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Dauphin County juvenile court judge sees firsthand the effectiveness of Family Group Decision Making

by: Hon. Richard A. Lewis
Dauphin County Juvenile Court

"The mystery is why the juvenile court system advanced into the 21st century before recognizing the benefits of the Family Group Decision Making philosophy!"



In August 2002, I had the opportunity to observe a Family Group Decision Making conference in a pending juvenile delinquency case. The juvenile was charged with a misdemeanor assault upon another youngster. However, the juvenile defendant's family, consisting of parents, grandparents, aunts, uncles, siblings, and cousins ranked the seriousness of this relatively minor assault right up there with the Lindbergh kidnapping. The family impressed upon the young offender the embarrassment that this conduct brought to him as well as to his entire family.

After three years as the juvenile delinquency judge in Dauphin County, I was beginning to feel that the concept of "shame" had become outdated. My faith was restored as this extended family expressed their displeasure at the juvenile's delinquent actions and came together as a cohesive team to develop a plan to ensure that the young offender was not only accountable for his wrongdoing, but also responsible to his family, his victim, and his community to repair the harm. This family was doing more to educate this 12-year-old about the impact and consequences of his misdeed than any judge or juvenile probation officer could ever hope to accomplish. I sat in fascination and watched a sleeping giant awake. The sleeping giant, of course, was the Great American

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Crime, Justice, and Law Day at the Middle School

Eighth-grade students at Shippensburg Middle School had just completed a four-week study of the criminal justice system as part of their social studies curriculum when their teacher, Jaime Richardson, decided to bring law enforcement professionals into the classroom so that the students could meet and interact with them directly.

On Monday, December 6, 2004, Franklin County juvenile probation supervisor Rick Ackerman joined other Franklin County law enforcement professionals at the school for the annual Crime, Justice, and Law Day. Ackerman demonstrated the arrest process in the juvenile court system, and students were given virtual tours of the county prison. Other students volunteered to be fingerprinted at the police forensics session in another classroom.

Since the students are exploring careers, Richardson felt this event was a way for them to learn about the system. The students saw law enforcement in a positive light, and got realistic information about law enforcement jobs. Shippensburg Borough Police Chief Fred Scott told the students that television police shows are not very realistic and illustrated this point by sharing with them the fact that he had never had to use his gun.

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.

Greg Young is the editor. Our address is CJJT&R, Shippensburg University, 1871 Old Main Drive, Shippensburg, PA 17257-2299. (gyoung@state.pa.us)

Please send additions or changes to the mailing list to Julie Bozich at Signal Graphics Printing, 1010 Wesley Drive, Mechanicsburg, PA 17055 (SigGraph60@aol.com)

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Family, an old-fashioned resource too often overlooked in addressing the needs of kids in trouble in the justice system.

Since March of 2002, approximately 113 cases in Dauphin County's busy juvenile delinquency court system have been resolved through Family Group Decision Making conferences. The various charges in these cases have run the gamut from simple assault and theft to offenses involving guns and drugs. Liaisons within the juvenile probation office, as well as contracted coordinators, carefully screen cases considered for Family Group Decision Making conferences. The victim is consulted, and, assuming there is victim agreement, the District Attorney is then contacted.

The attraction of Family Group Decision Making to the juvenile justice system is that it plays on the strength of the family unit and places significant responsibility back on the family. It is the family, not a juvenile court judge, master, or probation officer, who develops a plan to address the Balanced and Restorative Justice (BARJ) principles contemplated by the Juvenile Act; equal emphasis on youth redemption, community protection, and victim restoration. Instead of a judge ordering community service, for example, the family might implement it as part of their plan. In the case I observed, the family took it one step further and selected the location for the community service, a local food bank, and coordinated the schedule to ensure that an adult would be responsible on particular days to transport the juvenile to and from the work site. Obviously, a family will be more committed and enthusiastic about following through on a plan they created as opposed to one ordered by a judge.

