

Making Court the Last Resort: A New Focus for Supporting Families in Crisis

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ModelsforChange
Systems Reform in Juvenile Justice

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The preparation of this document was supported by The John D. and Catherine T.
MacArthur Foundation.

December 2008

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Models for Change

Models for Change is an effort to create successful and replicable models of juvenile justice reform through targeted investments in key states, with core support from the John D. and Catherine T. MacArthur Foundation. Models for Change seeks to accelerate progress toward a more effective, fair, and developmentally sound juvenile justice system that holds young people accountable for their actions, provides for their rehabilitation, protects them from harm, increases their life chances, and manages the risk they pose to themselves and to the public. The initiative is underway in Illinois, Pennsylvania, Louisiana, and Washington and, through action networks focusing on key issues, in California, Colorado, Connecticut, Florida, Kansas, Maryland, Massachusetts, New Jersey, North Carolina, Ohio, Texas, and Wisconsin.

Making Court the Last Resort: A New Focus for Supporting Families in Crisis

Many parents struggle with youth who skip school, abuse drugs or alcohol, or exhibit rebellious behavior. Those who cannot pay for private care to address these problems sometimes turn to the government for support. In the 1960s government officials created status offender systems to respond to such youth, who may be chronically disobedient but not committing crime. Until recently, youth in status offender systems were frequently referred to juvenile court and subject to the same punitive interventions as youth charged with criminal activity—even though court involvement and responses like detention tend



to exacerbate the problems that first led families to seek help. Current research and best practices now suggest that youth and families in crisis require a faster response than courts can offer and that juvenile justice systems are often ill-equipped to provide the services these youth and families need.

To better help youth and their families, many status offender systems are implementing immediate, family-focused alternatives to court intervention. As momentum builds from these efforts, a new paradigm for status offender services is emerging: refer at-risk young people and their families to social service programs in their communities and use the juvenile justice system as a last resort. The new paradigm is guided by the belief that families have the potential to resolve issues without the courts; they simply need guidance and support to do so.

A new paradigm is emerging: refer at-risk youth and their families to social service programs in their communities and use the juvenile justice system as a last resort.

This paper describes this new paradigm by highlighting successful reforms in Florida, New York, and Connecticut. These three case studies tell a reform story about a customizable approach to status offenders that is yielding positive outcomes in disparate jurisdictions.

The report begins by describing Florida's status offender system, which relies on a statewide consortium of nonprofit organizations that offer crisis services to youth and families. It next examines Orange County, New York, where a suburban community has reinvented its response to status offenders over the past five years. Finally, this report describes newly implemented reforms in Connecticut that are the result of a series of legislative changes and investments in new services. Although there are differences in context, process, and daily practices, all three reforms share a commitment to responding to status offenders and their families swiftly, individually, and in the community.

Serving Families, Saving Dollars

Florida's FINS/CINS System

Florida has built a comprehensive array of services for status offenders and their families. Its goal is to keep families together in the community and out of the courthouse.

Status offenders in Florida are known as Children in Need of Services (CINS); families who voluntarily seek help when their child is skipping school, running away, or otherwise acting out are known as Families in Need of Services (FINS). Before youth qualify as CINS, they and their families must first have tried, and been unable, to resolve their challenges through services provided by the FINS system. Neither category of services is available to children in the juvenile justice or foster care systems.

Although the Florida Department of Juvenile Justice (DJJ) manages FINS/CINS services, all services provided to this population are privatized. DJJ contracts with the Florida Network of Youth and Family Services, Inc., (the Network)—a statewide nonprofit association representing 32 community-based agencies that serve troubled juveniles and their families—to oversee both programs. Network services include non-residential intervention and outreach services, as well as respite shelters at most locations. The full continuum of residential and non-residential services is available 24 hours a day, seven days a week.

