

THE JUVENILE COURT'S ROLE IN PREVENTION

*The 2023 James E. Anderson Pennsylvania Conference
on Juvenile Justice
November 2, 2023*





LEARNING OBJECTIVES

- Explain the juvenile court's role in prevention
- Identify different ways that courts can collaborate with communities to prevent delinquent behavior and child maltreatment
- State one concrete action step to engage your court in prevention efforts

THE COURT'S ROLE IN PREVENTION

- Shifts reactive practices to proactive strategies
- Courts support prevention of maltreatment through community partnerships
- Courts support prevention of removal through best practices in the courtroom
- Courts support prevention of future maltreatment through ensuring access to a continuum of effective services in the community



THE COURT'S ROLE ON PREVENTION

The Purpose of Upstream

Upstream is a community-based approach that leverages judicial resources, court leadership, child welfare agency partnership, and state, local and, community stakeholder engagement to collaboratively develop a plan of action that aims to strengthen communities, prevent child maltreatment and out-of-home

placement, reduce court involvement, and support safe and healthy families. The Upstream framework is grounded in a prevention mindset with the ultimate goal of providing every family the community-based supports they need to have safe and healthy outcomes.

Upstream shifts reactive practices to proactive strategies

In most communities, the child welfare system, including the courts, operates in a reactive state. Only after an incident of maltreatment are resources provided to focus on the needs of the family. Too often, the actions of the system worsen the situation, sometimes causing further stress, trauma, and burden in an already challenging situation. Additionally, family-serving agencies are often siloed, striving to fulfill all families' needs themselves and lacking awareness of support services available in their community. Upstream begins to remedy the current reactive state by identifying opportunities to support families before court involvement is required through engaging community partners in a **structured mapping process**. The result is a **collaborative action plan** where the entire community, including the court, assumes responsibility for the health and safety of families.

Courts support prevention of maltreatment through community partnerships

Much has been said about the convening power of judges, and while that is the case in many communities, judges also have a unique and vital role at the table as a community partner. Judges who oversee child welfare cases see traumatized

children and families every day. They also routinely observe missed opportunities where families could have received help earlier, where necessary services are not available or accessible, and where resources are overwhelmed or strained. As such, judges have valuable insight into the strengths and needs of communities, what supports a family's success, and what causes further harm. These perspectives are critical to supporting a prevention mindset throughout communities. Judges are looked to as important conveners in Upstream, but also have the opportunity to contribute as stakeholders.

The positional power that judges leverage to convene stakeholders around the table comes at a cost if the judge does not also fully engage as a member of the collaborative. A true community collaboration only exists where there are shared interests, mutual benefits, and the sharing of power. A judge must acknowledge the positional power they have and how the community's perceptions of that power may impact collaboration. The concept of power sharing is inherently challenging for a court, but in the community, judges can begin to build trusting relationships that lead to effective collaboration through inviting community members to the table, listening to their needs and solutions, and welcoming new and different perspectives.

SOCIAL DETERMINANTS OF HEALTH

- Access to healthcare
- Education
- Social/Community Context
- Economic Stability
- Neighborhood
- Impact physical health, mental health, and well-being



SOCIAL DETERMINANTS OF HEALTH

Through an increased understanding of the Social Determinants of Health, judges and court leaders can be more aware of how social context affects families and are able to have a more comprehensive picture of the barriers and limitations to resources and supports that court-involved families experience.

The Constitution of the World Health Organization defines health as a “state of complete physical, mental and social well-being and not merely the absence of disease or infirmity.”¹ While access to quality medical care is critical to good health, medical care itself accounts for only 10-20% of health outcomes for populations.² The Social Determinants of Health (SDOH) are of more influence, impacting 80-90% of health outcomes.³

The SDOH is a place-based framework that extends beyond individual health behaviors to the social, physical, and environmental factors⁴ that can have a causal role in health outcomes.⁵

The Centers for Disease Control and Prevention (CDC) defines the SDOH as the conditions in the environment where people are born, live, learn, work, play, worship, and age that affect a wide range of health functioning and quality of life outcomes and risks. The Social Determinants are the non-medical conditions that impact physical, mental, and social well-being.⁶

Identifying and understanding the direct and indirect impact of the SDOH on outcomes helps communities select strategies that create conditions where individuals, children, and families thrive.