While not appropriate for every case, FGDM empowers a family to solve its own problems by relying on the energy and resources of the family unit. It allows the flexibility to mold the plan to accommodate ethnic, cultural, and religious philosophies and practices. It alerts the juvenile offender that his or her family is supportive, concerned, committed, and involved. The concept is so simple it is almost comical. I anticipate the program will gather steam in the coming years and expand into a frequently used option and practice to dispose of juvenile cases.

The mystery is why the juvenile court system advanced into the 21st century before recognizing the benefits of the Family Group Decision Making philosophy!

Legislative Update

Action by the General Assembly in the final days of the 2003-04 legislative session resulted in a number of new laws affecting, or of interest to, Pennsylvania's juvenile court system. Copies of the legislation can be found at www.legis.state.pa.us.

Act 176 of 2004

SB 109 (1099) was signed into law by Governor Rendell on 11/29/04 as Act 176 of 2004, and became effective immediately. Among the provisions of Act 176 are amendments to the Juvenile Act that are intended to bring the provisions of the Act governing public access to juvenile delinquency case information in §6308 into conformity with the criteria which trigger the "open hearing" provisions of §6336. In addition, Act 176 contains provisions that clarify the timeframes within which assessments of delinquent children by the State Sexual Offenders Assessment Board (SOAB) must be conducted under Act 21 of 2003.

Act 177 of 2004

SB 133 (1982) was also signed into law on 11/29/04 as Act 177 of 2004. Most provisions became effective immediately upon enactment. Act 177 of 2004 amends both Titles 42 and 75, with most provisions relating to Title 75, Chapter 38 (relating to driving after imbibing alcohol or utilizing drugs). Act 177 includes language to create an exception to the penalty provisions of 75 Pa. C.S. §3804 that is intended to clarify that the only penalty provisions that apply to juvenile delinquency proceedings are those relating to the suspension of operating privileges. In addition, Act 177 amends 75 Pa. C.S. §6303 to provide that no person shall be sentenced to a term of imprisonment for a violation of any provisions of Title 75 constituting a summary offense committed while the person was under the age of 18 years.

Act 217 of 2004

SB 1099 (1979) was signed into law on 11/30/04 as Act 217 of 2004, and became effective immediately upon enactment. Act 217 created a number of additional judgeships in Courts of Common Pleas, and also included amendments to the Juvenile Act intended to provide a statutory basis for both supervision fees and contributions to restitution funds in juvenile delinquency cases.

Act 217 amended the Juvenile Act to create a new

42 Pa. C.S. §6304.1 "Summary offenses", which provides that upon notice being certified to the Court that a child has failed to comply with a lawful sentence imposed for a summary offense, a probation officer shall review the complaints and charges of delinquency for the purpose of considering the commencement of proceedings. This section also provides that any money subsequently paid by the child pursuant to the disposition of the charges shall be administered and dispersed in accordance with written guidelines adopted by the President Judge. Act 217 provides that the Court may direct that any portion of the money received by the child shall be deposited into a restitution fund established by the President Judge pursuant to new provisions set forth at 42 Pa. C.S. §6352 (a)(5).

On December 2, 2004, Chief Justice Ralph Cappy wrote to all President Judges to advise that the Common Pleas Criminal Court Case Management System (CPCMS) cannot be re-programmed to accommodate the distribution of monies collected in these cases, and that if Courts adopt regulations that disperse monies contrary to current statutory schemes that direct how fines, fees, costs and other assessments are to be dispersed, these cases will not be able to be docketed in the CPCMS. If Courts adopt regulations that continue to disperse monies as is currently provided for in state statute, Courts will be able to use the CPCMS to track such cases.

Act 217 also amended §6352(a)(5) of the Juvenile Act to provide that the Court may order a delinquent child to pay reasonable amounts of money as fines, costs, fees or restitution as deemed appropriate as part of the plan of rehabilitation considering the nature of the acts committed and the earning capacity of the child, including a contribution to a restitution fund. Act 217 also amended the Juvenile Act to provide that the terms and conditions of both informal adjustments and consent decrees may include payment by the child of reasonable amounts of money as costs, fees or restitution including a supervision fee and contribution to a restitution fund established by the President Judge pursuant to the new provisions of §6352(a)(5).