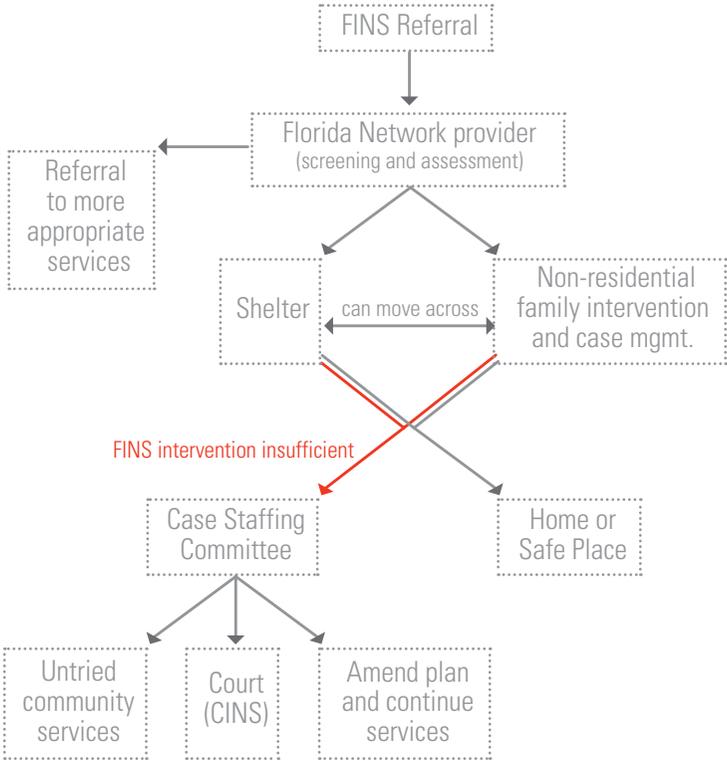
The FINS/CINS process begins when a youth and family make contact with a Network provider.¹ Although some seek out the contact themselves, most are referred, usually by law enforcement or school staff. Upon establishing contact, the youth and family receive immediate crisis intervention to assess their eligibility for services and their psychological and social needs. After the assessment, the youth and family may be offered a range of interventions, including a bed in a runaway or crisis shelter, or other non-residential service options, such as referrals to case management services.

If, after some time, FINS interventions are insufficient to address the family crisis, Network providers convene a conference with the child, parents, school staff, a DJJ representative, and other family advocates to identify next steps. Together, they decide whether to alter or extend the service plan, refer the youth to other community or government prevention services, close the FINS case without further involvement, or send the matter to juvenile court to be considered as a CINS case. Should the case go to court and qualify as a CINS, judges may order the youth to participate in treatment and services or place him or her in a secure shelter for up to 90 days.² In practice, however, few youth and families require this level of intervention. In each of the past three years, only about 6 percent of FINS cases were petitioned to court as CINS.³

The Network requires participating providers to report comprehensive performance information, which it collects through a centralized, statewide database. It, in turn, submits monthly and more detailed quarterly reports to DJJ. The Network also aggregates, analyzes, and publishes statistics in an in-depth annual report. This oversight ensures that providers are meeting established performance benchmarks. In particular, providers must show that at least 90 percent of youth are not arrested for committing a crime during the time they are receiving services, and that 85 percent do not commit a crime within six months of exiting the program. The providers also seek to verify that 60 percent of all services are provided to young people who reside in high-crime zip codes.

To date, Florida's approach to treating troubled youth and their families has been successful. In fiscal year 2005-2006, the most recent year for which data is available, 96 percent of youth served by the Network were crime-free while receiving services,

Florida's FINS/CINS System



90 percent successfully completed the services, and 90 percent of those successful completers were crime-free during the six months following their exit from the program.

By diverting youth from court, Florida's FINS/CINS system has saved the state a significant amount of money. Florida TaxWatch, a nonprofit research institute, calculated the financial savings from the prevention-focused, diversionary approach and the system's social benefits to families and communities. They estimated that the Network saved the state and DJJ, combined, between \$31.2 million and \$37 million in fiscal year 1997-1998.⁴

The FINS/CINS model that Florida developed demonstrates that youth at risk of entering the status offender system can thrive when provided immediate, tailored crisis intervention. “We’ve been working long and hard to offer responsive services to youth and families in crisis,” says Mary Dee Richter, executive director of the Network. “By helping families stay together, we are saving taxpayer dollars and strengthening ties between families and their home communities. Just as important, we are serving habitually truant youth and stemming the flow of youth into the juvenile justice system.”