Social Determinants of Health Domains⁷

Economic Stability
The connection between financial resources and health, including key issues such as employment, income, expenses, and debt.

Education Access and Quality
The connection between learning and development and health and well-being, with a focus on literacy, language, early childhood education, and higher education.

Healthcare Access and Quality
The connection between people’s access to and understanding of health services and their health, including key issues such as access to primary care, health insurance coverage, and health literacy.

Neighborhood and Built Environment
The connection between where a person lives and their health and well-being, with a focus on quality and availability of housing, access to transportation, water quality, and neighborhoods free of violence.

Food Security
Physical, social, and economic access to adequate and healthy food.⁸

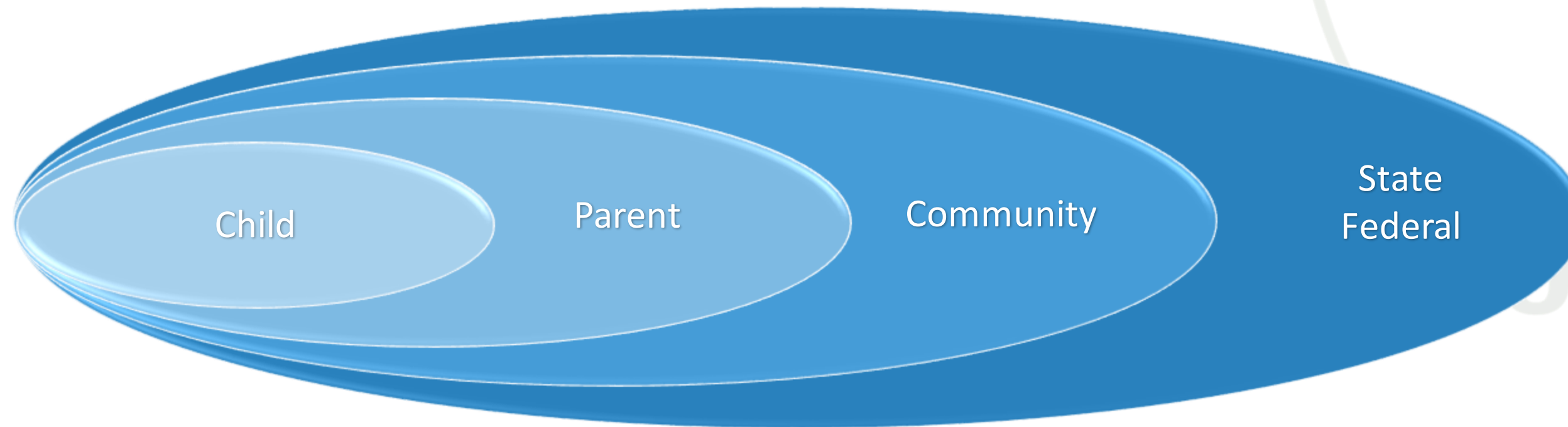


RISK FACTORS
Characteristics that may increase the likelihood of experiencing a negative event.



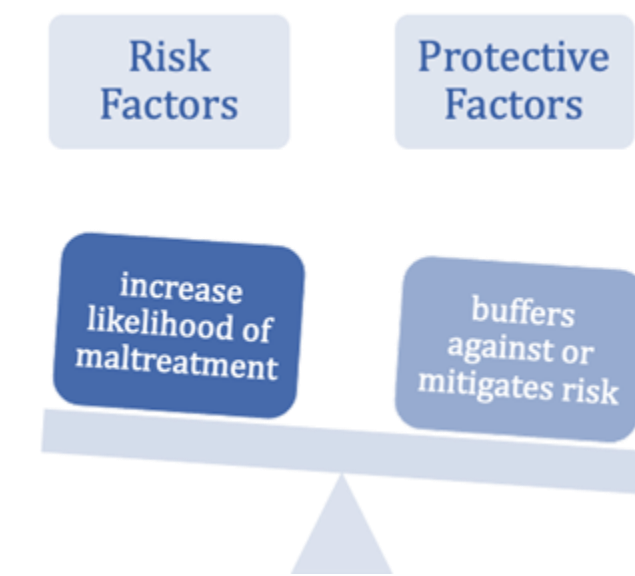
PROTECTIVE FACTORS
Characteristics associated with lower likelihood of negative outcomes or that reduce the impact of a risk factor.

