

a newsletter of the

Pennsylvania
Juvenile Court
Judges'
Commission

P E N N S Y L V A N I A J U V E N I L E J U S T I C E

Commonwealth of Pennsylvania, Edward G. Rendell, Governor

Volume 12, Number 5

www.jcjc.state.pa.us

May 2004



Luis Garcia – 2004 conference Youth Awards speaker

Luis R. Garcia and his family moved to the United States with the hope of achieving the American dream; reaching that dream was not easy. He and his family emigrated from Mexico to Los Angeles, then moved to Chicago before finally settling in Reading, Pennsylvania.

In high school, Garcia began to feel pressured to belong to a gang—not only to be popular, but to protect himself from the violence that surrounded him. Ultimately, he and a few of his family joined a gang.

After the brutal killings of six of his best friends, Luis Garcia made the difficult decision to leave the gang life style behind him. He credits his family and the Migrant Education Program for their enduring support throughout his times of struggle.

Today, his mission is to motivate students to pursue a higher education. Garcia hopes to keep youths from making the same mistakes he made. His lecture and graphic pictures will portray his life as a migrant from Mexico to the gangs of Los Angeles and Chicago, to Reading, and finally to sharing his life experiences so others will benefit from his perilous journey.

Luis Garcia graduated in May of 2001 from Pennsylvania State University with a Bachelor's Degree in Administration of Justice, with a concentration in juvenile delinquency. He also has an Associate Degree in architectural drafting from Berks Technical Institute. Currently, Luis Garcia is the assistant admissions director for Millersville University, and serves as the program assistant for the Migrant Education Program.

19th annual conference of the NCSA September 26-29

The National Community Sentencing Association (NCSA) is scheduled to hold its 19th annual conference September 26-29, 2004, at the Radisson Plaza-Warwick Hotel in downtown Philadelphia. This year's conference theme, "Return to the Community," will feature various training workshops/speakers highlighting both juvenile and adult community-based sentencing programs.

The NCSA was formed in 1985 as a voluntary professional organization that advocates effective community sentencing for adult and juvenile offenders. An annual training conference is the focal point of NCSA's communication and education efforts. Each conference presents speakers and workshops in a variety of areas which address policy, administrative, and direct-service issues. Last year's conference in Hauppauge, Long Island, NY, had more than 100 attendees who received training designed to enable communities to assist in or advocate for the implementation of alternative sentencing programs.

The Pennsylvania Community Service Association (PCSA) is assisting in the conference planning process, and has officially endorsed the conference as an enriching and educational experience. Juvenile community service and restitution program coordinators and supervisors are encouraged to attend. For more information concerning the conference, please contact Jeffrey D. Hubert of PCCD, 717-787-5152, ext. 3072 (jhubert@state.pa.us) or Jon C. Frank, Blair County Juvenile Probation 814-693-3230 (jonfrank@blairco.org).

This publication is produced monthly at the Center for Juvenile Justice Training and Research at Shippensburg University.

Guest articles are always welcome; please submit them by email or on a disk. We particularly enjoy your photographs, but we ask that these be mailed - we will be happy to return them to you.

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A new handbook is available to help get appropriate education for kids in placement

by Janet Stotland, Esq., co-Director, ELC

The Education Law Center has published a handbook to help caseworkers, probation officers, and families ensure that children in foster care (and in other non-traditional settings such as "children's institutions") get access to quality education and special education services. The manual, called *Educating Children "At Risk,"* also discusses incarcerated children and youths' right to education and special education. The Juvenile Court Judges' Commission has duplicated the manual (with ELC permission) and is in the process of distributing single copies to chief juvenile probation officers throughout the Commonwealth. The manual is available from the Education Law Center's website at www.elc-pa.org. Other ELC publications, including more extensive information on the rights of children with disabilities than is available from the manual, can also be downloaded from that site.

Some of the topics included in *Educating Children "At Risk"* are:

- how to enroll children promptly in school and get prior school records transferred without delay;
- the education rights of children in special circumstances, for example, emancipated minors, homeless children, immigrant children, children with disabilities, and gifted children;
- families' right to review and correct students' school records; and,
- students' rights when confronting school discipline.

