EARLY INTERVENTION KEY IN DELINQUENCY PREVENTION

by

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ABSTRACT

Juvenile delinquency is an on-going problem that affects all of society, and there has been a long history of utilizing various approaches in an attempt to rehabilitate juveniles. Efforts at early intervention and prevention have been sporadic, and typically used by institutions other than the juvenile courts. The focus of this thesis is to review the historical models used by the juvenile court system, to identify risk factors that can predict potential for involvement in delinquent behavior, to assess current interventions for their ability to prevent future acts of delinquency, and to suggest a method of risk assessment for use in early intervention and prevention efforts. The conclusion of the paper is a listing of recommendations for changes in the current model of juvenile justice that would result in better prevention, earlier interventions, and a greater continuity of services and providers. It will also point out the lack of familial involvement in the juvenile system, and recommend a greater inclusion of family in any methodology used to intervene or prevent delinquency.

This abstract accurately represents the content of the candidate’s thesis. I recommend its publication.

Signed

Jana Everett
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CHAPTER ONE

INTRODUCTION

Since the establishment of the juvenile court system in the late 1800’s, many different models have been used to address the problems caused in society by delinquent youth. Over one hundred years ago in Chicago the first juvenile court was established under the doctrine of parens patriae (the State as parent). In this model, the state was to oversee the children whose natural parents had failed to carry out their responsibilities and rehabilitate the children to make them productive members of society. By the mid 1960’s, the juvenile court as a tool for reforming wayward juveniles was effectively abandoned, and juveniles began to be held accountable by the same standards of justice as adults.

In the past decade, society has once again begun to look at the problems of juvenile delinquency, noting that the adversarial due process approach has
Many theories and programs have been developed, aiming more towards a combination of justice and reform. For example, the concept that 'it takes a village to raise a child' has become quite popular, and many organizations have developed programs to assist schools and communities to be more involved with the children in their neighborhoods. Mentoring programs have increased, and treatment centers that aim to change anti-social behaviors have been developed. Juvenile courts have used many methods to prevent recidivism, ranging from diversion programs, community service, fines, classes, probation, and day treatment to out-of-home placement. Community Advisory Boards were established in an effort to promote restorative justice, and a community assessment center has been developed to offer resources to troubled teens and their families.

As beneficial as many of these programs may be, they often ignore the fact that the family is the foundation of human relationships, and that if the family is weak, the community built upon it will be
less than stable. Families are required to attend court proceedings but are not held responsible for the actions of their children. They may be referred to a community assessment center but are not mandated to participate in recommended programs. Great efforts are being made to reform the juvenile offender, but little is being done to change the situation and systems that got him/her into court in the first place.

Juveniles today live in a much different world than did their parents and grandparents. This is a world of greater racial and ethnic diversity, a time in which roles are less clearly defined, and although the national rhetoric proclaims this to be a land of unlimited opportunity, many of our youth and their families are marginalized due to economic or cultural status.

Popular culture has inundated our youth with violence, sex, and drugs. American culture prioritizes individual freedom, immediate gratification, and materialism. Behaviors that once
would have been seen as normal teen-age behaviors are now criminalized. Gangs have taken the place of family and community. Families are splitting apart, and survival is often the focus of the head of the household, with no emotional energy left over for raising children. Children are left to grow up and create an identity on their own.

Our children are our future, a national resource that should be protected and cherished, and as a nation, we need to find a way to assist our children to achieve productive adult lives. They are the next generation, and their choices will affect us all.

The purpose of this paper is to explore the juvenile justice system, identify areas of risk, and identify a new model of juvenile justice that combines methods of prevention and early intervention with multi-systemic approaches to reduce the overall impact of juvenile delinquency on society. The focus of chapter two will be to define delinquency and explore the history of the juvenile justice system. Chapter three will focus on risk factors and on studies that
show how to best reduce risk. Chapter four will discuss current interventions, and chapter five will focus on risk assessment tools. Chapter six is the conclusion of this paper, and will include a proposal for an early intervention model that works not only with the juvenile, but with the family and social systems that impact delinquent behavior.

The primary purpose of this paper is to identify a way to save our youth, rather than throwing them away. No one can reasonably argue that juvenile delinquency is not a problem that needs to be addressed. The Justice Department predicts a doubling of juvenile arrests for violent crime by 2010 (Anderson, 1998). The question remains however, how do we best deal with delinquents?
CHAPTER TWO

JUVENILE DELINQUENCY

It is difficult for the general public to get an accurate sense of the nature and extent of the problem of juvenile delinquency, given the tendency of the media to report only the sensational incidents of crime committed by juveniles such as school shootings and gang-related violent crimes. Little press is given to the majority of juveniles who pass through adolescence unscathed, or to those who have involvement with the legal system but receive treatment and move on to productive adult lives. A very small percentage of juvenile offenders (from 5 to 25%) are chronic offenders who account for about 65% of serious crimes (Juvenile Justice Records, 1997).

Defining Delinquency

Crime and delinquency may be best visualized in pyramid form, with the bottom, and largest segment, including one-time offenders, those arrested for petty
crimes and status offenses such as truancy, curfew, possession, harassment, trespassing and other offenses that are only crimes if committed by juveniles. The middle segment includes more serious crimes and repeat offenders—burglary, motor vehicle theft, assault, major drug offenses and offenses involving violence. The tip of the pyramid includes only the most sensational offenders such as school shooters or extremely young violent offenders. Much is made of these sensational crimes, including calls for stricter laws and penalties, and demands for an answer to how this could happen. Unfortunately, little attention is given to the interventions and successes in the other areas of the pyramid, or to the possibility that early intervention with the juvenile and family in the bottom level of the pyramid may serve to lessen the numbers of children that progress to the next level of more serious offenses.
Definitions of Crime

In order to better understand delinquency, one must first understand the various charges that young people face, and see the types of crimes committed by adolescents.

There are four major categories of juvenile crime that are tracked by the FBI’s Uniform Crime Reporting Program:

1. Violent Crime (crime against persons):
   Includes murder, rape, robbery, and aggravated assault

2. Property Crime:
   Includes burglary, theft, motor vehicle theft, and arson.

3. Public Order Offenses:
   Includes weapons charges, driving related charges, drug charges, vandalism, and other violations of social order.

