

[NATIONAL SYMPOSIUM]

The Janiculum Project

RECOMMENDATIONS

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SPONSORED BY THE **National Council of Juvenile and Family Court Judges**

SUPPORTED BY THE **State Justice Institute**

AND THE **Office of Juvenile Justice and Delinquency Prevention**



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[NATIONAL SYMPOSIUM]

The Janiculum Project

RECOMMENDATIONS

PROPERTY OF
National Criminal Justice Reference Service (NCJRS)
Box 6000
Rockville, MD 20849-6000

SPONSORED BY THE **National Council of Juvenile and Family Court Judges**

SUPPORTED BY THE **State Justice Institute**

AND THE **Office of Juvenile Justice and Delinquency Prevention**

SJI

The recommendations and commentary result from the National Symposium that was conducted under grant number SJI-96-12C-C-176 from the State Justice Institute and the Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice. The points of view or opinions in this document are those of the authors and do not necessarily reflect the official position or policies of the State Justice Institute, the U.S. Department of Justice, or the National Council of Juvenile and Family Court Judges.

Recommendations from a National Symposium

**THE JANICULUM PROJECT:
REVIEWING THE PAST AND LOOKING TOWARD
THE FUTURE OF THE JUVENILE COURT**

IN ANTICIPATION of the 100th anniversary of the establishment of what is considered the first official juvenile court in Chicago, Illinois in 1899, the National Council of Juvenile and Family Court Judges convened over 50 juvenile court judges, prosecutors, defense counsel, court managers, probation officials, victims' advocates, and scholars to examine the strengths and weaknesses of this special court as we enter the next millennium. The three-day symposium, which was conducted in Reno, Nevada, September 28 - October 1, 1997, was co-funded by a grant from the State Justice Institute and the Office of Juvenile Justice and Delinquency Prevention. The Recommendations that follow resulted from the symposium itself and are designed to serve as a blueprint for action for legislators, executive branch officials, and members of the judiciary for juvenile court reform.

"Janiculum," as evidenced in the title of this project, refers to one of the historical hills in Rome which for hundreds of years stood as a watch point for approaching invasions from every direction. The title seems particularly fitting as the fundamental philosophy of the early reformers that juveniles should be treated differently from adults in a specialized court, is seriously under attack from legislators and others who are demanding a more aggressive approach to juvenile crime. Janus, the mythical god who was guardian of the gates and door-

ways, is depicted as having two faces, one looking forward and the other looking backward. Symposium participants, acting as a modern day Janus, examined the early history of the juvenile court, analyzed current practices and trends, and then devoted full attention to what the future might hold for the juvenile court. The conferees concluded that "the simple truth that children are not little adults" remains as true today as it was in 1899, and that the differences in emotional, cognitive, and social development, and the dependence of children upon adults, requires a special court with broad jurisdiction over the entire range of legal concerns affecting children and families. Such a court should be at the highest level of the trial court system and operate in accordance with the principles of due process and fundamental fairness while providing individualized justice for each child and family. Its mission is to protect society by correcting children who break the law, protect children from abuse and neglect, and preserve and strengthen families.

It is the sincere hope of the National Council of Juvenile and Family Court Judges that the symposium recommendations will provide impetus and change which will result in better justice for children and families. Our vision for the court includes a more open court, a court which employs readily understandable terminology, and one more sensitive to victims of crime.

It includes early intervention with potential serious

and violent juvenile offenders through court sanctions and pertinent services for the child and the family. It embraces using a comprehensive approach to deal with serious and violent juvenile offenders, one which protects the community, offers a wide range of sanctions to ensure accountability, and develops behavior skills through provision of services.

We also find it inevitable that the functions of the juvenile court cannot be viewed in isolation. Rather, it is a vital part of a family court system that deals with an array of family-related cases. Ideally, it should be part of a unified family court or a coordinated family court system that involves judges and other professionals committed to a career in this special kind of work.

We also seek to strengthen the role of special advocates for children in the juvenile court to ensure that their voices are heard and their interests are met. We affirm the role of the judiciary and an individualized system of justice in making the decision to try a youth in a criminal

court rather than the juvenile justice system.

