistic toward the youth as to be unable to provide support and advice (e.g., the parent immediately informs the court that he or she wants nothing further to do with the youth and does not care what happens); or
- The parent or legal guardian did not appear for the detention or initial hearing without reasonable cause, even though notice was properly served.

In loco parentis means in place of the parent. Appointing an *in loco parentis* ensures that the youth has access to substitute parental support and advice between the time of arrest and disposition. Examples of the responsibilities of this role include helping the youth maintain contact with counsel, serving as a concerned adult, visiting in detention, communicating to family members as appropriate, and identifying immediate and extended family who may be willing to step forward and support the youth through the remaining court process. The relationship between an *in loco parentis* and counsel for the youth is the same as between a parent and counsel for the youth. If the *in loco parentis* offers testimony to the court, including opinion testimony, it is subject to cross examination. The person appointed *in loco parentis* has no official role outside of the juvenile delinquency case.

The appointment of an *in loco parentis* should be rare and is presumed to be unnecessary. Juvenile delinquency court intake, probation, or counsel for the youth should make every effort to identify family or adult family friends who can provide contact and guidance to the youth if the parent or custodian cannot. If a youth in the legal custody of the child protection agency needs the appointment of an *in loco parentis* because the agency is part of the prosecution, the juvenile delinquency court judge or judicial officer should determine if there is another family member, a guardian *ad litem*, or a court appointed special advocate (CASA) already involved on the abuse and neglect case who knows the youth. If so, the juvenile delinquency court should determine if any of these persons would be appropriate to serve as *in loco parentis* on the delinquency case. The juvenile delinquency court can also recruit and train volunteers to be on call for this role.

The determination of whether an *in loco parentis* is needed, appointing an appropriate person to fill this role, and determining how long the individual should remain appointed is the responsibility of the juvenile delinquency court judge. The appointment should never last beyond disposition, because unless the youth has turned 18, the juvenile delinquency court must ensure a parent, relative, or legal guardian is in place as part of the juvenile delinquency court's disposition. A juvenile delinquency court judge or judicial officer should be able to quickly determine if an *in loco parentis* should be considered because the parent or legal guardian is part of the prosecution of the petition, or is absent from the initial hearing even though notified. If the juvenile delinquency court judge cannot immediately identify a relative or adult to serve the parental role, the judge should appoint an *in loco parentis*.

An *in loco parentis* will no longer be needed if an appropriate parent, relative, interested adult, or legal guardian becomes available after the appointment, or if the parent, relative, or legal guardian is no longer part of the prosecution's case and is able to provide support to the youth.

- **Judge or Judicial Officer**³¹ – An elected or appointed judge, or an attorney the judge has appointed as a judicial officer, should conduct every formal juvenile delinquency court hearing. Different jurisdictions use the terms magistrates, referees, commissioners,

hearing officers, masters, and associate judges, instead of judicial officer. While in the courtroom, the responsibilities of the judge or judicial officer are to:

- Administer due process by following the laws and rules of the state and the local juvenile delinquency court;
- Ensure all parties who appear before the juvenile delinquency court receive the legal and constitutional rights to which they are entitled;
- Determine the truth of facts and ensure that the process is implicitly fair to all parties;
- Ensure the juvenile delinquency court's orders are reasonable, necessary, and supported by the evidence;
- Ensure juvenile delinquency court ordered services are appropriate to the needs of the youth, have been determined to be effective, and protect the interests of the community;
- Monitor the provision of juvenile delinquency court ordered services until all obligations have been fulfilled; and
- Act consistently in all instances pertaining to public safety and welfare.

In addition to these judicial functions, the role of the juvenile delinquency court judge includes leadership, collaborative, and advocacy components, as well as commenting on, and if necessary, drafting legislation that the judge believes is necessary to complete the work of the juvenile delinquency court.³² These responsibilities are detailed in the *Goals and Key Principles* sections of this chapter. Some administrative juvenile delinquency court judges have responsibility for court administrative staff, probation, detention, and residential treatment centers.

Throughout the *DELINQUENCY GUIDELINES*, whenever the text says "judge," the statement includes both an elected or appointed judge and an attorney the judge has appointed as a judicial officer.

- **Security** – Whether performed by juvenile delinquency court staff or law enforcement staff, security should be sufficient so that all participants and juvenile delinquency court staff feel reasonably safe. Security screening upon entering the court building is necessary, as is courtroom security. Some juvenile delinquency courts can ensure safety with alarm buzzers in the courtroom to access security assistance outside the courtroom. Other juvenile delinquency courts need security staff in every courtroom to ensure safety.

Security staff is also responsible to ensure that an emergency response plan is in place.