PROTECTIVE FACTORS



- Community norms for shared responsibility for supporting parents and families
- Concrete support for basic needs
- Parental employment
- Parental education
- Adequate housing
- Access to health care, treatment and social services
- Nurturing parenting skills

- Stable family relationships
- Supportive family environment and social networks
- Household rules and child monitoring
- Caring adults outside of the family who can serve as role models or mentors





COMMUNITY COLLABORATION

Ongoing and strategic efforts between community-based services and court-based services that ensure families / individuals have access to a robust continuum of care.



School is a protective factor.

7

School discipline practices feed into the justice system.

Student mobility negatively impacts students, teachers, schools, and communities.

Students experiencing trauma are not ready to learn.

Schools and the justice system are both addressing long-standing inequities.

Schools are hubs for family support and engagement.

LADDER OF COLLABORATION

COLLABORATING

COORDINATING

COOPERATING

COMMUNICATING

NETWORKING



UPSTREAM DOMAINS OF PREVENTION & INTERVENTION PROCESS MAP

RESOURCE EXAMPLES

COMMUNITY

RESOURCES AND SUPPORTS EVERY FAMILY NEEDS TO THRIVE

Economic Stability | Neighborhood and Built Environment | Equitable Treatment Under the Law
Healthcare Access and Quality | Social and Community Context | Education Access and Quality

- Safe and Affordable Housing
- Early Childhood Education
- Health Screenings

FAMILIES WITH RISK FACTORS

RESOURCES AND SUPPORTS TARGETED AT FAMILIES WITH ONE OR MORE CHARACTERISTICS ASSOCIATED WITH NEGATIVE OUTCOMES

Families with Risk
Factors Identified

Referral to Services

- Headstart
- Early Intervention
- Family Support Centers
- Nurse-Family Partnerships
- Housing Supports
- Legal Aid

Reporting Allegations

FAMILIES WITH ALLEGATIONS

RESOURCES AND PROCESSES TO RESPOND TO ALLEGATIONS OF ABUSE AND/OR NEGLECT

Screening
In/Out

Investigation

Service
Assessments

Intervention Services

- Alternative Responses
- Voluntary Services
- Family Team Meetings
- Safety Planning

Referral to Court

FAMILIES WITH COURT INVOLVEMENT

RESOURCES AND PROCESSES TO SUPPORT SAFETY, PERMANENCY, AND WELL-BEING AND PROMOTE POSITIVE OUTCOMES FOR CHILDREN AND FAMILIES

Petition/
Shelter Care

Review
Hearings

Adjudication/
Disposition

Establishing
Permanency

- High Quality Legal Representation
- Dependency Mediation
- Therapeutic Family Time
- Specialty Courts
- Pre-Post Reunification Services

COMMUNITY

UPSTREAM

UPSTREAM DOMAINS OF PREVENTION & INTERVENTION

PROCESS MAP

RESOURCE EXAMPLES

COMMUNITY

RESOURCES AND SUPPORTS EVERY FAMILY NEEDS TO THRIVE

Economic Stability

Neighborhood and Built Environment

Equitable Treatment Under the Law

Healthcare Access and Quality

Social and Community Context

Education Access and Quality

- Safe and Affordable Housing
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FAMILIES WITH RISK FACTORS

RESOURCES AND SUPPORTS TARGETED AT FAMILIES WITH ONE OR MORE CHARACTERISTICS ASSOCIATED WITH NEGATIVE OUTCOMES

Families with Risk Factors Identified

Referral to Services

- Headstart
- Early Intervention
- Family Support Centers
- Nurse-Family Partnerships
- Housing Supports
- Legal Aid

REPORTING ALLEGATIONS

CHILD WELFARE

JUVENILE JUSTICE

FAMILIES WITH ALLEGATIONS

RESOURCES AND PROCESSES TO RESPOND TO ALLEGATIONS OF ABUSE AND/OR NEGLECT

Screening In/Out

Investigation

Service Assessments

Intervention Services

YOUTH WITH ALLEGATIONS

RESOURCES AND PROCESSES TO RESPOND TO ALLEGATIONS OF DELINQUENCY

Diversion

Prosecution

Juvenile Court Intake

- Alternative Responses
- Voluntary Services
- Family Team Meetings
- Safety Planning