We extend our gratitude and appreciation to the members of the planning committee, who worked tirelessly before, during and after the symposium to ensure its success; to the State Justice Institute and the Office of Juvenile Justice and Delinquency Prevention for their support, both financial and in spirit, and for the invigorating participation of Richard Van Duizend and John Wilson in the symposium itself; to all the participants and faculty who contributed selflessly their own unique and special knowledge in an effort to improve the juvenile court; and to the Editorial Committee and especially to Dr. James "Buddy" Howell for their work on the symposium Recommendations and commentary.

Honorable Stephen B. Herrell,
President
National Council of Juvenile
and Family Court Judges

[We accept with thanks the work of the participants and support the future deliberation and discussion of the recommendations that are set forth.]

Resolution of the NCJFCJ Board of Directors
Mid-Winter Meeting
Santa Barbara, CA
January, 1998

JANICULUM SYMPOSIUM RECOMMENDATIONS

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I. Mission and Philosophy

The mission of the juvenile and family court is the protection of society by correcting children who break the law, the protection of children from abuse and neglect, and the preservation and strengthening of families. When the family falters, when the basic needs of children go unmet, when the behavior of children is destructive and goes unchecked, juvenile and family courts shall respond. The juvenile and family court is society's official means of holding itself accountable for the well-being of children and the family.¹ Having been entrusted by society with these vital roles, it is imperative that juvenile and family courts are conducted with fundamental fairness and justice for all whom they serve.

Children are developmentally different from adults and therefore children and families need a separate court system to address their legal concerns. They are dependent on adults; they are developing emotionally and cognitively; they are impressionable; they have different levels of understanding than adults.² The simple truth that children are not little adults and should not be treated as adults gave rise to the juvenile court almost a century ago and, in more recent times, to the family court.³

There is a fundamental difference in philosophy between juvenile courts and adult criminal courts. Because young offenders are believed to be particularly malleable and susceptible to moral and social rehabilitation, the juvenile court seeks to rehabilitate juvenile delinquents, thereby preventing future criminal behavior. In contrast, adult criminal courts seek to induce law abiding behavior by means of punishment for wrongdoing.

The court accomplishes this mission by:

- Considering the welfare of children and families;
- Operating under the principles of due process and fundamental fairness that provide individualized justice for each child;
- Striving to protect the safety of the community;
- Protecting the rights of victims;
- Holding children accountable for their behaviors;
- Seeking to change the behavior which led to the individual's involvement in the system; and
- Providing leadership in the development of prevention and treatment resources in the community and facilitating collaboration among service providers.

COMMENTARY

The court strives to reduce or eliminate the inappropriate behaviors that led to court involvement and increase or strengthen those appropriate behaviors that lead to successful community reintegration. Delinquent behavior should be addressed through a balanced approach which includes protection of the community, constructive sanctions, accountability and development of competency that will enable the child to become a contributing member of society.⁴ At the same time, juvenile and family court judges must assure that due process is provided to all children and families that appear before them.

In most jurisdictions, dependency cases represent the largest proportion of the juvenile and family court workload. Judges must ultimately

decide whether a family in crisis will be broken apart and children placed out-of-home temporarily or whether placement can be safely prevented through the reasonable efforts of our social service system.⁵ Multiple follow up hearings are normally required before family permanency is achieved. The number of delinquency, non-criminal misbehavior, and dependency cases has increased significantly in the recent past. These increases can be expected to continue, according to the population projections developed by the Bureau of the Census.⁶

The recommendations that follow address the means by which the juvenile and family court accomplishes its mission. These are organized in four areas: jurisdictional and structural, procedural, program, and system accountability.

II. Jurisdictional and Structural Recommendations

- 1. Juvenile and family courts shall have broad jurisdiction over the entire range of legal concerns of children and families.**

COMMENTARY

From the time the first juvenile court was established in 1899, the juvenile court has had jurisdiction over juvenile delinquency and non-criminal misbehavior cases.

The juvenile and family court must retain the important delinquency prevention and reduction functions of the traditional juvenile court.

From its inception, the juvenile court also has had jurisdiction over dependency, neglect and child abuse cases. The jurisdiction of juvenile courts further includes adoption, child custody, guardianship of children, termination of parental rights, mental health commitments, family and domestic violence, and other legal decision making about children. The juvenile court is the final bastion for the resolution of such broad-scaled matters. When the court is a unified family court, the jurisdiction also includes divorce, visitation, and child support jurisdiction.