4. Status Offenses (sometimes included in Public Order):
   These are any crimes that would not be illegal if the person committing them were an adult. They include truancy, curfew violations, runaway, and most recently, tobacco or alcohol possession.
Understanding the types of crime then leads to the question of how many juveniles are committing what type of crime. The juvenile population (age 10-17) in 1998 was 30,562,500, and 2,603,300 juveniles were arrested for some crime (Snyder, 1999, p. 15). This works out to 8.5% of the 10-17 age group. Additionally, it is beneficial to look at the breakdown as to types of offenses arrested for. (See Table 1)

The chart shows that of the 8.5% of juveniles arrested for crimes, about 4% are arrested for violent crimes, 22% are arrested for property crimes, and the remainder are for relatively petty offenses. Twenty two percent of juvenile’s arrested are released with a ticket or other sanction, 69% are sent to juvenile court, and 7% are referred directly to criminal court. Additionally, two-thirds of juveniles arrested will not re-offend (Snyder, 1999, p. 16).
Table 1.1
Juvenile Arrest Statistics

<table>
<thead>
<tr>
<th>Type of offense</th>
<th>1998 number of juvenile arrests</th>
<th>Percent of total crimes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Violent Crime total</td>
<td>112,200</td>
<td>4.3</td>
</tr>
<tr>
<td>Murder</td>
<td>2,100</td>
<td>0.08</td>
</tr>
<tr>
<td>Rape</td>
<td>5,300</td>
<td>0.2</td>
</tr>
<tr>
<td>Robbery</td>
<td>32,500</td>
<td>1.2</td>
</tr>
<tr>
<td>Aggravated Assault</td>
<td>72,300</td>
<td>2.8</td>
</tr>
<tr>
<td>Property Crime Total</td>
<td>596,100</td>
<td>22.9</td>
</tr>
<tr>
<td>Burglary</td>
<td>116,000</td>
<td>4.5</td>
</tr>
<tr>
<td>Theft</td>
<td>417,100</td>
<td>16.0</td>
</tr>
<tr>
<td>Motor Vehicle Theft</td>
<td>54,100</td>
<td>2.1</td>
</tr>
<tr>
<td>Arson</td>
<td>9,000</td>
<td>0.35</td>
</tr>
<tr>
<td>Public Order Offenses</td>
<td>1,895,000</td>
<td>72.8</td>
</tr>
<tr>
<td>Assault</td>
<td>237,700</td>
<td>9.1</td>
</tr>
<tr>
<td>Forger, Fraud,</td>
<td>20,000</td>
<td>0.8</td>
</tr>
<tr>
<td>Stolen Property</td>
<td>33,800</td>
<td>1.3</td>
</tr>
<tr>
<td>Vandalism</td>
<td>126,800</td>
<td>4.9</td>
</tr>
<tr>
<td>Weapons</td>
<td>45,200</td>
<td>1.7</td>
</tr>
<tr>
<td>Prostitution and sex</td>
<td>17,300</td>
<td>0.7</td>
</tr>
<tr>
<td>Drug Abuse violations</td>
<td>205,800</td>
<td>7.9</td>
</tr>
<tr>
<td>Gambling</td>
<td>1,600</td>
<td>0.06</td>
</tr>
<tr>
<td>Offenses against family</td>
<td>10,200</td>
<td>0.39</td>
</tr>
<tr>
<td>DUI</td>
<td>21,000</td>
<td>0.8</td>
</tr>
<tr>
<td>Liquor Law violations</td>
<td>157,300</td>
<td>6.0</td>
</tr>
<tr>
<td>Drunkeness</td>
<td>24,600</td>
<td>0.94</td>
</tr>
<tr>
<td>Disorderly Conduct</td>
<td>183,700</td>
<td>7.1</td>
</tr>
<tr>
<td>Vagrancy</td>
<td>2,900</td>
<td>0.11</td>
</tr>
<tr>
<td>Other offenses</td>
<td>453,000</td>
<td>17.4</td>
</tr>
<tr>
<td>Suspicion</td>
<td>1,300</td>
<td>0.05</td>
</tr>
<tr>
<td>Curfew and Loitering</td>
<td>187,800</td>
<td>7.2</td>
</tr>
<tr>
<td>Runaways</td>
<td>165,000</td>
<td>6.3</td>
</tr>
<tr>
<td><strong>Total Crimes</strong></td>
<td><strong>2,603,300</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

(Snyder, 1999, p. 15)
Ideally, then, it seems that the focus of the juvenile justice system should be to intervene at the earliest stage possible by identifying those juveniles and families that are at a high risk to re-offend or to commit serious crimes.

Criminalization of Youth

Every generation of adults has looked at the new generation of youth with confusion and suspicion, not understanding why they do the things they do, and wishing 'that kids today were more like our generation.' Until the late 1980's, this was considered to be a typical reaction to the generation gap, and it was generally accepted that 'kids would be kids' and that they would turn out okay eventually. The vagaries of adolescence were looked on with frustration, but also some amusement, as teens attempted to create a distinct identity for themselves, often through extremes in dress, hairstyle, and music. While adult society found itself puzzled by the behavior of youth, most accepted
that it was a 'stage' the kids were going through and that they would in fact outgrow it and become mature, responsible members of society.

In the past two decades, perhaps as a result of the social change effected by young people in the 60's and 70's, adults have become terrified of the younger generations. While it is nothing new that adults do not understand kids, it may be that they do not care that they do not understand, or that they feel it is impossible for them to understand (Wolfgang, 1967).

Unfortunately, the success or failure of this generation will have a profound effect on existing generations and the ones to come. All of society is impacted by the costs associated with high crime rates, jail, illegitimacy, illiteracy, and irresponsibility.

Models of Juvenile Justice

One of the most difficult questions facing our society today is how to handle juvenile delinquency. Do we look at juveniles as children who are less than
responsible for their own actions, as criminals who should take their punishment, or as victims of family and cultural systems that should be taught how to live in a pro-social way? The juvenile justice system has tried all of these approaches in the one hundred years it has been in existence.