REFERRAL TO COURT

FAMILIES WITH COURT INVOLVEMENT

RESOURCES AND PROCESSES TO SUPPORT SAFETY, PERMANENCY, AND WELLBEING AND PROMOTE POSITIVE OUTCOMES FOR CHILDREN AND FAMILIES

Petition/ Shelter Care

Adjudication/ Disposition

Review Hearings

Establishing Permanency

YOUTH WITH COURT INVOLVEMENT

RESOURCES AND PROCESSES TO SUPPORT REHABILITATION AND PUBLIC SAFETY

Diversion

Adjudication

Disposition

Reentry

- High Quality Legal Representation
- Dependency Mediation
- Therapeutic Family Time
- Specialty Courts
- Pre-Post Reunification Services

COMMUNITY

PROMISING COURT-RELATED STRATEGIES

Judicially-led SJP (Clayton County)

- ↓ referrals to juvenile court 67%
- ↓ # of youth of color referred to court for school-based offenses

Law Enforcement led efforts (Philadelphia)

- ↓ school arrests more than 50% in the first year

School-Based Diversion Initiative (CT)

- ↓ school arrests by more than 50%
- ↓ suspensions by more than 8%

Restorative Justice programs in schools (CO)

- ↓ expulsions, suspensions, and referrals to law enforcement

FAMILY-CENTERED JUSTICE: CONCEPTUAL MODEL





TIPS FOR COLLABORATING IN PREVENTION EFFORTS

Learn who is
who

Listen first

Find
common
ground

Share
information
and resources

**CONTACT
INFORMATION**

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Courts support prevention of removal through best practices in the courtroom

Once a family is court-involved, judges and attorneys have a responsibility to ensure the family is receiving supportive services to both avoid unnecessary removal and reduce the likelihood of future maltreatment. Judges and lawyers have several tools that support prevention mindsets, including reasonable efforts findings and aspects of quality legal representation. These tools are discussed as part of Upstream's structured mapping process.

When judges make thorough reasonable efforts findings in the courtroom, they are promoting prevention as a valued component of child welfare work. Finding that reasonable efforts were made confirms that the agency provided individualized support and services necessary to prevent removal and the trauma it causes. Understanding what services exist in communities is key to making meaningful and tailored reasonable efforts determinations. The Family First Prevention and Services Act (FFPSA) directly supports reasonable efforts to prevent removal by allowing states to access Title IV-E funds for the provision of evidence-based practices through an FFPSA Prevention Plan. Understanding the state's FFPSA Prevention Plan and service continuum supports judges' abilities to make meaningful reasonable efforts findings.

Attorneys can also inquire about reasonable efforts as an aspect of quality legal representation. When attorneys advocate for individualized case plans, in-home services, and safety plans, they send the message that families should be supported without the disruption of removal whenever possible. Knowledge of the continuum of supports available in the community is critical to attorneys being able to advocate for the best services to meet the unique needs of families.

Courts support prevention of future maltreatment through ensuring access to a continuum of effective services in the community

As described, judges and attorneys have a unique perspective as to what court-involved families need, what has been successful, and what has been ineffective in the past. Attorneys should advocate for individualized case plans that match families targeted needs and identify gaps in available services. Through collaborative efforts, like Upstream, the court can have a role in supporting a comprehensive continuum of effective services for families aimed at strengthening protective factors and addressing the risk factors to future maltreatment.

Central to these collaborative efforts is the court working with a variety of community partners, including schools and behavioral health professionals. These partners bring valuable expertise and resources that can enhance services continuums for court-involved families in innovative ways. Many courts house behavioral health liaisons to screen, assess, refer, and sometimes treat individualized family needs. Some communities have instilled legal advocacy clinics within schools to make this crucial resource more easily accessible to families.

Conclusion

The court has a valuable role in community prevention efforts as part of a cross-system collaboration, a source of accountability, and a witness to the traumatization that can occur when families are separated or face separation because they do not have access to the supports they need to thrive. Judges and attorneys can promote prevention of maltreatment and removal through partnerships, advocacy, and application of best practices. Upstream establishes a key structure for maximizing the court's role in prevention efforts.



**Strengthening Children and Families through
Prevention and Intervention Strategies:**
A COURT AND COMMUNITY-BASED APPROACH