Before the 1970s, juvenile and family courts

were expected only to determine whether a child had been abused or neglected and, if so, whether the child needed to be removed from the home or placed under court or agency supervision. At present, however, courts are expected to make sure a safe, permanent, and stable home is secured for each abused or neglected child. Effectively exercising these responsibilities requires very broad juvenile and family court jurisdiction.

- 2. Whether through structure or process, jurisdictions shall move to unify juvenile and family court and family-based legal issues when dealing with a single family.**

COMMENTARY

A unified court would manage an array of family related cases, including juvenile delinquency, dependency, status offenses, domestic relations (including custody, spousal support, child support, and property division), paternity, emancipation, domestic violence, adoption, guardianship, and termination of parental rights. To the extent possible, one court should be responsible for all of these matters.

Where unified family courts do not exist, better coordination of all legal issues affecting a single family can achieve many of the same objectives, through such procedures as allowing multiple cases involving one family to be heard together, coordinating the relationship between criminal court child abuse prosecutions and juvenile court abuse and neglect cases, and information sharing among different investigative and supervisory staff (probation, child welfare, domestic relations, child support, etc.).⁷ It is very important for a criminal court that is handling a domestic violence case involving abused children to inform the juvenile and family court. A well-coordinated effort is required in these cases.

3. The juvenile or family court shall be at the highest level of trial jurisdiction.

COMMENTARY

The undeniable importance of the work of the juvenile and family courts should be reflected in their rank and stature. The juvenile and family courts have enormous responsibilities: protecting the public, sanctioning and rehabilitating juveniles, intervening in family disputes, protecting abused and neglected children—and deciding what family setting is the most nurturing environment for these victimized children. Such responsibility should not be spread over several courts.

4. Judges shall be selected on the basis of their qualifications and professional interest in juvenile and family matters with an assignment for a substantial number of years to ensure adequate training, experience, and control of the court.

COMMENTARY

The power of juvenile and family court judges is unique and quite awesome.⁸ They can separate children from their parents; they can terminate the rights of biological parents; they can place children in confinement; they can order agencies to provide services to families and their children.⁹ Judges of these courts must be excellent jurists, well educated in the law, willing to be public advocates for the needs of children and families, and trained in family dynamics and child development.

To be effective, a judge requires specialized education and experience over a substantial number of years; thus, assignment to these responsibilities should be based upon proposed interest in, ability for, and commitment to the special responsibilities involved. Above all, they must want to be juvenile and family court judges.¹⁰

5. The juvenile and family court shall have the staff and financial resources to effectively accomplish its mission.

COMMENTARY

If juvenile and family courts are courts of general jurisdiction, they will be in a better position to secure the necessary staff and financial resources to effectively accomplish their mission. Adequate funding of the juvenile and family court will reduce the necessity for later expenditures in adult corrections and social services. No legal or social service work is more important than serving society by sanctioning offenders and helping children and families.

6. The juvenile and family court shall have authority to order state and local agencies

and institutions to provide necessary and reasonable services and to order participation by families in services.

COMMENTARY

Judges must have the authority by statute or court rule to order, enforce, and review delivery of specific services and treatment for children and families. They must be willing to exercise that authority when the court finds that services are necessary, reasonable, and supported by the evidence. The judge must also be prepared to hold all participants accountable for fulfilling their roles in the court process and the delivery of services.¹¹

7. A relevant and comprehensive program of orientation and continuing education shall be developed and required for judges, clerks, volunteers, lawyers, court staff, child protection workers, probation officers, juvenile care workers, law enforcement, and other participants in the juvenile and family court system.

COMMENTARY

The staff of a juvenile court and its attendant services are the key to successful program implementation. Professional development activities which improve the quality of staff and specialized areas of expertise are of great importance. Judges can and should be instrumental in ensuring adequate staff development regardless of whether staff report directly to the court or to an administrative agency.

Educational programs for judges and juvenile court personnel should include current research, professional textbooks, and continuing education degree credits. Appropriate curricula should be

further developed, implemented, and continued in the National College of Juvenile and Family Law, the nation's schools of law, continuing legal education programs, and other disciplines for career development of judges and other juvenile justice practitioners.¹²

8. The juvenile and family court requires professionalism in court administration.

COMMENTARY

Juvenile court administration is an established profession that must meet exacting standards to provide for the efficient running of the juvenile and family court.

Court administrators should have status that reflects the importance of their responsibilities.¹³

9. Judges and other juvenile and family court professionals shall be provided training in leadership and management techniques.