Parens Patraie

In 1899, the first independent juvenile court system was established in Chicago, with the mandate that 'children were not to be treated as criminals nor dealt with by the process used for criminals' (Juvenile Justice Records, 1997). This concept of juvenile reform came out of the Progressive Movement and the belief that crime was the result of external forces, not of the exercise of an individual's free will. The goal was to reform the offender rather than punish the offense. The Progressives saw children as 'corruptible innocents' who needed 'special attention, solicitude, and instruction' (Wooden, 1967). This ideal brought about the creation of a juvenile court using
the doctrine of *parens patriae* (the state as parent) which required that the State take over the responsibilities of parents who failed to carry out their duty to supervise and guide their children. Under this system, it was the responsibility of the judge to establish a plan to reform the child, using legal and extra-legal measures, including sanctions ranging from probation and community service to placement in reform or training schools. In 1967, Kenneth Wooden did an analysis of the juvenile incarceration system, noting that:

Children were placed in reform schools, marking a milestone in American family culture. For the first time, family centered discipline was replaced by institutional discipline administered by city, county or state governments. Parents, grandparents, and siblings were replaced by guards and superintendents.

This model was used through the late fifties and early sixties, when the perception of juvenile crime began to change. In the early seventies, many of these reform schools were shut down for massive failure and child brutality. Recidivism rates were as high as 80% (Butterfield, 1997), and accusations were
made that children were being pulled from their families arbitrarily for economic reasons. The reform schools were operating in a 'colony' system, in which they were located in rural areas and the economy of small towns were dependent on incomes from the facility. Additionally, those children not deemed dangerous were bound out for work, increasing profits and supplying cheap labor to local residents and businesses (Wooden, 1967).

The courts were allowed broad discretion in sentencing—they could lock up a juvenile until the adults in charge decided that they were rehabilitated. This system worked well when overseen by fair-minded, insightful, and caring judges, but had potential for a gross miscarriage of justice otherwise. Some reformers felt that the rights of juveniles and their families were being trampled on, and in 1967 brought a case before the supreme court in which a fifteen year old boy was charged with making an obscene phone call and was ordered to training school for six years. In
adult court, the same charge would have resulted in a $50 fine or two months in jail (Anderson, 1998).

The advent of gangs, popularized by Hollywood movies such as *Rebel Without a Cause* and *Blackboard Jungle* (Juvenile Justice Records, 1997) left many in society concerned about the direction the younger generation was headed. During this same time period, more social change was happening, and much of it was propelled by the beliefs of young people. Protests against war, social inequality, and the status quo left the older generations unsure of the stability of society.

Additionally, the frequency and severity of juvenile crime and the persistent and severe recidivism of the most serious juvenile offenders undermined the belief in rehabilitation as a solution to juvenile delinquency.

**Zero Tolerance**

In 1966, the U.S. Supreme Court ruled that juveniles are entitled to the same adversarial type
system of due process as adults and threw out the doctrine of *parens patriae* ruling it doubtful, constitutionally. The decision upheld a juvenile defendant's right to protection against self incrimination, to notice and counsel, and to question witnesses (Juvenile Justice Records, 1997). The objective of this ruling was to bring into play lawyers for both prosecution and defense, and to force greater objectivity on the proceedings.

While this helped establish procedural safeguards, it also curbed the ability of the courts to deal with the broader problems of the offender.

In the 70's and early 80's, juvenile crime increased significantly, resulting in a call to get tough on crime, and an increased fear of juveniles. Mandatory sentencing laws, reduction in the age to try juveniles as adults, and a focus on deterrence through punishment became the standard used in juvenile courts across the country.

Ironically, the same institutions that had been functioning as reform schools now opened their doors
as detention centers, with minimal efforts at providing education, training, or rehabilitation.

**Trying Juveniles as Adults**

Prior to the seventeenth century, children were viewed as miniature adults, and after the age of five, held to the same standards and given the same punishments as adults. Childhood as a distinct stage of life deserving protection and guidance of adults was recognized mid 17th century, and by the 18th century English common law called those under the age of 7 as being incapable of forming criminal intent. Between the ages of 7 and 14, children were considered to be without criminal intent unless it could be proved that they knew the difference between right and wrong. At age 14, however, they were to be considered legally adult.

When the juvenile court was established in the United States, the legal age of adulthood was set at 18, but the court has always been able to waive a child to adult court in several ways, depending on the
age of the offender and the seriousness of the crime. Many states have enacted statutory waivers, under which a juvenile will automatically be tried as an adult for certain crimes. They can also be sent to criminal court by judicial waiver and by prosecutorial discretion. In the seventies, most states granted juvenile court the discretion to waive juveniles up to adult court, even though adult courts are far more lenient regarding property crimes with typical sentences resulting in probation rather than any therapeutic treatment. The severity of the crime, rather than the needs of the offender became the standard used to determine sentencing.

Juveniles convicted in adult court of serious crimes against persons such as murder or aggravated robbery face time in state penitentiaries, where treatment is haphazard and they are likely to be the victims of rape and assault, and to learn more criminal behavior. They come out of the adult system hardened and educated in the methods of crime, as well as stigmatized with a criminal record.
A Florida study done in 1996 compared 2,738 juvenile cases transferred to adult court with a matched control group that remained in the juvenile system (Brown, 1998). Results indicated that those juveniles who had been transferred to the adult system had higher levels of recidivism and a quicker rate of new arrests than those who received treatment in the juvenile system.

Community Based Model

A few states, among them Massachusetts, did not fall into the popular ideology of punishing juvenile offenders but developed more constructive approaches to the problem of juvenile crime by combining elements of prior models into a community-based model. The worst offenders are still sent to lock down facilities, but the rest go to residential community based programs or home to their families with appropriate social services agencies in place to assist with treatment needs (Anderson, 1998). Treatment services offered can include day treatment,
outpatient drug/alcohol treatment, mentoring, tracking, classes in anger management, parenting, intensive in home therapeutic services, and outpatient mental health services.

Residential treatment programs focus on changing the behaviors of the child, but also on family therapy, to resolve conflict within the family and to provide support for the youth as he/she returns home. Many successful residential treatment programs offer follow up services to help the youth transition home successfully.