Kris Johnson receives Fred Funari Award

The Mental Health Association (MHA) of Westmoreland County has awarded the Fred Funari Award to Kristine M. Johnson.

Funari was president of the MHA in the late 1960s. The award is a replica of the bell that was cast from the shackles formerly used to restrain patients with mental illness.

Ms. Johnson has served on the MHA Board of Directors since 2001, and has chaired the MHA children and youth committee during most of that time. As a juvenile probation officer, her commitment to children's mental health has been exceptional. Johnson actively considers mental health issues in any of her cases and frequently involves MHA parent/child advocates in them. She is mindful of the MHA in her community efforts, referencing the organization and her tenure on the board any time she is asked to describe herself. Johnson was instrumental in structuring the MHA training series for staff at the juvenile detention center and the emergency youth shelter. She has conducted a number of programs on behalf of the organization, and is always available when called upon for presentations.

Along with one of the MHA parent/child advocates, Kris Johnson has served on the Pennsylvania Collaboration for Youth, a statewide effort to exam-

ine cross-cutting issues between the juvenile justice system and the mental health system and to help prevent children with mental health disorders from becoming unnecessarily involved with juvenile justice.

Johnson has been an engaged member of the MHA Board of Directors. She participates in special events and advances the work of the MHA every day through her work as a juvenile probation officer. Her passion for children, her humor, her general exuberance, and her tireless energy make her an outstanding children's advocate, and an outstanding ambassador for the MHA.

Halifax Community Day

by: Bonnie Kent, Halifax Community Mobilizer

On Friday, June 25, Halifax Communities That Care® (CTC) celebrated its third annual Community Family Fun Day. Michelle Ridge, former First Lady of Pennsylvania and National CTC spokesperson with the Channing-Bete Company, and Judge Todd Hoover joined the festivities.

This event was developed as a way to educate a broad audience about CTC efforts in the area and show local residents how they can become involved. Community Family Fun Days showcased activities for the whole family, fun and food.

Volunteers from Halifax middle and high schools were involved in coordinating the event, taking photographs, staffing information tables, organizing photo and art contests, and planning activities for younger children. The youth volunteers also ran three basketball tournaments and hosted the Halifax Idol contest. More than 40 organizations and businesses set up tables to sell products and provide resource information. The group raised \$2000 to help sustain community programs.

In the past year, Halifax organizations have raised nearly \$8000 for local programming by sponsoring "Quincy" the Halifax Parade Cow. The project is part of a world-wide event to both raise awareness of art and raise money for local charities. Participating organizations were awarded certificates of appreciation at Community Fun Days. In addition, the Halifax Communities That Care® site recently won the Service Award from LOVE 99, a local radio station, which included \$2000 in free advertising.

Phase I Staff Safety

On May 3, 4 and 5 at the Days Inn Penn State the CJJT&R will host a train-the-trainer workshop to prepare juvenile probation staff to teach the newly redesigned Phase I Staff Safety program. A program announcement and registration materials have recently been forwarded to the Chiefs across the Commonwealth. This program is likely to be offered only once in the foreseeable future, and we anticipate the program to be three full days. A detailed agenda, schedule and materials will be sent to each registrant. We anticipate that the program will be co-taught by Marshall Davis, Chief JPO, Wyoming County, Dave Gianoni, Supervisor, Erie County JPO, Jeff Patton, Deputy Director, and Dave Sheely, Supervisor, Dauphin County JPO, and Greg Young, Coordinator of Graduate Education & Research.

Approximately eleven years ago, in response to a variety of factors—an increasing prevalence of firearms and other weapons, seemingly high rates of violent crime—not always by our juveniles but in the communities where we were required to work, and an increasing number of offenders who are diagnosed with serious, potentially volatile, mental health disorders, officers began to express their concerns and fear for their safety. A survey was conducted, a Statewide Forum was held, and a strategy was developed jointly by the JCJC and a committee created by the PA Council of Chief Juvenile Probation Officers. The outcome resulted in the development of a two-tiered training system to enhance juvenile probation safety.