COMMENTARY

Unlike other judges, juvenile and family court judges occupy a leadership role and exercise management responsibilities. Thus, training in both of these areas is essential.

10. The juvenile and family court shall systematically collect data to effectively manage caseloads, track placements, financially manage court resources, and evaluate performance and case outcomes.

COMMENTARY

Management information systems (MIS) using modern techniques for maintaining and

sharing caseload information will facilitate such court functions as caseload management, placement tracking, resource management, service delivery in accordance with dispositional plans, timely notification of parties of scheduled proceedings, remote arraignment, conducting special events such as mediation sessions, and tracking

the processing of children and their families throughout the court system—allowing a judge or court administrator to be aware of related proceedings. The court-based MIS should include background information for comprehensive individual risk and needs assessments that are necessary to develop individual treatment plans.¹⁴

III. Procedural Recommendations

1. **Children shall have an unwaivable right to effective and well-compensated counsel in all juvenile court cases involving criminal and non-criminal misbehavior and where the child is the victim of abuse or neglect.**

COMMENTARY

A juvenile should be entitled to be represented by counsel in all proceedings arising from a delinquency, neglect, or abuse action and in any proceeding at which the custody, detention, or loss of liberty of the juvenile is at issue. This does not include minor traffic infractions, fish and game violations, possession of tobacco, and similar proceedings. It is neither practicable nor desirable for juveniles to be entitled to unwaivable representation by counsel in such matters, which many juvenile and family courts handle, where potential loss of liberty is not at issue.

In delinquency and non-criminal misbehavior proceedings, the right to counsel should attach as soon as a juvenile is taken into custody by an agent of the state, a complaint is filed against a juvenile, or a juvenile appears at intake or at an initial detention hearing, whichever occurs first. In all other actions in

which a juvenile is entitled to representation by counsel, the right to counsel should attach at the earliest practical stage of the decisional process, except when emergency action is involved and immediate participation of counsel is not practicable.¹⁵

2. **The waiver of constitutionally protected rights, other than the right to counsel, shall be allowed only after a careful inquiry into whether the waiver is free and knowing.**

COMMENTARY

To meet the “free and knowing” standard, waiver of these constitutional rights by mature respondents should be allowed only in the presence of and after consultation with counsel and a Guardian ad Litem, if necessary.

3. **Children involved in non-delinquency juvenile cases shall be provided Guardians ad Litem, Court Appointed Special Advocates, or other advocates.**

COMMENTARY

Guardians ad Litem should be appointed when

a child is unable to understand the nature and possible consequences of the proceedings because of mental illness, mental retardation, or immaturity; when the child's parents are not present or when their interests in the proceeding conflict with those of the child; and when, for some other reason, the child needs an independent adult to provide guidance.¹⁶ Adult advocacy or legal representation may also be needed in instances such as when a learning disabled child requires a special education program that should be provided by the school system.

Court Appointed Special Advocates (CASAs)—specially screened and trained volunteers appointed by the court—conduct independent investigations of child abuse, neglect, or other dependency matters, and submit formal reports proffering advisory recommendations as to the best interests of a child.

4. Parents or other legal custodians of children before the court shall have the right to counsel in child abuse, neglect, dependency, and termination of parental rights cases.

COMMENTARY

Parents, legal custodians, or parental surrogates are entitled to be represented by counsel, retained or appointed, whenever their right to rear their child is challenged by the state.

5. The proceedings in juvenile and family court shall be held in open court unless the welfare of the child would be adversely affected.

COMMENTARY

The public has a right to know how courts deal

with children and families. The court should be open to the media, interested professionals and students and, when appropriate, the public, in order to hold itself accountable, educate others, and encourage greater community support.¹⁷

6. The legal history of juvenile and family court cases shall be open to the public. Other court records, such as family studies, social histories, and psychiatric and psychological evaluations shall be accessible to all authorized court participants, but maintained as confidential from others unless good cause for access is shown.