Local Partnerships, Statewide Impact

PINS Reform in New York

The status offender system in Orange County, New York—about a one-hour drive north of New York City—has seen many changes in the past five years. Before 2003, parents seeking assistance for a child who was skipping school, running away, or otherwise acting out would contact the Orange County Probation Department. Probation officers would then conduct an intake and assessment and develop a service plan. Typically, families could wait as long as two months to be linked to helpful services. During this time, the crises that led them to seek help in the first place often escalated. Referrals to family court were common, and many youth were removed from their homes. Outcomes from this approach were both grim and costly.

Resolving to do better, leaders in Orange County came together to change the county’s strategy for serving status offenders, who in New York State are referred to as Persons in Need of Supervision (PINS).⁵ As in Florida, Orange County’s new model was based on evidence suggesting that families in crisis respond best when they get help quickly and do not rely on the family court for support. An interdisciplinary group of stakeholders comprising representatives from juvenile justice, social services, mental health organizations, and nonprofit agencies began a planning process to realize this goal.

Orange County’s collaborative planning process culminated in 2003 in the launch of the Family Keys program. Family Keys, a part of Southwest Key Programs, is a community-based, nonprofit organization that aims to decrease the number of PINS cases that go to court and the number of PINS youth placed in out-of-home care.⁶ Under the new system, parents seeking help for a chronically misbehaving child still contact the probation department. After an initial screening by a probation officer, eligible families are now referred—immediately—to Family Keys.⁷ Family Keys sends a case worker to visit and interview the family within 48 hours of referral. In severe cases, a case worker may be dispatched within two hours. After conducting an assessment, the case worker

helps to develop a service plan in which Family Keys has up to three weeks to connect the family to useful services. In some cases, this is sufficient to resolve the problems that led the family to seek help. If not, a family may be referred to longer-term therapeutic programs in the community.

Between March 2003 and March 2008, Family Keys received 2,375 referrals. Of the 2,180 families who accepted Family Keys' services, 98 percent, or 2,136 children, avoided out-of-home placement. In 2007, the program served 396 families, with an operating budget of approximately \$422,000. The average program duration that year, from referral to discharge, was 22 days.

County leaders have been pleased with Family Keys and the collaborative conversations that have flourished since its inception. Victoria Casey, probation commissioner for Orange County, praises Family Keys as a significant change from the previous system, which was less helpful to kids and families. "We now invest in them and have an entire continuum of services that only begins with Family Keys," she says. Dave Jolly, commissioner of the county's Department of Social Services, agrees. "The immediate crisis intervention is best equipped to mitigate family conflicts," he says. "It's user-friendly, client-friendly, and leads to better outcomes for youth and families."

Orange County's status offender reforms were at the forefront of a larger movement across New York State. Effective April 1, 2005, New York's Family Court Act was