This plan should provide guidance to staff and interested stakeholders regarding known hazards and emerging threats. Security staff should train all juvenile delinquency court staff and regular participants in the juvenile delinquency court system regarding the plan.³³

- **Juvenile Delinquency Courtroom Case Management** – Case Management staff should be available in every juvenile delinquency courtroom. These staff may be referred to as bailiffs, court clerks, or court case managers. Their responsibilities are to:

- Call parties to the hearing and direct parties to the appropriate department after a juvenile delinquency court hearing (e.g., probation, fines and court costs collection, etc.);
- Ensure all required courtroom documents are available on each case, including affidavits and petitions; and
- Assist the judge before, during and after the hearing as required, including dissemination of the juvenile delinquency court's written findings and orders to parties and key participants at the end of the hearing.

- **Hearing Recording** – This role may be performed by a person who is a court reporter, or may be performed by electronic equipment.³⁴

- **Mental Health, Substance Abuse, and Education Evaluation Clinic** – These evaluations services ideally are provided in a special juvenile delinquency court evaluation clinic that is in close proximity to the juvenile delinquency court's secure detention facility. Options for staffing the clinic include psychiatrists, psychologists, and social workers employed by, or under contract with, the juvenile delinquency court; or psychiatrists, psychologists, and social workers who are employees of the mental health, substance abuse, and education systems and assigned to this clinic. Juvenile courts must have immediate access to these evaluation services in sufficient quantity to meet the following needs:

- Emergency needs of detained youth;
- Decisional capacity evaluations for competency to stand trial;
- Forensic evaluations of youth on discretionary motions to waive juvenile delinquency court jurisdiction and transfer to criminal court; and
- Mental health, substance abuse, and education evaluations of youth as part of the pre-disposition investigation process in order to recommend treatment services needed by the youth.

The professionals who provide these services should be well-trained in child assessment, psychopathology, substance abuse, learning delays and disabilities, and the impact of trauma and victimization; they should be knowledgeable regarding the special forensic questions raised in delinquency cases, and readily available to provide timely services.

- **Probation** – In some juvenile delinquency systems, the probation department handles everything from case intake and diversion, detention intake, courtroom case management, pre-disposition investigations, and multiple types of probation supervision. In every juvenile delinquency court, probation officers serve the role of disposition assessment and probation supervision, the primary juvenile delinquency court disposition. In addition to probation officer, they may be referred to as community service officers, community justice officers, or juvenile officers.

Probation officers are often the heart of the juvenile delinquency court operation, and must be well trained and extremely knowledgeable about juvenile law, juvenile delinquency court process, cultural issues, needs and risk screening, education systems and issues, substance abuse, mental health, family violence and other trauma issues, behavior management, liability issues, child and adolescent development, family systems, the relationship between prior victimization and offending behavior, how to identify signs of prior victimization, and many other areas. *The Desktop Guide to Good Juvenile Probation Practice* describes good probation practice as mission-driven, performance-based, and outcome-focused.³⁵ In this *Desktop Guide*, the role of juvenile probation is described as:

...a catalyst for developing safe communities and healthy youth and families... a role that can be fulfilled by:

- Holding offenders accountable;
- Building and maintaining community-based partnerships;
- Implementing results-based and outcome-driven services and practices;
- Advocating for and addressing the needs of victims, offenders, families, and communities;
- Obtaining and sustaining sufficient resources; and
- Promoting growth and development of all juvenile probation professionals.

Probation is the key resource to facilitate referral to treatment services to meet the special needs of each youth. In some jurisdictions, probation officers are employees of the juvenile delinquency court and under the authority of the presiding or administrative judge. In other jurisdictions, probation is under the authority of another state or county department. If under different authorities, it is most important that the two entities collaborate closely and that their goals and principles are in alignment.

Endnotes

¹ *Johnson v. Texas*, 509 U.S. 350, (1993).

² All states have a minimum voting age of 18; 45 states establish 18 as the minimum age for jury service; and 47 states establish 18 as the minimum age for marriage without parental or judicial consent.

³ *Eddings v. Oklahoma*, 455 U.S. 104, (1982).

⁴ Steinberg, L., & Scott, E. S. (2003). Less guilty by reason of adolescence: Developmental immaturity, diminished responsibility, and the juvenile death penalty. *American Psychologist*, 58, 1009-1018.

⁵ Erikson, E. (1968). *Identity, Youth and Crisis*. New York: Norton.

⁶ Sherman, L. W., Gottfredson, D., MacKenzie, D., Eck, J., Reuter, P., & Bushway, S. (1997). *Preventing Crime: What Works, What Doesn't, What's Promising*. Washington, DC: U.S. Department of Justice.

⁷ Mitchell, D. B., & Kropf, S. E. (2002). Youth violence: Response of the judiciary. In G. S. Katzmann (Ed.), *Securing Our Children's Future: New Approaches To Juvenile Justice and Youth Violence*. Washington, DC: Brookings Institution Press and Governance Institute.

⁸ Quas, J. A., Bottoms, B. L., & Nunez, N. (2002). Child maltreatment and delinquency: Framing issues of causation and consequence. *Children's Services*, 5, 245-248.