Restorative Justice

In the mid nineties, a theoretical model called restorative justice was developed and presented as an option for working with delinquent children. The basis for this model is the concept that "Crime is primarily an offense against human relationships, and secondarily a violation of the law, since laws are written to protect safety and fairness in human relationships" (Claasen, 1996, p. 2). Restorative
Justice is offered as an opportunity to make things as right as possible following a crime, given the opportunity to recognize that an injustice has been done, that equity is restored, and that the participants feel safer, more respected, more empowered, and more able to cooperate with each other and society. Restorative Justice recognizes that the direct victim of a crime is not the only victim; the entire community is victimized. The proponents of restorative justice also believe that they can teach the offender new behaviors and new ways of being a part of the community. Offenders should be exposed to the impact of their crime on victims, invited to learn empathy, and offered learning opportunities to become better equipped with the necessary skills to be productive members of society.

Community Advisory Boards (CABS) have been created, with members including representatives from the community, the government, religious organizations, and school representatives. The victim and their family, along with the offender and their
family, are invited to participate in problem solving sessions designed to address the impact of the crime on the community and to develop strategies to repair the harm caused. This is a voluntary process, and requires that the offender is willing to make amends and wants to develop a relationship within the community. For those offenders who choose to not cooperate with this process, the courts are responsible for imposing consequences that will assist in restoring the community, via community service and restitution.

Over the course of the last century, many different models of juvenile justice have been utilized in an effort to rehabilitate juveniles and allow communities to feel safe. Each of these models focus on treating the offender, but none have addressed the circumstances and systems that created the opportunity for delinquent behavior. Families as a resource and agent for change have been largely ignored, and preventative measures aimed at early intervention have not been utilized by the juvenile
justice system. In the next chapter, risk factors for delinquent behaviors will be identified, with an emphasis on targeting high risk kids and families to prevent future involvement in the juvenile justice system.
CHAPTER THREE

RISK FACTORS

Many different studies have looked at the problem of delinquency and especially juvenile violence. While no single factor can adequately predict a future of delinquency in juveniles, an assessment for risk based on the presence of multiple factors can be made. It is a difficult proposition to predict which children are at risk for delinquency without stereotyping any specific group.

Single risk factors do not support an outcome of delinquency, and many youth with multiple risk factors manage to overcome their situations and survive to adulthood without serious involvement in the juvenile delinquency system.

In 1998, The Federal Office of Juvenile Justice and Delinquency Prevention formed a study group made up of scholars and leaders in the juvenile delinquency field to analyze current research on risk and protective
factors relating to serious and violent juvenile offenders. The following is an overview of the identified predictors of youth violence, organized into five categories that include individual, family, school, peers, and community factors.

**Individual Factors**

Individual risk factors include hyperactivity, concentration problems, restlessness, risk-taking, aggressiveness, early initiation of violent behaviors, involvement in anti-social behavior, and beliefs and attitudes favorable to anti-social behavior. Studies have found that the presence of hyperactivity or attention deficits doubled the risk of engagement in violent behaviors by the age of 18, while sensation seeking behaviors tripled the risk of involvement in violent behavior (Przybylski, 1997).

**Family Factors**

Risk factors associated with family issues include parental criminality, child maltreatment, poor
family management, low levels of parental involvement, poor family bonding, conflict, parental attitudes favorable to substance use and violence, residential mobility, and parent-child separation. Findings of the OJJDP study group indicate that parental attitudes favorable to violence and parents that engaged in criminal activity more that doubled the risk of children engaging in violence, and that poor family management and high levels of conflict during adolescence also doubled risk. Victims of childhood neglect have half as many arrests for violent crime as do non-neglected children, and children who suffer physical abuse have twice as many arrests as do non-abused children (Goleman, 1995). Additional verification of the importance of family risk factors was found in a study of 200 West Coast gang members and felons that found the majority had come from families in which social ties were fragile and undependable, that bonds between youth and families were weak, that nearly all parents abused drugs or alcohol, that no father was present in the home and
many had fathers who were incarcerated, and that they had been victims of physical abuse (DiIulio, 1998).

A 1996 report from the American Society of Criminology Taskforce states that:

Of all the factors contributing to delinquency, the clearest and most exhaustive evidence concerns the adequacy of parenting. Parents who are incompetent, abusive, or rejecting, parents who fail to maintain adequate supervision over their children, and parents who are little more than children themselves, have direct effects on anti-social behaviors of their children (DiIulio, 1998).

**School Factors**

Risk factors in the school setting include academic failure, low bonding to school, frequent school transition, and enrollment in schools with a high rate of delinquency. Statistics gathered by the National Center for Education indicate that youth who are not in school and not in the labor force are at high risk of delinquency, crime, and diminished success (Przybylski, 1997). The attainment of a high school diploma or GED signifies that an individual has achieved sufficient knowledge and skills to function effectively in society. An individual who drops out
of high school is unlikely to have developed such knowledge and skills. High school dropouts have an incidence of ten times more delinquency than high school graduates (Snyder & Poe, 1995). As advanced skills and technical knowledge become increasingly necessary in the workforce, the availability of jobs for individuals lacking the basic education indicated by receipt of a high school diploma will be minimal.

Peer-related Factors

Anti-social peers correlates to an increased risk of delinquent behavior by an adolescent, especially if the youth is gang-involved. Youth who are involved in gangs at the age of 14 have a tripled risk of delinquent behaviors when compared to non-gang-involved youth, and gang membership at the age of 16 quadruples that risk (Huff, 1998).

Community and Neighborhood Factors

Risk factors attributed to social and economic conditions include poverty, community disorganization, availability of drugs and firearms, neighborhood
adults involved in crime, and exposure to violence and racial prejudice. A 1996 study of young felons (12-18) incarcerated in the Ohio Juvenile Justice System illustrates that most young people who are chronic offenders are also the victims of substandard social and economic conditions.

- 90% have substance abuse problems
- 5% are homeless
- 30% have mental disorders
- 75% of females and 50% of males have been sexually assaulted
- 25% are teen parents
- 60% lived in a single mother home
- 80% had household incomes of less than $10,000 per year

(Juvenile Justice Records, 1997)

A substantial amount of research has been done in an effort to identify characteristics and traits of juvenile delinquents that can then be used to predict risk of involvement in delinquent behaviors. Many social service, school, and community agencies have used this information to develop early intervention and prevention programs designed to reduce risk and to educate and assist families. Chapter four reviews a variety of programs and studies that have been
effective at identifying risk and reducing delinquent behaviors.
CHAPTER FOUR

CURRENT INTERVENTIONS

Early intervention and prevention has become the focus of medical professionals in the treatment of illnesses such as heart disease and diabetes, and public safety initiatives seek to reduce accidental death rates by requiring safety belts and child safety seats in automobiles. It seems reasonable then, to apply the principles of early intervention and prevention to the subject of delinquency.