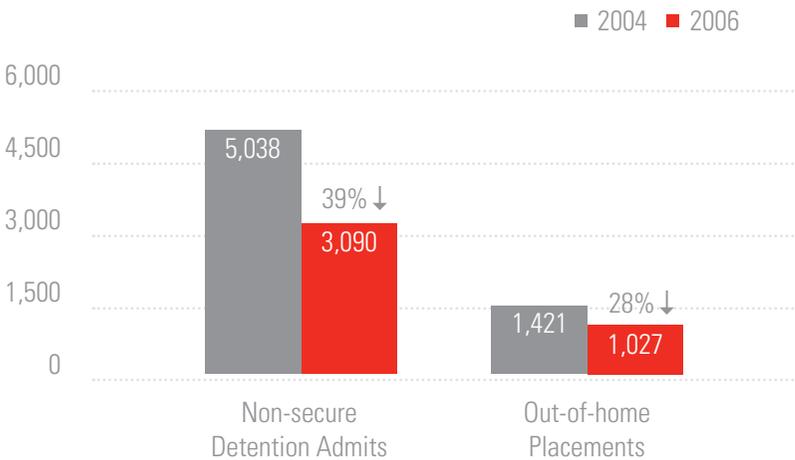
Immediate Response to Runaways

Family Keys was expanded in 2005 to provide a tailored response in runaway PINS cases. Since 2005, Family Keys has been meeting runaway youth and their families at probation immediately after they have been brought in by the sheriff's department. Using the crisis intervention model described above, program staff work with the family to develop a responsive service plan and then present this plan to a judge in the presence of the youth's parents at the initial court appearance. In 2007, Family Keys served 57 runaways; all of these young people avoided residential placement.

amended to enhance diversion requirements for status offenders, discourage status offender petition filings, and narrow the circumstances under which PINS youth may lawfully be detained.⁸ The legislation endorsed the approach adopted by Orange County and other jurisdictions, including New York City. As a result, the Family Keys program became a model of how to effectively serve youth and families in crisis through community-based partnerships.

As more New York State counties meet legislative requirements and adopt best practices, they are relying less on the family court in PINS cases. Statewide, PINS court petitions have steadily decreased by almost 41 percent, from 12,429 in 2004 to 7,362 in 2006.⁹ Also, admissions of PINS youth to non-secure detention facilities have fallen by 39 percent across the state—from 5,038 in 2005 to 3,090 in 2006 (excluding New York City), and PINS out-of-home placements have decreased by 28 percent between 2004 and 2006, from 1,421 to 1,027.¹⁰

New York State PINS Decreases



Legislation, Investment, and Research

Building Effective Responses for Connecticut's Families

Until 2007, Connecticut's courts were the state's primary response to status offenders—referred to in Connecticut as Families with Service Needs (FWSN). In fiscal year 2006-2007, Connecticut's judicial branch received more than 4,000 FWSN referrals.¹¹ Yet there were virtually no community-based resources targeted to respond to these youth and families. Once petitioned to court, many youth were incarcerated in the state's detention centers because they did not strictly follow the judge-mandated rules relating to their behavior—not because they committed a criminal offense.¹² Kim Sokoloff, a program manager at the Court Support Services Division of the judicial branch, describes this system as one that “held a stick over young people's heads, instead of a carrot. It was based on the delinquency system, and focused mainly on criminogenic risk.”

Note from the Director

When I arrived at the Vera Institute in 2002, one of my first projects was to provide technical assistance to New York counties seeking to improve local services for status offenders—youth who come to the authorities' attention not because they broke the law, but because of their age. We call them Persons In Need of Supervision (PINS) in New York. The state had just passed legislation raising the age of PINS jurisdiction from 16 to 18, and counties were concerned about their capacity to handle the projected influx of new cases (and the costs associated with them).

As we began the work and looked under the hood at the status offender process in our first group of client sites,



we saw systems that were substantially broken: families in crisis looking to the PINS system for help

often waited weeks before receiving an assessment or service referrals, and young people were routinely being referred to family courts that were ill-equipped to help them and their families. Courts faced with a non-compliant adolescent had few options other than to take the youth out of the home. Non-secure detention facilities were bursting at the seams with status offenders, and officials were spending millions on out-of-home placements.

Over three years, the Institute helped 23 counties develop improved programs

and services for status offenders. These included new strategies grounded in immediate crisis response, individualized service plans, and a commitment to relying on the family court only as a last resort. The more we learned, the more we realized that New York's experience was not unique. In 2004 we documented the growing momentum behind PINS reform in our report *Changing the Status Quo for Status Offenders: New York State's Efforts to Help Troubled Teens*. After it was published, we received inquiries and requests to speak from jurisdictions around the nation that were struggling with similar challenges and wanted to do more for young people in their communities.