The Phase I program was created to serve as a conceptual, preventative, skill-building training program to teach staff how to recognize, avoid, and minimize the threat posed by potentially dangerous and unsafe situations. It was the intent and the recommendation of the committee from the program's inception that all probation officers, and all juvenile probation department support staff should participate in this training. Disturbingly, over the years, a variety of competing agendas have shifted the focus away from our being as concerned with officer safety as prudence dictates. While the curriculum has been revised several times over the past ten years, in 2003, a small workgroup of originally certified trainers and CJJT&R staff began a comprehensive reworking of the curriculum. The current program was successfully piloted last fall and we are now ready to release the curriculum for use across the Commonwealth. In its current form

there is a Participant Manual which will be posted on the JCJC website for downloading and duplication in the coming months. In addition, each trainer participating in this session will receive a Trainer's version of the manual, a computer disk with a ready-to-use accompanying PowerPoint program for use in presenting the program, as well as a DVD with accompanying video segments to further enhance and assist with teaching this program.

While the participant version of this training will likely continue to be offered as a part of the CJJT&R training schedule, many departments may wish to have a trainer on staff to make the training more accessible and affordable than to repetitively incur the costs of sending staff to out-service training in Harrisburg or State College. Smaller counties are being encouraged to pursue regional collaborative arrangements with one or more certified trainers shared among a group of counties. There will be no registration fee charged for this program and JCJC training funds may be used to offset the lodging, meals, and travel expenses for staff to attend. We do not anticipate having to limit the number of registrants to this train-the-trainer opportunity unless the demand exceeds the capacity. We are urging Chiefs to encourage more veteran staff with prior teaching or training experience, who are willing to commit to presenting the program in-house, and potentially in the region, or for CJJT&R, to be trained as a trainer. Participants will also be expected to demonstrate an understanding of, and proficiency in delivering the material.

Questions about the training or the curriculum should be directed to either Steve Bishop at 717 477-1294 or John Herb, 717 477-1185 x3.

Newsletter goes online

Over the next several months, the Juvenile Court Judges' Commission will be converting its monthly newsletter to online dissemination. Information regarding subscription to an online version of "Pennsylvania Juvenile Justice" will be detailed in future issues.

Assessment tool helpful in identifying substance abuse problems and recidivism risk

Substance abuse is a serious health problem that is having a devastating impact on individuals and society today. In society, drug abuse is continuing to contribute to high crime rates and violence, poor productivity levels in the work place, and decreased safety on our highways. A common consequence of substance abuse is involvement in the criminal justice system. It is estimated that more than 50 percent of youth having legal difficulties are also experiencing substance abuse issues.

A study by the National Institute of Alcohol Abuse and Alcoholism shows that more than 40 percent of people who begin drinking before the age of 15 become alcoholic. More than 24 percent who begin drinking at the age of 17 become alcoholic. When young people wait until age 21 to drink alcohol, their risk of alcoholism drops 10 percent. These statistics alone demonstrate the importance of early intervention and prevention.

When we encounter youth with substance abuse issues in our juvenile justice system, they can be at varying stages of abuse. Some youth are easily identifiable due to legal problems that are a direct result of substance abuse. Others may not have obvious symptoms or signs of substance abuse. Getting anyone to acknowledge his/her chemical dependency is difficult; in the case of adolescents, there is an added challenge because youth usually lack the maturity and insight necessary to address their problems.

The challenge for the juvenile justice professional is to ensure that all youth who have, or may have, substance abuse issues receive immediate and accurate assessment and intervention, so that a child does not have a life in the criminal justice system and a life afflicted with addiction. For about three years, York County juvenile probation has been doing in-house drug and alcohol assessment using Adolescent Substance Abuse Subtle Screening Inventory (SASSI-A2).