Much research has been done regarding the outcomes of intervening in the lives of high-risk kids in the hope of diverting them from future delinquent behaviors. The following studies show the benefits of early intervention, beginning before birth and continuing through the formative years.
Prenatal

Syracuse University enrolled 108 low income, single parent families in a program that offered five years of daycare and parenting training that began in pregnancy. Ten years after completion of the program, only 6% of involved children had been referred to probation compared with 22% of the control group (Fonagy, 2000, p. 37).

Preschool

The Perry Pre-school in Ypsilanti, Michigan provided two years of enriched schooling along with weekly home visits to small children from poor minority families. Longitudinal follow up showed that by age 27, half as many program participants had been arrested as those from a control group that did not participate in the program (Anderson, 1998).

A 1996 research study by Peter Greenwood (p. 2) reviewed seven studies of preschool programs and concluded that daycare and home visit programs could
reduce by 24% the number of crimes client children could be expected to commit. Programs that also offered parents training in how to deal with a child's behavior problems reduced juvenile criminality by 29% (Anderson, 1998).

Schools

The Seattle Social Development Project focused on children in grades one through six in a program that emphasized conflict resolution, negotiation, and decision making. It involved teachers through in-service training and included parents by offering classes on topics about how to help your child succeed in school. Data collected showed that 48.3% of participating kids reported committing violent acts, compared to 59.7% of the control group (Jacobsen, 1999).

A research study developed to determine the benefits to grade school students of smaller class size showed an impact on later criminal convictions. Researchers tracked 11,600 students in the Tennessee
public school system beginning with the kindergarten class enrolled in 1985 and following them through high school graduation and compared those in classes of 13-17 students versus those in regular classes of 22-25 students. The study showed that the conviction rate for black males who had been in smaller classes was 20% less than for their counterparts in larger classes (Wehrman, 2001).

A study of the Ford Foundation’s Quantum Opportunity Program which provides cash and scholarship incentives to at-risk kids if they stay in school and graduate was estimated to reduce criminality by up to 56% (Anderson, 1998).

Community Programs

Boys and Girls Clubs have provided after school activities that have increased school attendance, improved academic performance, and reduced the juvenile crime rate in high-risk neighborhoods. An evaluation of the Big Brothers Big Sisters Program of America mentoring program found that the young people
involved in the program were 46% less likely to start using drugs, 33% less likely to exhibit aggressive behavior, and 27% less likely to use alcohol (Ingersoll, 1997, p. 4).

After school programs are extremely significant due to the high volume of crimes committed between 3 and 5 p.m. Over half of all violent crimes committed by juveniles occur on school days, with the majority occurring between the hours of three to five p.m. (OJJDP, 1999).

As the above mentioned examples illustrate, it is possible to intervene with high-risk families and children and to make a measurable difference in the incidence of juvenile delinquency. The question remains, however, of how to accurately identify children and families at risk, and how to provide comprehensive services so that the maximum benefit can be attained. The next chapter will discuss various methods of assessing risk and how risk assessment tools could be best utilized within the juvenile system.
CHAPTER FIVE

ASSESSING RISK

There is no one-size-fits-all program for reducing the risk of juvenile delinquency or for rehabilitating juveniles and preventing further delinquent acts. The children involved in the juvenile system each have unique needs and problems, a complicated range of interconnecting issues, and oftentimes, a resistance to change. Any program that seeks to focus on a single issue will most likely fail.

Past and current models of juvenile justice have used the subjective judgment of professionals involved with the family/child as the basis for decisions regarding treatment. A child and family may be referred to a wide variety of service providers, all with their own requirements and treatment goals in mind. It can become overwhelming for the family to attempt to meet all the requirements placed upon them by various agencies, and a lack of communication and
uniformity in assessment tools can lead to conflicting 'professional opinions' about the severity of the problems and the best method for providing treatment.

Multiple variables are assessed during an investigation by probation or social services agencies including the circumstances surrounding the delinquent act, the juvenile's mental, emotional, and behavioral functioning, attitudes and values, and family and community situation. A lack of clear and consistent assessment guidelines results in broad discretionary powers and inconsistent recommendations resulting in inappropriate and inequitable decisions.

A necessary improvement to the current system would be the development and use of standardized assessment tools.

**Categories of Family Functioning**

Currently, the Denver Department of Human Services (along with many other social service departments), uses the North Carolina Family Assessment Scale (NCFAS) (Kirk & Reed, 1998) to determine how a family
is functioning and to assess the level of risk for
out-of-home placement in the context of family
strengths and problems. Unfortunately, its use is
only mandated when assessing safety and risk following
a hotline call regarding abuse or neglect. It is not
used in juvenile delinquency cases, although it would
serve as an appropriate, objective measure of family
functioning. The NCFAS assess for five overall
categories, utilizing a ranking system along a six-
point continuum ranging from clear strength to serious
problem. Subscales are represented under each of the
five major domains.

A. **Environment:** includes housing stability,
safety in the community, habitability of
housing, income/employment, financial
management, food/nutrition, personal hygiene,
transportation, and learning environment.

B. **Parental Capabilities:** Supervision of
children, disciplinary practices, provision
of developmental/enrichment opportunities,
parent's mental health, parent's physical
health, and parent's use of drugs and
alcohol.

C. **Family Interactions:** Bonding with children,
expectations of children, mutual support
within the family, and relationship between parents/caregivers.

D. **Family Safety:** Absence/presence of physical abuse of children, absence/presence of sexual abuse of children, absence/presence of emotional abuse of children, absence/presence of neglect of children, and absence/presence of domestic violence between parents/caregivers.

E. **Child well-being:** Child's mental health, behavior, school performance, relationship with parent's/caregivers, relationship with siblings, relationship with peers, and cooperation/motivation to maintain the family.