Today, looking back, I see a profoundly different policy landscape for status offenders, both in New York and nationally. More and more leaders recognize the urgency of this issue and are taking steps to improve services and systems for truants, runaways, and youth who act out but are not committing crimes. There are emerging service models, robust reform dialogues, and outcomes that demonstrate young people do better when offered immediate crisis services instead of juvenile court. With nearly seven years of perspective, it is now time to document this reform movement and, with awe, appreciate this important policy shift and new paradigm for best practice.

—Sara Mogulescu
Director, Center on Youth Justice

To make matters worse, historically, more than half of the young people involved in the FWSN system were charged with delinquency offenses down the road.¹³

To reform this system, the state legislatively overhauled its approach to serving status offenders and their families. First, in 2005, the legislature prohibited judges from using secure detention in FWSN cases.¹⁴ This statutory change acknowledged the importance of supporting therapeutic programs in the community rather than depending on detention to address FWSN needs. The effective date of this change was postponed until October 1, 2007, to allow stakeholders to plan and implement an alternative paradigm. Accordingly, in 2006, the legislature established the FWSN Advisory Board and charged it with monitoring progress toward the development of system changes for status offenders and issuing recommendations for reform.

With guidance from the FWSN Advisory Board, the legislature passed a second series of reforms in 2007.¹⁵ The legislature mandated that every child who is referred to the juvenile court for a status offense be diverted in the first instance. After a brief screening of the FWSN referral by a probation supervisor, children who are currently in crisis or deemed high need are referred to Family Support Centers (FSC) immediately.¹⁶ Other children who appear to have lower-level needs are referred to a local youth service

Family Support Center Services

Immediate contact

24-hour crisis intervention

Case management

Family mediation

Educational advocacy

Psycho-educational support

Cognitive-behavioral support

One-on-one therapy

bureau or other existing programs in the child’s community. If these children and families develop a crisis or if risky behaviors escalate, the probation officer may then refer them to the FSC.

FSCs are “one stop shops” that offer various services for families with service needs, including immediate contact with a referred family (within three hours of referral), 24-hour crisis intervention, case management, family mediation, educational advocacy, psycho-educational and cognitive-behavioral support groups, and one-on-one therapeutic sessions. They also have ready access to respite care for youth.¹⁷ Each FSC is equipped to “assess services and/or treatment needs for children and families that require an immediate response (high risk/needs) and offer access to appropriate and effective services and interventions.”¹⁸ Only if a child’s behavior escalates, or the child and family have repeated crises during the FSC intervention, does a formal status offender “FWSN” petition get filed in the juvenile court.

In 2007, the legislature allocated \$2 million to support implementation of four FSCs in the state’s most populated districts: Bridgeport, Hartford, New Haven, and Waterbury. Following a competitive bidding process, the Court Support Services Division awarded

“Prior to implementation we had about 300 status offenders in secure detention per year. Since the FWSN law was enacted launching the FSCs, there have been none.”

—Kim Sokoloff, Program Manager, Court Support Services Division

contracts ranging from \$400,000 to \$550,000 to four private, nonprofit entities to run the FSCs.¹⁹

Concurrent with the investment in the FSCs, the legislature allocated funding to support research and evaluation of the state’s new approach to working with status offenders. The Justice Research Center, a Florida-based organization, was awarded \$100,000 to conduct process and outcome evaluations over a two-year period.

Like Florida and New York, Connecticut’s approach to serving FWSNs is now grounded in the philosophy that youth and families in crisis respond best when they are offered immediate, tailored services in their communities. Connecticut youth and families, and the juvenile justice and child welfare systems, have already begun to benefit from this change. Although the FSCs are quite new, early data indicates that, for the first time in more than six years, the number of status offenders referred to court, the number who come before a judge, and the number who are housed in secure detention is declining. Between October 2007 and March 2008, after the implementation of the first four FSCs, there were 1,267 status offense court referrals in the state, compared to 2,131 referrals during the same period in the prior year—a 41 percent decrease. Moreover, Sokoloff reports that, “prior to implementation of the FSCs, we had about 300 status offenders in secure detention per year. Since the FWSN law was enacted in 2007 launching the FSCs, there have been none.”²⁰

Connecticut stakeholders report that the state’s approach to working with children at risk of becoming status offenders has evolved in step with these system changes. According to Martha Stone, co-chair of the FWSN Advisory Board and director of the Center for Children’s Advocacy at the University of Connecticut School of Law, the introduction of the FSCs “shifted Connecticut’s policy paradigm. Now we are treating status offenders in a non-punitive, non-criminalized way.”