The SASSI is an addictions diagnostic tool that has been in use since the late 1980s and was revised and published as the SASSI-A2 in 1994. The revision includes a correctional scale that can be used to identify individuals who are at relatively high risk for a range of legal difficulties. Not only does the

SASSI-A2 objectively tell you whether your probationer has a high probability of having a substance abuse disorder or chemical dependency, it can also provide information about the likelihood of recidivism.

In York County, an assessment consists of information gathering on the history of the child's drug abuse and information produced by the administration of the SASSI-A2. Administration of the assessment tool takes approximately 15 to 20 minutes. A two-page report, which includes the child's substance abuse history as well as the SASSI-A2 results and recommendations, is then forwarded to the appropriate staff member and used by the court in determining disposition conditions. York County Juvenile Court Judge John C. Uhler says this gives us "another insight into the child. It is thorough and expansive. It provides valuable input for a judge for dispositional purposes."

Louise Leckrone, who has been a York County juvenile probation officer for almost seven years and worked in the addictions field for five years prior to that, completes the in-house assessments. Leckrone has completed a Master's level Chemical Dependency Counselor training program at Penn State University and is a Certified SASSI trainer. Having in-house assessments has made the drug and alcohol evaluation process easier and more accessible for probation officers. Assessments and recommendations are completed and available for disposition hearings in a timely manner.

The SASSI-A2 screens adolescents with a 94 percent overall accuracy for substance abuse disorder, which includes substance dependency. With the SASSI-A2, a problem can be identified even when a client consciously or unconsciously tries to hide it. The SASSI-A2 often confirms for the assessor what instinct has been telling him or her but the probationer is not willing to reveal. Telephone Louise Leckrone at 717-767-5508 for more information about the SASSI and training in its use.

Act 185 of 2004

HB 835 (4783) was signed into law on 11/30/04 as Act 185 of 2004. Act 185 of 2004 repealed Chapter 47 of Title 42, which contains the current statutory provisions relating to DNA data and testing, and created a new Chapter 23 “DNA Data and Testing” in Title 44. Act 185 will expand the current DNA testing mandates in both criminal and juvenile delinquency cases to include all felony offenses as well as offenses under 18 Pa. C.S. §2910 (relating to luring a child into a motor vehicle or §3126 (relating to indecent assault) or an attempt to commit any such offense by including these offense within the definition of “other specified offense” in the statute. Most provisions of Act 185 will become effective on 1/31/05.

The new 44 Pa. C.S. §2316 provides that a person who is convicted or adjudicated delinquent for a “felony sex offense” or an “other specified offense”, or who is or remains incarcerated for a “felony sex offense” or an “other specified offense” on or after the effective date of this new Chapter (1/31/05) is to have a DNA sample drawn as follows:

- A person who is sentenced or receives a delinquency disposition to a term of confinement for an offense covered by this subsection shall have a DNA sample drawn upon intake to a prison, jail, or juvenile detention facility or any other detention facility or institution.
- If the person is already confined at the time of sentencing or adjudication, the person shall have a DNA sample drawn immediately after the sentencing or adjudication.
- A person who is convicted or adjudicated delinquent for an offense covered by this subsection shall have a DNA sample drawn as a condition for any sentence or adjudication which disposition will not involve an intake into a prison, jail, juvenile detention facility or any other detention facility or institution. Under no circumstances shall a person who is convicted or adjudicated delinquent for an offense covered by this section to be released in any manner after such disposition unless and until a DNA sample has been withdrawn. (As defined in Act 185, the term “released” means any release, parole, furlough, work release, prerelease or release in any other manner from a prison, jail, juvenile detention facility or any other place of confinement.)

- A person who has been convicted or adjudicated delinquent for a “felony sex offense” or “other specified offense” and who serves a term of confinement in connection therewith after June 18, 2002 shall not be released in any manner unless and until a DNA sample has been withdrawn. This chapter shall apply to incarcerated persons convicted or adjudicated delinquent for a “felony sex offense” prior to June 19, 2002. This chapter shall apply to incarcerated persons and persons on probation and parole who were convicted or adjudicated delinquent for “other specified offenses” prior to the effective date of this paragraph.