Denver County Juvenile Probation utilizes a risk assessment tool that predicts risk of re-offending and indicates level of supervision needed. They also refer juveniles to a drug and alcohol evaluation that utilizes a substance use survey to evaluate the extent of involvement with drugs and to determine treatment needs. Psychological or medication evaluations are ordered at the discretion of the judge or upon recommendation by an involved party.

A multitude of assessment tools exist that are either suitable for use in juvenile justice, or could
be modified to assist in standardizing evaluations of need. Some appropriate categories include:

- Measures of family functioning
- Measures of parenting
- Measures of educational attitudes
- Measures of peer group associations
- Measures of behavior
- Measures of cognitive/academic ability
- Measures of attitude, values, and beliefs
- Measures of aptitude/interest

**Types of Assessment Tools**

- Personality-based diagnostic systems are utilized to provide information about levels of cognitive and emotional maturity, and to determine mental status, including aggravating/mitigating factors. They are also used to determine reponsivity levels and amenability to treatment.

- Behaviorally based systems utilize patterns of observed behaviors as a basis for categorizing individuals. Four classifications are used to describe a different type of delinquent, with implications for treatment and intervention decisions.

- Offense based risk systems are designed to yield predictions about future antisocial or self-destructive behaviors. They utilize historic and static variables, but provide little guidance regarding intervention efforts.
• Broad-based risk and risk/need instruments assess a broader range of variables than any other type of instrument. They provide a broad picture of the juvenile's characteristic and circumstances and can therefore be of great value in judgments regarding treatment and intervention.

(Hoge & Andrews, 1996)

Centralized Assessment

The Office of Juvenile Justice and Delinquency Prevention has developed a list of four key elements necessary to positively impact the lives of youth and prevent them from becoming serious, violent, and chronic offenders. They recommend the creation of Community Assessment Centers utilizing these four elements:

• A single point of entry
• Immediate and comprehensive assessment
• Integrated case management
• Utilization of a comprehensive and integrated managed information system.

The goal of this type of agency is to serve both at-risk and delinquent youth and families by integrating the services of multiple agencies through the creation of a “one-stop shop”. The purpose of the
centers would be to reduce duplication of services, increase system efficiency, and improve access.

Currently, the OJJDP is funding four such programs, one of which is located in Denver, Colorado and began serving the community in May of 2000. These programs are still in the development stages, and no data has yet been released regarding numbers of youth served or success/failure rates.

Family Court System

In May of 1994, the Colorado Judicial Department conducted an evaluation of the need for a family court system in Colorado, that would have jurisdiction over all domestic matters including divorce, custody, child support, visitation, adoption, paternity, abuse, dependency and neglect, delinquency, truancy, and other cases affecting children and families. The family court model was based on the assumption that one judge would hear all issues related to a particular family, and therefore be better able to make decisions affecting the family. This system
would also reduce the number of times a family had to appear in court, avoid conflicting orders, and minimize a duplication of services.

Courts in many states are currently working on implementing family court models, but Colorado has yet to find a feasible method due to problems of crowded dockets in metropolitan areas, venue and jurisdiction issues when families move across county lines, confidentiality issues, and concerns that information of prior involvement in the family court should not be used against a defendant in a delinquency matter. The development of a managed information system necessary to coordinate cases is complex and expensive, again creating a barrier to successful implementation of a family court system.

Current Juvenile System in Colorado

The current system in Colorado for delivering services to children and families is fragmented. Truancy court, municipal court, dependency and neglect hearings, and delinquency issues are all heard
separately, and often relevant information is not available prior to sentencing.

A vast majority of juvenile's that end up in the delinquency unit at the Denver Department of Human Services began with truancy issues, have had frequent involvement in municipal court, have had prior referrals to social services regarding abuse or neglect, but do not begin to get comprehensive evaluations or services until the juvenile has committed a crime that elevates him/her into the district court.

This writer has been employed by the Denver Department of Human Services for the past 18 months, and has been assigned approximately 60 delinquent youth and their families for evaluation of treatment/placement needs. Of these cases, 75% have a prior history of truancy and 90% have three or more municipal court tickets, but less than 10% had received family evaluations or in-home services. By the time the case reaches DDHS, the juvenile is on a
road of self destructive behavior that is difficult to change.

Consider the case of one youth referred to the department for evaluation in October of 2000. He was 17 years old, and had been charged in district court for the first time with one count of assault with a deadly weapon. Upon examination of records, it was found that he had been in truancy court annually since the age of 14 and had yet to complete any high school credits. He had been in municipal court over 100 times on 75 separate tickets for incidents involving possession of tobacco, curfew violations, loitering, giving false information, shoplifting, and possession of marijuana. The municipal court had ordered him to complete community service hours, pay fines, and attend various classes, but he had failed to comply with these orders. As a result, he was given detention time of two to three days per ticket to clear them from the records. His mother had made three calls to DDHS requesting help because he was beyond her control, but did not receive services
because funding for voluntary referrals was not available. This young man had lost his father in a gang-related shooting at the age of 12, at which time his mother went to work full time to support her three children. He then became responsible for watching over his younger siblings. He never received grief counseling, and by the age of 14 had stopped attending school and was running the streets. He is now committed to the Division of Youth Corrections for placement in a secure detention facility for a period of two years, followed by one year of mandatory parole.

The system failed this youth. Multiple opportunities for intervention were present, and yet the system did not take notice of this young man until he committed a serious crime.

Case histories such as this are prevalent in the referrals received by human services, and serve to point out the need for greater communication between various court and human service agencies. Truancy, municipal tickets, and delinquent offenses are handled
by different courts with specific sanctions, and referrals to human services are only made in cases involving abuse, neglect, or serious/repeat delinquency. Families are not required to participate in many of the sanctions, and family situations are not evaluated in the course of discovery as to why a juvenile repeatedly disobeys or fails to follow through on court ordered sanctions. A juvenile with multiple truancy's or curfew violations may truly be defiant, but may also be suffering problems at home that keep him/her from follow the terms of the courts orders.