Conclusion

Jurisdictions across the country are working to build more effective responses for status offenders. By providing supportive services to young people and their families outside of the juvenile justice system, Florida, Connecticut, and New York are achieving strong results. These states are exemplars, but they are not alone in their efforts to improve the systems that support troubled youth and their families. With the aid of the MacArthur Foundation's Models for Change Initiative, Louisiana and Washington are taking a close look at how they respond to status offenders and are drawing lessons from these model sites. In these states and elsewhere, a critical mass is developing around a new policy paradigm: offer immediate, family-focused services to youth at risk of entering the status offender system, and make juvenile court the last resort.

Endnotes

- 1 Florida statute defines eligibility. Children and families with an existing investigation into abuse, with a pending delinquency case, or who are under current DJJ custody are not eligible for CINS/FINS services. See Florida Network of Youth and Family Services, *Children in Need of Services/Families in Need of Services (CINS/FINS) Operations Manual* (Tallahassee, FL: Florida Network of Youth and Family Services).
- 2 Florida Statutes, §984.225. Florida state law permits placing CINS in physically secure facilities only when there has been a violation of a valid court order.
- 3 Mary Dee Richter, "Improving the State of our Children" (presentation, Tallahassee, FL, November 13, 2008, slide 18).
- 4 Louise Horkan, *Assessment of Prevention Services of Florida Network of Youth and Family Services* (Tallahassee, FL: Florida TaxWatch, September 2001), p. 28.
- 5 This effort followed New York State legislation in 2000, which increased the jurisdictional age of status offenders from 16 to 18. New York State Family Court Act, §712; New York State Family Court Act, §732.
- 6 Southwest Keys provides juvenile justice and youth development programming in jurisdictions nationwide. For more information, visit www.swkey.org.
- 7 Youth and families with open department of probation or social services investigations or complaints are ineligible for Family Keys intervention. School-referred complaints are also ineligible. In truancy cases, probation officers work with school personnel to address student absence and behavioral problems in school.
- 8 New York State Family Court Act, §712.
- 9 Vera Institute of Justice, *Widening the Lens 2008: A Panoramic View of Juvenile Justice in New York State* (New York: Vera Institute of Justice, in press).
- 10 The Office of Children and Family Services is the primary agency responsible for maintaining juvenile detention data in New York State. This data can be accessed through the agency's newly designed Juvenile Detention Automated System (JDAS). At the time of this publication, all counties except the five New York City boroughs routinely submit data to JDAS.
- 11 Families with Service Needs Advisory Board, *Report to the Connecticut General Assembly* (Connecticut: Families with Service Needs Advisory Board, February 2008), p. 27, http://www.ctjja.org/media/resources/resource_287.pdf.
- 12 *Raised Bill No. 6980: An Act Concerning Services Available to a Child in a Family with Service Needs*, Connecticut General Assembly (April 4, 2005). Testimony of the Center for Children's Advocacy, copy on file with the authors.
- 13 Connecticut Juvenile Justice Alliance, *Raised Right: Making Smart Progress for Youth* (Bridgeport, CT: Connecticut Juvenile Justice Alliance), http://www.ctjja.org/media/resources/resource_271.pdf.
- 14 Public Act 05-250 (July 11, 2005), General Statutes of Connecticut, §46b-148.
- 15 Public Act 07-4 (June 29, 2007), General Statutes of Connecticut, §46b-149.
- 16 The probation department developed a screening and assessment tool for this purpose. Lower-need children are not eligible for service at the FSC. A future goal for the Connecticut System is to serve all FWSN children and families through the FSC programs, regardless of risk and need.