⁹ Hawkins, J. D., Herrenkohl, T., Farrington, D. P., Brewer, D., Catalano, R. F., & Harachi, T. W. (1998). A review of predictors of youth violence. In R. Loeber, & D. P. Farrington (Eds.), *Serious and Violent Juvenile Offenders: Risk Factors and Successful Interventions* (pp. 106-146). Thousand Oaks, CA: Sage.

Lipsey, M. W., & Derzon, J. H. (1998). Predictors of violent or serious delinquency in adolescence and early adulthood: A synthesis of longitudinal research. In R. Loeber, & D. P. Farrington (Eds.), *Serious and Violent Juvenile Offenders: Risk Factors and Successful Interventions* (pp. 86-105). Thousand Oaks, CA: Sage.

- ¹⁰ Zingraff, M., Leiter, J., Myers, K., & Johnson, M. (1993). Child maltreatment and youthful problem behavior. *Criminology*, 31, 173-202.
- Loeber, R., & Farrington, D. P. (Eds.). (2001). *Child Delinquents: Development, Interventions, and Service Needs*. Thousand Oaks, CA: Sage.
- ¹¹ Tolan, P. H., Gorman-Smith, D., & Henry, D. B. (2002). Linking family violence to delinquency across generations. *Children's Services*, 5, 273-284.
- ¹² Kilpatrick, D. G., Saunders, B. E., & Smith, D. W. (2003). *Youth Victimization: Prevalence and Implications*. [NIJ Research in Brief.] Washington, DC: U.S. Department of Justice.
- ¹³ Shaffer, J. N., & Ruback, R. B. (2002). *Violent Victimization As A Risk Factor For Violent Offending Among Juveniles*. [OJJDP Bulletin.] Washington, DC: U.S. Department of Justice.
- ¹⁴ Ibid.
- ¹⁵ Ibid.
- ¹⁶ Measured by a reduction in the youth crime rate, the percentage of youth who recidivate, and a reduction in the number of instances of recidivating for youth who do recidivate. Community safety concept noted in Maloney, D., Roming, D., & Armstrong, T. (1988). Juvenile probation: the balanced approach. *Juvenile and Family Court Journal*, 39(3), 1-57.
- ¹⁷ Measured by the percentage of restitution dollars paid and community service hours completed as compared to those ordered. Accountability concept noted in Maloney, D., Roming, D., & Armstrong, T. (1988). Juvenile probation: the balanced approach. *Juvenile and Family Court Journal*, 39(3), 1-57.
- ¹⁸ Measured by using a validated instrument that defines "responsible living skills" and is administered at the point of entry and again at exit producing a percentage of youth whose skills increased during their juvenile delinquency court involvement. Competency development concept noted in Maloney, D., Roming, D., & Armstrong, T. (1988). Juvenile probation: the balanced approach. *Juvenile and Family Court Journal*, 39(3), 1-57.
- ¹⁹ For more information on these NCJFCJ publications, see the contact information in Appendix A.
- ²⁰ The individuals who participated on the Project Development Committee are listed in the Preface.
- ²¹ It is important to note that such activities cannot be supported with federal funds due to the requirements of 18 U.S.C. § 1913.
- ²² Refer to Section B of this chapter regarding how a juvenile delinquency court judge can engage in judicial leadership and collaboration without violating judicial canons on *ex parte* communication. It is important to note that legislative lobbying activities cannot be supported with federal funds due to the requirements of 18 U.S.C. § 1913.
- ²³ Pennsylvania is an example of a state with a juvenile justice commission, and Louisiana and Ohio are examples of states with strong statewide juvenile and family court judge's associations.
- ²⁴ Meichenbaum, D., & Turk, D. (1987). *Facilitating Treatment Adherence: A Practitioner's Guidebook*. New York, NY: Plenum Press.
- ²⁵ Clark, M. D. (2001). Change-focused youth work: The critical ingredients of positive behavior change. *Journal of the Center for Families, Children & the Courts*, 3, 59-72.
- ²⁶ Bazemore, G., Nissen, L., & Dooley, M. (2000). Mobilizing social support and building relationships: Broadening correctional and rehabilitative agendas. *Corrections Management Quarterly*, 4, 10-21.
- ²⁷ Supra note 21.
- ²⁸ This section was prepared by the American Bar Association, Juvenile Justice Center using the National District Attorneys Association *Resource Manual And Policy And Positions On Juvenile Crime Issues*, (July 2002), p. 4.
- ²⁹ Roush, D. W. (1996). *Desktop Guide To Good Juvenile Detention Practice*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.
- ³⁰ Supra note 21.
- ³¹ Edwards, L. P. (1992). The juvenile court and the role of the juvenile court judge. *Juvenile and Family Court Journal*, 43(2).
- ³² Supra note 21.
- ³³ For a model Crisis Response/Emergency Operations Plan refer to <http://www.ready.gov/>.
- ³⁴ In 2005, state-of-the-art juvenile delinquency courts use digital voice and image recording stored on compact discs.
- ³⁵ National Center for Juvenile Justice. (2002). *Desktop Guide to Good Juvenile Probation Practice*. Pittsburgh, PA: Author.