Included in the appendix to the manual are critical directives from the Departments of Public Welfare and Education which make clear that school districts can request only a limited number of documents before enrolling students (homeless students must be enrolled even if these few documents are not available), and explain how to challenge a school district's decision not to enroll students promptly. And remember, ELC staff are available to help you help these children.

Delinquent or dependent – are they really different?

By James Rieland, Allegheny County Chief Juvenile Probation Officer

We both work with kids so what's the big deal, delinquent or dependent, it really doesn't matter! Or does it?

The Pennsylvania Juvenile Act provides the legal framework and the legal definition of a delinquent child and a dependent child. In many ways the similarities end there. One way to distinguish these two legal definitions is to pose the question: Who's on trial here?

The Juvenile Act defines a delinquent child as a "child ten years of age or older whom the court has found to have committed a delinquent act and is in need of treatment, supervision, or rehabilitation." A delinquent act is defined as "an act designated a crime under the laws of this Commonwealth, or another state if the act occurred in that state, or under Federal law, or under local ordinances or an act which constitute indirect criminal contempt under 23 Pa C.S. Ch.61."

The practical application of these definitions is that a child over the age of ten must commit a crime, (misdemeanor or felony) to come under the jurisdiction of the juvenile justice system.

The Juvenile Act defines a dependent child as a child "without proper parental care or control, subsistence, education as required by law, or other care or control necessary for his physical, mental or emotional health, or morals. A determination that there is a lack of proper parental care or control may be based upon evidence of conduct by the parent, guardian, or other custodian that places the health, safety, or welfare of the child at risk, including evidence of the parent's, guardian's or other custodian's use of alcohol or a controlled substance that places the health, safety, or welfare of the child at risk." Although there are additional conditions that define a dependent child, the above definition covers most children coming to the attention of the juvenile court.

The practical application of this definition, excluding status offenses, is that a child at birth falls under the jurisdiction of the child welfare system due to the conduct of the parents or guardians, not the child.

This distinction is critical because it defines the focal point of each system's planning efforts.

In the juvenile justice system, the emphasis of the supervision plan is to change the delinquent child's behavior. Although there may be family issues that contribute to a child's delinquency, the legal authority for family intervention rests with the fact that a child within the family has been adjudicated delinquent of committing a crime. Therefore, the supervision plan for a delinquent child will target the child's behavior as well as conditions outlined by the judge at the time of disposition.

In the child welfare system, the emphasis of the family service plan is to change the behavior or conduct of the parents or guardians. Although the plan will address the needs of the child, a successful case closing will occur only if the parents' behavior has been changed or their parental rights are terminated.

The differences are evident in the way caseloads are constructed and counted. In the juvenile justice system, a caseload is made up of children. Parents and guardians are not part of a probation officer's caseload. In the child welfare system, the Department of Public Welfare has established regulations to limit caseload size. Per Pennsylvania regulations, the number of "families" being supervised defines a caseload.

So what is the big deal? The big deal is that our missions are different, our approaches are different, our interventions are different, and our organizational structures are different. To fully understand these differences becomes an asset when trying to collaborate on funding services and defining regulations.

Our system becomes stronger when professionals approach complicated systems issues with a concrete understanding of the powers and limitations of multiple systems.

Summary of a presentation by Mr. Rieland to the Chief Juvenile Probation Officers/Office of Children, Youth, and Families Regional Directors Workgroup. The presentation was intended to clarify the different approaches used by juvenile probation and the OCYF, and the potential impacts on funding and service delivery.

The Juvenile Justice Enhancement Training Initiative – (Balanced and Restorative Justice)

The Balanced and Restorative Justice Committee met April 26, 2004. The Committee is chaired by Sandra Brulo, Chief Juvenile Probation Officer for Luzerne County and Vice-President of the Chief's Council. Susan Blackburn, serving as the chair of the balanced and restorative justice sub-committee of the Juvenile Justice and Delinquency Prevention Committee of PCCD, also provides guidance to the committee.