COMMENTARY

Traditionally, hearings and records of juvenile courts have been deemed confidential. However, juvenile court records are increasingly available to a wide variety of people and agencies.¹⁸ Law enforcement, child welfare, schools, and other youth serving agencies often see the same subset of juveniles under juvenile court jurisdiction; accordingly, the need to share information across systems is apparent. Many states open juvenile court records to school officials or require that schools be notified when a juvenile is taken into custody for all crimes of violence in which a deadly weapon is used.¹⁹

When public safety is involved, those responsible for protecting the public (police, prosecutors, correctional administrators, adult probation officers) must have access to the legal records of any juvenile charges and juvenile court dispositions, but ordinarily they have no need for access to the social records which contain the activities, marital problems, likes and dislikes, psychological evaluations, intelligence quotients, or personal problems

of children or members of the child's family.²⁰ These social records may contain information that could detrimentally affect a parent's or juvenile's emotional health or aggravate existing family conflicts. Generally these records shall be made available to court participants (such as parents, guardians, CASAs, or primary caretakers, judges, intake officers, counsel for the parties, probation officers, and prosecutors) unless otherwise directed by the court.

7. The court process shall provide for victim access and participation.

COMMENTARY

Inclusion of victims as active participants in juvenile court processes reflects a fundamental philosophical shift in juvenile justice policy and practice.²¹ Victim access may include notification of victim upon release of the offender from custody and notification of significant hearings; opportunity to be heard at hearings; and to submit a "victim's impact statement." The Balanced Approach/Restorative Justice model²² promotes victim and community involvement in the juvenile court process, with the aim of restoring their losses through participation and by reparation actions required of offenders.

8. The determination of which children are tried in criminal courts shall be a judicial decision based upon specific criteria.

COMMENTARY

In most cases, juvenile offenders can be effectively maintained in the juvenile justice system. In some instances, public safety requires that the most

violent or chronic offenders should be transferred for adult prosecution. With the benefit of first-hand knowledge of offenders, their prior records, their response to services and sanctions, and experience in handling them, juvenile court judges do the best job of selecting the most serious, violent, and chronic juvenile offenders for transfer.²³ A judicial hearing is the best mechanism for making this determination, enabling the court to hear from a variety of perspectives, including prosecutors, defense counsel, and court staff.

Transfer studies show that recidivism rates are much higher among juveniles transferred to criminal courts than among those retained in the juvenile justice system.²⁴ Transferred juveniles are more likely to recidivate, more quickly, at a higher rate, and perhaps with more serious offenses than juveniles retained in the juvenile court. Although serious and violent juveniles retained in the juvenile justice system are less likely to be incarcerated, some type of sanction is more likely to be imposed, more quickly, and they are more likely to receive rehabilitation services. Moreover, juveniles incarcerated in adult prisons are far more likely to be violently victimized than in juvenile correctional facilities.²⁵

9. The court shall develop effective case management systems and techniques to control caseloads.

COMMENTARY

(See commentary in Recommendation II.10). Growing juvenile and family court caseloads necessitate use of modern technology to expedite juvenile justice processes and to ensure that justice is served.

10. Everyone coming into contact with the juve-

nile and family court shall be treated with dignity, respect, and courtesy.

COMMENTARY

The juvenile and family court serves the public, thus it must meet the public's expectations of courtesy, timeliness, and economy.²⁶ Prompt notification

of participating parties of scheduled proceedings and changes in them is essential to public satisfaction. Court procedures should be carefully and fully explained to all involved parties. Delays in the administration of justice should be eliminated wherever possible.

IV.

Programmatic Recommendations

1. **The juvenile and family court should use a continuum of program options in the provision of services for dependent, neglected, abused, and delinquent children and their families.**

COMMENTARY

Studies show that program characteristics are as important for effectiveness as the choice of a particular intervention.²⁷ These include well-designed service protocols, the amount of service provided (full delivery of the service protocol), thorough training of treatment personnel, close monitoring of service delivery, and careful selection of clients to make sure they are appropriate.

Services need to be organized in a continuum of program options, linked with different levels of sanctions according to the risk that offenders represent to the public safety.²⁸ Risk assessment instruments can be used to group offenders in different risk levels, enabling the court to give priority supervision, sanctions, and services to serious, violent, and chronic offenders. Needs assessments should be used to achieve the best match between offender needs and treatment

options. At each level in the continuum, the family must continue to be integrally involved in treatment and rehabilitation efforts. Aftercare must be a formal component of all residential placements, actively involving the family and the community in supporting and reintegrating the child into the community.