- 17 Families with Service Needs Advisory Board, p. 6.
- 18 Families with Service Needs Advisory Board, p. 37.
- 19 Families with Service Needs Advisory Board. In its final report, released in February 2008, the advisory board recommended the funding and implementation of six more centers in 2008. As of this publication, no additional FSCs have been added.
- 20 Additional data and outcome information is expected later this year, as the Justice Research Center completes its evaluative work.

Acknowledgements

This policy brief was produced by Sara Mogulescu, director of the Center on Youth Justice, and Gaspar Caro, program analyst, at the Vera Institute of Justice. The Vera Institute combines expertise in research, demonstration projects, and technical assistance to help leaders in government and civil society improve the systems people rely on for justice and safety. The Institute is a member of the National Resource Bank, the association of national organizations providing assistance to states through Models for Change.

Sara and Gaspar thank the following people at Vera for their insightful edits and review: Robin Campbell, Tina Chiu, Abbi Leman, Nicole Lemon, Jill Pope, and Theresa Sgobba.

We also thank Mary Dee Richter (executive director, Florida Network of Youth and Family Services, Inc.), Martha Stone (director, Center for Children's Advocacy at the University of Connecticut School of Law), Kim Sokoloff (program manager, Connecticut Court Support Services Division), and Veronica Delgado-Savage (chief program officer, Southwest Key Programs) for lending their invaluable expertise.

This report would not have been possible without Laurie Garduque, Stephen Stinson, Candace Jones, and Cathryn Crawford at the John D. and Catherine T. MacArthur Foundation. We sincerely thank them for their ongoing support.

The brief was designed by Paragini Amin.

Cover photo

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An initiative supported by the John D. and Catherine T. MacArthur Foundation www.macfound.org

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Section 2.

1.c. Compendium of Truancy Literature

Policymakers and practitioners around the country have long recognized that truancy is a widespread, complex and serious issue that needs to be more effectively addressed. Despite this recognition, however, there is little to no consensus regarding either (a) the underlying causes of truancy or (b) the relationship between truancy and other negative behaviors.

Much of the public discourse in the context of truancy is governed by assumptions that are not grounded in research and data. For example, there are many possible reasons why a given student might become truant, but despite this multiplicity of causes, the search for a one-size-fits-all approach to the problem continues to pervade mainstream policymaking efforts. Similarly, the impacts of truancy on youth, schools, and the community are often presented inaccurately. The common belief is that truancy is a gateway to further juvenile justice involvement. As a result, the systems that address truancy are at times folded into the juvenile justice system; and truant youth are therefore regularly put in the same “risk and needs” category as those committing delinquent acts. This particular issue is exacerbated by a common misinterpretation of research that examines the relationship between truancy and other risky behaviors. The research does show that a relationship between truancy and other behaviors such as substance and alcohol use, dropping out of school, and involvement in the juvenile justice system. This relationship, however, is correlational in nature, and any causal connections between truancy and these behaviors are impossible to make. As stated by Huizinga (2000), “serious delinquents should not be characterized as having school problems, nor should those with school problems be characterized as persistent delinquents.”

The following compendium includes a number of the most prominent research studies and pieces of literature on this topic:

- Huizinga, Loeber, Thornberry, and Cothorn, “Co-occurrence of Delinquency and Other Problem Behaviors,” OJJDP Bulletin, 2000.
- Henry and Huizinga, “School-related Risk and Protective Factors Associated with Truancy among Urban Youth Placed at Risk,” Journal of Primary Prevention, 2007.
- Henry, Thornberry, and Huizinga, “A Discrete-Time Survival Analysis of the Relationship Between Truancy and the Onset of Marijuana Use,” Department of Psychology, Colorado State University, 2008.
- Rivkin, “Truancy Prosecutions of Students and the Right [To] Education,” The University of Tennessee College of Law, 2010.
- Zhang, Katsuyannis, Barrett, and Willson, “Truancy Offenders in the Juvenile Justice System: Examinations of First and Second Referrals,” Remedial and Special Education, 2007.