The Balanced and Restorative Justice Committee continues to provide opportunities for members to network, share information, and expand their knowledge base regarding balanced and restorative justice. Recently, the group hosted Kathy Buckley and Drew Brommer, from the Office of the Victim Advocate's Victim Offender Mediation Program, who spoke about the availability of their program to the juvenile justice system.

The Court and Community Collaboration Committee, chaired by Addie Beighley, convened a strategic planning retreat May 11, to examine a broader approach to engaging the community in the development of restorative practices.

The Higher Education Workgroup provided two seminars on balanced and restorative justice for college faculty. Invited guests included department heads and professors in the departments of criminal (juvenile) justice, sociology, and psychology. The first seminar, on Thursday, May 13, at Gannon University in Erie, was for educators in the western part of the state. A second seminar on Thursday, May 20, at Allentown Business Institute, was provided for faculty in eastern Pennsylvania.

The Competency Development Workgroup has begun to work toward a greater awareness of "competency development." Pat Torbet and Doug Thomas are writing an initial draft of a white paper on behalf of the group. The objectives of the group are to define competency development, envision a white paper, and develop strategies and action groups,

The web site of The Pennsylvania Council of Chief Juvenile Probation Officers has been enhanced to include a library of publications developed through the grant which are available through downloads and links. Go to www.pachiefprobationofficers.org.

Training and technical assistance have been ongoing. Both general training through the Center for Juvenile Justice Training and Research and county-specific training events have been offered. A curriculum for training-of-trainers for the Victim/Community Awareness Curriculum was developed to assist in building the capacity of trainers for this program

A strategic plan for communicating balanced and restorative justice was completed and presented to the Balanced and Restorative Justice Committee for review. A parent/youth handbook is in printing and will be available soon. The consensus of the Committee was to move forward on the development of a *Handbook on Media Communications* for local jurisdictions.

Upcoming publications include *The Pennsylvania Balanced and Restorative Justice Story*; "Keystone County," a white paper describing a model juvenile justice system built on balanced and restorative justice; *The Administrators Guide for Balanced and Restorative Justice Implementation*; and the updated balanced and restorative justice training curriculum for Pennsylvania.

If you are interested in participating in any of these efforts, please phone Susan Blackburn, 717- 477-1411 or e-mail sblackburn@state.pa.us.



Participants at the Court and Community Collaboration Committee workshop May 11& 12 at Seven Springs Resort

Pike County probation accesses AOPC district justice web docket sheets over JNET

What is a DJ web docket sheet? The Administrative Office of Pennsylvania Courts (AOPC) provides free to all government agencies electronic access to all 577 district justice court docket sheets. The docket sheets include criminal, traffic and non-traffic filings which capture the offender's identifying information, charges, dispositions, warrant information, hearing dates, costs assessed and balance. For more information on DJ web docket sheets and their electronic data interchange initiative, go to <http://www.courts.state.pa.us/index/PublicAccess/edi.htm>.

Why is accessing DJ web docket sheets important to juvenile probation officers? Fingerprints of all persons arrested for a felony, misdemeanor or summary offenses which become a misdemeanor on a second or subsequent arrest after conviction of that summary offense are forwarded to the central repository so that the arrest information appears on a criminal history background check obtained over the Commonwealth Law Enforcement Assistance Network (CLEAN). CLEAN records give an incomplete account of an offender's history if the offender was ever charged with a non-fingerprintable summary offense. The ability to retrieve district court docket sheets over the internet saves time and resources and is the only method to search all 577 district justice courts throughout the Commonwealth that will return traffic and non-traffic filings.

Prior to being able to access the DJ web docket sheets, the Pike County intake process included juvenile probation officers calling district courts in neighboring Monroe County and the four district justice courts in Pike County to ascertain if juveniles had been cited with any summary offenses. If offenses were found, the district justice courts would fax the documents to the probation office.

With the ability to access DJ web docket sheets, the current method for searching summary offenses allows Probation Officers to perform one search on all 577 district justice courts. In addition to saving time (probation officer and district justice court staff) and money (long distance telephone and fax charges) the probation officer can effectively gather information for court reports and juvenile supervision.