2. **Priority should be given to providing sanctions and services for potentially or already serious, violent, and chronic juvenile offenders as early as possible in the offender's delinquent career.**

COMMENTARY

The timing of court intervention makes a very significant difference in effectiveness with these offenders. Delinquents who receive informal court adjustment, early probation, or midcareer probation have significantly reduced recidivism rates and a much lower likelihood of becoming adult offenders.²⁹ As the frequency of delinquency increases, and probation occurs later in the delinquent career, the more likely the offender is to become an adult criminal. Each time a juvenile is

referred to court, the likelihood of a subsequent violent offense increases slightly; therefore, provision of services and sanctions early in the offender's career is important.³⁰

A National Center for Juvenile Justice study found that one-fourth of all cases in the jurisdictions studied required 90 days or more to reach dispositions—the maximum recommended by national standards.³¹ More expeditious resolution of cases will help reduce delinquency, particularly serious, violent, and chronic delinquency.

3. Services should address adequately the unmet needs of children of color.

COMMENTARY

Minority offenders and nonoffenders are overrepresented³² and underserved in most juvenile justice systems. In general, overrepresentation increases in each sequential stage of juvenile justice system processing.³³ Therefore, all jurisdictions should assess whether or not this situation exists using an established methodology.³⁴ Where children of color are over-represented, jurisdictions should: 1) implement training workshops focusing on race and juvenile processing; 2) establish a system to monitor juvenile processing decisions; and 3) develop guidelines to aid in reaching outcomes. Use of risk assessments as part of the guidelines will also help greatly to reduce disproportionate minority representation in the juvenile justice system.

4. Services should address adequately the unmet needs of females in the juvenile justice system.

COMMENTARY

Gender-specific services are needed for female status offenders, minor offenders, and nonoffenders. Effective intervention requires the availability of juvenile and family court resources to deal with female runaways and other chronic female status offenders. Juvenile court intervention and use of more severe sanctions will be needed less often, provided that integrated services are made available early in the development of problem behaviors. Several types of female-specific programs are needed.³⁵

- Treatment for sexual victimization
- Mental health services
- Treatment for abuse and neglect
- Teenage pregnancy
- Programs for unwed teenage mothers
- Programs for sexually active females
- Gang prevention programs
- Juvenile court alternatives for specific behaviors
- Crisis intervention programs providing short-term shelter, family mediation, and conflict resolution
- Home-based services

5. Specialized services are needed for mentally ill, mentally retarded, and youths with disabilities.

COMMENTARY

Services for these children are severely lacking in most juvenile justice and mental health systems. Excessive use of residential services for these children is commonplace. Regular screening of children to identify mental health and learning

problems should be expanded. Community-centered services need to be developed, serving these children in the home whenever possible.

6. **The juvenile and family court should be a leading participant in community planning teams that use a research based framework to develop prevention and early intervention programs, including family preservation, family strengthening, parent training, pre- and post-natal home visitation, and child care.**

COMMENTARY

Juvenile court judges are in a unique position to take a leadership role in calling together key members of the justice system, child serving agencies and community leaders. Comprehensive approaches to delinquency prevention and intervention will require collaborative efforts between the juvenile justice system and other service provision systems, including mental health, physical health, child welfare, and education. Mechanisms that effectively link these different service providers at the program level need to be in every community's comprehensive plan.

Community planning teams should be established in every juvenile and family court jurisdiction. These teams should include a broad base of participants drawn from local government and the community to assess childhood, neighborhood and family problems, identify gaps, identify programs to fill those gaps, and create consensus on priorities and services to be provided. Finally, these teams must marshal support for a comprehensive program approach that draws on all sectors of the community for participation.

Delinquency prevention and early intervention are the most cost-effective strategies.³⁶ Communities need to provide programs for youth at greatest risk of involvement in delinquent activity. Juvenile and family courts need more resources to intervene early with children in dysfunctional families. These families can be identified using objective risk and needs assessment instruments. At the same time, high-risk situations need to be addressed with programs. For example, 20% of the violent crimes committed by juveniles occur after school hours, between 2 p.m. and 6 p.m.³⁷

7. **In most cases there shall be a greater focus on community-based programs in addressing problem behaviors. Programs need to be tailored to the characteristics and needs of particular communities.**

COMMENTARY

Community-based programs are more effective than incarceration.³⁸ Risk assessment for placement and recidivism can be used to identify those juveniles who require secure confinement in detention and correctional facilities and those who can be released to parental custody or diverted to nonsecure community-based programs.³⁹ Such programs are small, located in or near the juvenile's home, and maintain community participation in program planning, operation, and evaluation.