In another case example, a young man of 14 was charged with theft for stealing a bicycle. He was then placed on probation and ordered to attend school and maintain a 9 p.m. curfew. He is now 16 years old, and while he has not re-offended, he is facing his fifth revocation of probation for repeated problems related to truancy and curfew, and may be committed to the Division of Youth Corrections. Investigation of the family situation found that he is living in a
three bedroom apartment with four adults and eleven children. He states that he stays out late at night because he can’t stand the crowd and noise at home, and then doesn’t get up on time to catch the bus for school. It would seem that there are better ways to help this youth and his family than sending him to detention for two years.

Yet another case indicates the problem with lack of communication and referrals between agencies. This case involves a 17 year old with a history of truancy and municipal court involvement who has been referred to human services following an aggravated assault. The assault charge is his first district court offense, but he has been before the family courts twice on paternity issues, both times having been found to be the father of the child in question. Additionally, he is listed on the gang unit’s contact sheet, and has been contacted over 20 times this past year for involvement in gang-related activities. He was also the subject of a dependency and neglect petition alleging that he was beyond the control of
his parents, and he was removed from the home and sent to treatment out-of-state for six months. He was then returned home without having done any family therapy and without any follow up or transition services that may have helped ensure a successful return. While each court system he was involved in gave some sanctions, there was no co-ordination of services, and thus no comprehensive assessment of needs or treatment that addressed all of the issues present.

There are six separate court systems in which a juvenile can find themselves. The following listing gives information about municipal, truancy, paternity, and district (delinquency) courts. It does not address family (divorce) court or dependency and neglect, as a juvenile is unlikely to find him/herself involved as a result of his/her own actions.

The Court System

The following is an overview of the various court designations in the city and county of Denver, and the types of cases over which they have jurisdiction.
Municipal Courts

Have jurisdiction over tickets issued by city police including possession, simple assault, shoplifting, runaway, curfew, loitering, and false information. Consequences include fines, restitution, community service, participation in classes, and recently, referral to the Community Assessment Center. Parents (or an adult relative) are required to appear with the juvenile, but are not responsible for ensuring compliance with court orders. If orders are not followed, a warrant is issued, but after one or two appearances for non-compliance, some detention time is ordered and the other sanctions are dropped.

Truancy Court

Has jurisdiction over school attendance. Charges are filed by school districts, but the docket is overloaded and cases are often not heard until six months after the original filing date. During this time period, the juvenile is typically not attending
school, and is largely unsupervised and more likely to get into trouble with the legal system. Sanctions are varied, and some judges attempt creative solutions. Parents are required to appear, and are sometimes ordered to ensure school attendance by personally walking the child into the school office daily. Continued truancy can result in orders to attend day treatment or alternative schools, or in detention time of up to 45 days. Weekend detention or work programs are sometimes ordered to encourage weekly school attendance.

**Paternity Court**

Has jurisdiction over juveniles to determine paternity, child support, and visitation of a minor child. May order attendance in parenting classes. The parents of the juvenile are required to appear in court, but are not responsible for ensuring compliance with the orders of the court.
District Court

Has jurisdiction over all juvenile criminal cases, and has the authority to waive a juvenile to adult criminal court. Currently, this court operates under the due process system, and provides for the right to counsel. A juvenile before the district court will be appointed a defense attorney, and be offered the option of making a plea agreement or of going to trial before the court. Once a juvenile is adjudicated delinquent, the judge has multiple sentencing options that include:

- Commitment to the Division of Youth Corrections
- Fine of up to $300
- Probation
- Juvenile Intensive Supervision Probation
- Custody to relative or suitable guardian
- Detention of up to 45 days
- Supervised work program as condition of probation
- Out of home placement with human services
- Psychological evaluation and treatment
- Community Service
- Parental responsibility training
- Restitution
- Orders of Protection
A first adjudication is likely to result in an order to comply with juvenile probation supervision. State law mandates consideration of out-of-home placement upon a third adjudication. Parents can be ordered to participate in family therapy or treatment with their children, but if they are not willing to participate, it is often the child that suffers the consequence. All in-home programs and many residential treatment facilities require parental involvement for acceptance into the program. When a parent refuses to participate, treatment options for the juvenile are limited.

This chapter shows that there is no need to re-invent the wheel. A wide variety of acceptable, standardized risk assessment tools exist that could be adapted and included in a centralized assessment model. The greater need is for a coordination of services and systems that would help prevent at-risk kids and families from falling through the cracks and not being identified until the problems they face are so advanced that it is difficult to address them. The
following chapter includes recommendations to more efficiently identify and provide services to families in the existing system.
CHAPTER SIX
CONCLUSION & RECOMMENDATIONS

The adage "too many cooks spoil the soup" is an apt description of the current problem with the juvenile justice system. There are multiple agencies, courts, and service providers attempting to solve the complex problem of juvenile delinquency, but each focuses on a specific issue and utilizes specific remedies that are often not in-depth or multi-systemic. Until a serious offense has been committed, there is little coordination of services or assessment of the broad range of issues that contributed to the problem. Even then, family systems and issues are often not addressed. The lack of objective, multi-systemic assessment tools, a lack of communication between service agencies, fragmented services and case management, and complicated issues surrounding jurisdiction over different juvenile involved courts
need to be corrected to significantly impact the provision of services to "at risk" kids.

Early intervention has proven to be key in successfully changing problem behaviors, but without consistency in service provision and coordination between providers, too many kids will fall through the cracks created by the lack of unified services. While it would be a daunting task to attempt to place all family resource agencies under one roof or even under centralized management, there seem to be some basic ideals that could be encouraged and supported across all systems that deal with families.

**Recommendations**

The overall goal of the juvenile court system, human services, community agencies, school systems, and the general public is to ensure that the next generation grows up to be healthy, happy, and productive members of society. This ideal must start with the belief that children are better off if they can remain with their families, and with the idea that
people can learn and change their behaviors if given the opportunity. Based on these ideals, the goal should be to identify high risk children/families early in their involvement in the system, to ensure access to services for families in need, to encourage and support development of good parenting skills, stable communities, and collaborative treatment resources.

The following is a list of recommendations for improving the current system:

1. Develop a new model for juvenile justice that utilizes the successful elements of existing models, and emphasizes working with families, while limiting extreme measures.