An example of how the DJ web docket sheets may be

useful to a probation officer providing supervision is when a juvenile leaves the county with or without probation officer permission and he is apprehended for a traffic, alcohol related, disorderly conduct or other summary offense. DJ web docket sheets are a readily available tool for probation officers.

Pike County gained access to DJ web docket sheets through the efforts of the court's criminal justice coordinator. The criminal justice coordinator contacted AOPC to obtain usernames and passwords for each officer. Officers, who must be JNET criminal history users, were then provided with instruction on how to access DJ web docket sheets and how the information can be used in performing their daily job duties.

This simple process is outlined below:

- Contact AOPC to request usernames and passwords.
- Log onto JNET secure site <https://www.jnet.state.pa.us> using your JNET digital certificate.
- Click "AGENCIES" in the left toolbar.
- Click on "AOPC." (This will send you to AOPC's secure site.)
- Click on "DJ Web Docket Sheet" in the left toolbar.
- Enter your username and password.

Enter juvenile search criteria. (last name, first name, social security number and date of birth). If you limit your criteria to first and last name, you will receive only those records which have identical first and last name but no SSN or DOB. Entering all the criteria provides you with all the records.

Review the returned documents. The documents are not fingerprint-based and results should be verified by contacting the appropriate office or department.

For more information on how Pike County is benefiting from the JNET infrastructure to share and obtain criminal justice information, you may contact probation officer/criminal justice coordinator Brian Steuhl, at 570-296-7412 or e-mail bsteuhl@pikepa.org.

Crawford County community service: a good place to work

Over the past three years, the Crawford County Juvenile Probation Department's community service program has grown by leaps and bounds. Each year the program supervises up to 400 children who are either on probation or referred by the district magistrate. Community service hours have increased from 4,000 to more than 11,000 hours during those three years.

The community service coordinator is responsible for finding and maintaining the nearly 100 work sites in the area, tracking statistical data, and signing clients into the program. Two community-based officers run daily work crews, as well as maintain small caseloads of general supervision clients.

All of the aspects of balanced and restorative justice are met within this program. The program attempts to keep clients in the community where the offense was committed, and holds them accountable for their actions. It also allows the juvenile to "give back" to the community.

The program teaches competency skills to offenders, including simple tasks like cleaning, lawn care, vegetable gardening, and painting. They also learn invaluable social skills – working with others, following directions, timeliness, and dressing appropriately for work.

Crawford County youth scraped and painted the football bleachers at Conneaut School District during the summer of 2002. They now work in Crawford Central, Titusville, and Conneaut School districts schools each week on cleaning and maintenance crews.

Crawford County Juvenile Probation was the recipient of \$1000 donation from the Meadville Rotary Club. This money will be used to buy a lawn mower and other lawn care equipment. The juveniles are going to complete the lawn care for the historic Baldwin Reynolds Home in Meadville where they have raked leaves in past years. Lawn care is also provided to area cemeteries and veteran's grave sites. The new equipment will help the program continue with the lawn care projects.

Probation youth also work to decorate and deliver hundreds of Easter and Christmas cards. They visit with the patients and try to make their holidays a

little cheerier.

Each summer, youths plant and weed a garden located near the county jail, then they deliver the harvest to the residents at a local senior living center. Every Saturday in the fall, their days are spent at the Little Gridder's football program.

Youths run chains for the games and help run the snack shop. They have done work for the Pennsylvania Game Commission with Youth Field days, and each year plenty of hours are earned picking up trash at the Crawford County Fair. Last year an industrial sized rug shampooer was purchased by the office, and now the youths are shampooing the carpets in many of the county offices and non-profit agencies.

In 2003, Crawford County's program began helping the county chapter of Safe Kids by assisting in the Halloween parade and the Community Safety Fair. The Safe Kids organization handed out special certificates of appreciation to each youth who assisted, and has requested help at future events.

Crawford County is expanding the program to assist in restitution payments. TANF money will be available to children to help pay back crime victims. The client must fill out an application and qualify for the funds in order to receive the help with restitution payments. The local intermediate unit and income guidelines determine criteria and eligibility. The juveniles will work off the money they owe in community hours, and the probation department will donate the restitution to compensate the offender's victim. Most of those who will qualify are indigent or too young to obtain employment.