As with the previous DNA statute, each DNA sample and a full set of fingerprints are to be delivered to the Pennsylvania State Police within 48 hours.

Act 185 provides that, unless undue hardship would result, a mandatory cost of \$250 which shall be in addition to any other costs imposed pursuant to statutory authority, shall be automatically assessed on any person convicted, adjudicated delinquent, or granted ARD for a “felony sex offense” or “other specified offense” and all proceeds derived from these assessments shall be transmitted to the DNA Detection Fund established in the State Treasury. All monies in the fund and interest accruing thereon are appropriated to the Pennsylvania State Police on a continuing basis to carry out the provisions of this chapter.

Act 152 of 2004

SB 92 (1995) was signed into law on November 24, 2004 as Act 152 of 2004, which will become effective on 1/24/05. Act 152 amended Titles 18 and 42 to change requirements relating to the registration of sexual offenders. Among the provisions of Act 152 are provisions that will require individuals who are subject to sex offender registration requirements in other states following an adjudication of delinquency to comply with equivalent sex offender registration requirements in Pennsylvania.

Act 147 of 2004

SB 137 (1921) was signed into law on 11/23/04 as Act 147 of 2004. Act 147, which will become effective on 1/24/05, provides that a parent or legal guardian of a minor less than 18 years of age may consent to voluntary outpatient or voluntary inpatient treatment on behalf of the minor. In the case of voluntary inpatient treatment, the parent or legal guardian’s consent must be on the recommendation of a physician who has examined the minor.

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- Any minor 14 years of age or older and under 18 years of age, who has been confined for inpatient treatment on the consent of a parent or legal guardian and who objects to the continued inpatient treatment, may file a petition in the Court of Common Pleas requesting a withdrawal from or modification in treatment. The Court is required to promptly appoint an attorney for the minor and schedule a hearing to be held within 72 hours following the filing of the petition, unless continued upon the request of the attorney for the minor. For inpatient treatment to continue against the minor's wishes, the Court must find by clear and convincing evidence that the minor has a diagnosed mental disorder; that the disorder is treatable; that the disorder can be treated in the particular facility where the treatment is taking place; and that the proposed inpatient treatment setting represents the least restrictive treatment alternative that is medically appropriate.
- A minor ordered to undergo inpatient treatment shall remain and receive such treatment at the treatment setting designated by the Court for a period of up to 20 days. The minor shall be discharged whenever the attending physician determines that the minor no longer is in need of treatment, the consent of the parent or legal guardian has been revoked, or at the end of the time period of the order, whichever occurs first. Subsequent review hearings could provide for additional periods of inpatient treatment for 60-day periods.

Act 173 of 2004

SB 72 (1998) was signed into law on 11/29/04 as Act

173 of 2004, and will become effective on 1/28/05. Act 173 amends the definition of "Criminal Justice Agency" in the Criminal History Record Information Act to include the facilities and administrative office of the Department of Public Welfare that provides care, guidance and control to adjudicated delinquents.

Act 173 also amends 18 Pa. C.S. §9122 "Expungement" to provide that criminal history record information shall be expunged when a person 21 years of age or older who has been convicted of a violation of 18 Pa. C.S. §6308 (relating to purchase, consumption, possession or transportation of liquor or malt or brewed beverages) petitions the Court of Common Pleas in the county where the conviction occurred seeking expungement and the person has satisfied all terms and conditions of the sentence imposed for the violation, including any suspension of operating privileges imposed pursuant to 18 Pa. C.S. § 6310.4. Upon review of the petition, Act 173 provides that the Court shall order the expungement of all criminal history record information and all administrative records of the Department of Transportation relating to the conviction.

Please call Keith Snyder, 717-787-5634, or Lisa Freese, 717-705-9003, if you have questions or need additional information.