8. **The juvenile and family court shall engage in more community-oriented problem solving to identify the sources of delinquency, dependency, abuse, and neglect.**

COMMENTARY

Because research has established that each community may have a different set of risk factors for delinquency and other problem behaviors, or a different combination of factors, it is important for every community to conduct its own assessment of factors that lead to delinquency, dependency, abuse, and neglect; and to select its own interven-

tions from a menu of program options.⁴⁰ This process must empower community representatives to take ownership of the intervention techniques. Without this ownership it is difficult for even the most effective interventions to change a neighborhood, school, family, or child. Combining knowledge of community problems with local ownership of interventions will produce the best outcomes.⁴¹

V. System Accountability

1. **The juvenile and family court service providers shall use the best available technology to enhance its operations and effectiveness.**

COMMENTARY

Current computer technology enables juvenile and family courts and their service providers to greatly enhance operations and effectiveness. Good electronic Management Information Systems not only modernize court management but also make possible evaluation of court operations and production of a wide variety of reports that can be useful to the public (See Recommendations V.2 and V.3). Personal computers (PCs) with Compact Disk (CD) drives permit immediate access to a wide variety of information of great value to juvenile and family courts that increasingly is being made available by both government and private sources—for example, CDs containing information on promising and effective programs. PCs with modems can be used to access on-line services via the Internet that provide a valuable and wide array of information on programs and permit legal

research. Finally, PCs can be linked to data bases and network information systems that identify and track gang members, which support gang interdiction, apprehension, prosecution, and probation supervision.

2. **The juvenile and family courts shall have access to adequate planning, data collection, and research.**

COMMENTARY

Large courts should have their own Program Planning and Research Divisions that assume responsibility for the design and operation of the court's Management and Information System (MIS), other data collection, research, and program planning. Smaller courts that cannot afford to create such a division can obtain research assistance from nearby universities and colleges.

Juvenile and family court judges must have an active role in the development of relevant research involving the juvenile justice system.⁴² The quality and utility of the research to improve the functioning of the juvenile justice system should be enhanced by closer interaction between

researchers, judges, lawyers, probation officers and staff.⁴³ Active involvement of juvenile and family court judges, and closer interaction between researchers and court officers and staff will increase the value of findings and other data collected for planning purposes.

- 3. The juvenile and family court shall document its performance, be clear in its communication, be responsive to the media, and issue reports on its operations periodically.**

COMMENTARY

Well designed automated court information systems can be programmed to generate periodic comprehensive statistical reports that are indicative of court performance.⁴⁴ These and other special management information system reports and court studies should be summarized in periodic public reports on court operations. Such reports should be clear, direct, and understandable.

- 4. Judges and juvenile and family court professionals should use terminology that is**

readily understandable by the public.

COMMENTARY

Juvenile and family court legal terminology is not readily understood by the public. Every effort must be made in communications with the public to ensure that court procedures are easily understood. Jargon should be abandoned in favor of plain English in public forums.

- 5. Courts shall respond to the changing demographics of American society in hiring and in programs.**

COMMENTARY

The juvenile and family court shall be an equal opportunity employer. Accomplishing these aims requires expanding staff recruitment practices, widespread advertisement of open positions, and representation of minorities on recruitment and selection committees. The court should have ready access to qualified interpreters when appropriate. In addition, judges shall be involved in cultural sensitivity training.

ENDNOTES

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- 3 NCJFCJ, 1993, *Supra*, note 1, p. 1.
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- 5 National Council of Juvenile and Family Court Judges. (1995). *Resource Guidelines: Improving Court Practice in Child Abuse and Neglect Cases*. Reno, NV: National Council of Juvenile and Family Court Judges.
- 6 Snyder, H. N., M. Sickmund, & E. Poe-Yamagata. (1996). *Juvenile Offenders and Victims: 1996 Update on Violence*. Washington, D.C.: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, p. 15.
- 7 Edwards, L. P. (1996). The Future of the Juvenile Court: Promising New Directions. *The Future of Children*, Vol. 6, No. 3, pp. 131-139.
- 8 Edwards, L.P. (1992). The Juvenile Court and the Role of the Juvenile Court Judge. *Juvenile and Family Court Journal*, Vol. 43, No. 2.
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APPENDIX



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Reviewing the Past and Looking Toward
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