2. Create an objective, uniform family assessment tool with a rating system for use by all agencies.

3. Centralize assessment, either within existing agencies such as Human Services, or in centers such as the Community Assessment Center Model proposed by the OJJDP.

4. Create a managed information system for use by the courts and human services agencies to alert service providers of already existing services or ongoing court cases.

5. Make referrals to District court mandatory for those juveniles involved in a second
truanty petition or a third municipal court offense.


**New Juvenile Justice Model**

The original model of juvenile justice (*parens patriae*) was abolished because opponents felt that it subverted the rights of children and families, gave too much authority to the courts, and did not provide a system of checks and balances to prevent misuses of power. The current system is based on the due-process theory of criminal law as it applies to adults, and while it does protect the legal rights of juveniles, it doesn’t allow for individualized intervention based on the needs of the child and family. A better model would fall somewhere between these two extremes, and combine elements of social work with legal protections and sanctions. This combined model would differ from *parens patriae* in that the state would not take over parental responsibility, but instead would require parents to be responsible for supervising their
children. The goal would be not only to reform the children, but to provide parents with the skills and resources necessary to raise responsible children. Aspects of restorative justice could be combined with an effort to collaborate with school and community projects in an attempt to prevent ongoing delinquent acts, and to provide support for families with children in the system.

Assessment Tool

Currently, the court system imposes sanctions based on the severity of the charges brought against a juvenile, the mental health system assesses for issues regarding mental illness and medication, the probation department assesses the level of supervision needed, the school system provides educational services, and human services attempts to provide family preservation/reunification services. Each system assesses for specific issues and utilizes specific remedies, but with the exception (sometimes) of human services, none conduct broad-based, multi-systemic
assessments or interventions. Referrals to human services usually come when all other interventions have failed, and it is determined that more inclusive case management is warranted. Unfortunately, this is often a case of too little, too late.

The creation of an objective, multi-systemic assessment tool that could be utilized by all providers would assist in identifying problem areas at the earliest stage, when intervention efforts are most likely to be beneficial. For example, a child who is truant may be so because of a home situation that requires them to miss school to provide daycare for younger siblings. Punishing this child for missing school will not be as effective as providing education and resources to the family so that the child is able to attend. Similar issues hold true with probation. Too often, a child's probation is revoked because he/she continues to have positive tests for drugs, when an in-depth family assessment might show that the parents have drug problems themselves, and thus are not supportive of the child's efforts to get clean.
This is a child who will continue to fail, unless something within the family system changes.

The assessment tool should be similar to the NCFS (Kirk & Reed, 1998), in that a number value is assigned to each factor, allowing for re-assessments to show improvement or decline in family functioning during the course of and after intervention.

Centralized Intake/Assessment Unit

Early, immediate assessment, intervention and referrals are key to positively impacting high risk juveniles and to preventing them from progressing to more serious or chronic offenses. Creating a centralized agency to do an initial family assessment, make referrals to service agencies, report to the court system, and act as a liaison between agencies and providers would, hopefully, keep families and youth from slipping through cracks in the current system. Referrals for family assessment could come from truancy and municipal court dockets, from juvenile probation, mental health groups, schools, and
the district courts. The OJJDP is currently funding four Community Assessment Center models to test this theory, but without the cooperation of the court, schools, human services, and mental health systems it seems unlikely to be successful. The Department of Human Services currently has the ability to conduct the necessary assessments, the resource information regarding available services, the case management experience, and a relationship with the courts, probation, the schools, and mental health providers that would be necessary to successfully organize such an endeavor. A special unit could be created for the sole purpose of doing these assessments, and making treatment recommendations. Without a mandate from the legislature, however, it seems unlikely that it will happen anytime soon.

**Managed Information System**

The creation of a managed information system that would link all service providers would not only be costly, but also complex to create, and would raise
issues of confidentiality. An initial step might be for the court system to create a database that allows a judge to locate all cases relevant to a juvenile and his/her parents, to better coordinate services and sentencing and to reduce the number of times a family must appear in court. This database could also list the services provided to the family to reduce the possibility of duplication of services, and a limited release of information could be obtained from each family that would allow for the sharing of this basic information. Details of the individual treatment would fall under a more specific release of information. If the cases related to a family were combined, and an assessment of needs were conducted, the provision of services could be more complete.

Mandatory Referrals

Repeat appearances in municipal or truancy court indicate that there is an ongoing problem that has not been solved by prior court interventions and orders, and suggest that a more serious level of intervention
is necessary to stop the behaviors from continuing or progressing to a more serious level. On a second appearance in truancy court, or a third appearance in municipal court, an automatic referral to family assessment should be made, with the possibility for a recommendation of a roll-over of the case to district court. Repeat offenses on the municipal or truancy level frequently evolve into district court charges, because the basic issues leading to these charges (lack of parental supervision, drug problems, and family issues) are not addressed in the municipal and truancy courts. A juvenile with involved parents who take responsibility for the raising of their child will be less likely to reappear in these courts, and those families who are most high risk will be mandated to get the services they need.

Multi-Systemic Family Therapy

In a multi-systemic approach to family therapy, the therapist works with the entire family unit to identify areas of strength and areas that need work.
This can start with very basic and tangible issues such as employment, housing and financial resources, and advance to include issues of supervision, structure, discipline, and communication and conflict. The way that each problem impacts other areas of concern is identified and a plan is drawn up to address each of the issues identified. The therapist works with the family to identify issues and solutions, and to obtain necessary resources, but does not attempt to 'solve' their problems for them. Rather, they supply the tools and knowledge the family needs to solve the problem for themselves.

**Summary**

Juvenile delinquency is a problem that affects all of society, and one that has received much attention over the past 100 years. Many models have been used, and multiple agencies have created programs to assist in reforming the delinquent and equipping him/her to be a productive member of society. There are a multitude of programs that work to reduce
delinquency rates, starting before birth and involving schools and community programs. Those that are most successful seem to have one item in common— they work with the family as well as the juvenile. Early intervention has proven successful in many arenas, from healthcare to public safety, and is shown to be effective in programs involving children and families, however, there has not been a concerted effort to identify high risk kids and to intervene within the family system. A new model of juvenile justice that worked with the family system, utilized multi-systemic assessment tools, and coordinated the efforts of service providers could only benefit these troubled youth, their families, and all of society.


