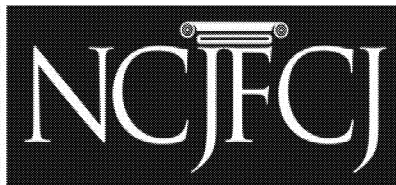


# RECONNECTING: THE ROLE OF THE JUVENILE COURT IN REENTRY



NATIONAL COUNCIL OF  
JUVENILE AND FAMILY COURT JUDGES

*est. 1937*

**The opinions, findings, conclusions and recommendations expressed in this publication are those of the authors and do not necessarily reflect the official position or policies of the United States Department of Justice.**

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The Advisory Committee convened four times in an eight-month period contributing a multi-disciplinary perspective on the needs of youthful offenders and the use of juvenile court authority to coordinate the functions of the many agencies and service providers to achieve consistent and integrated supervision and services. Their collaborative spirit and creative guidance created a model for the kind of teamwork critical to the design and implementation of a Reentry Court.

A Faith-Based Resource Advisory Committee facilitated by Denise Herz, Ph.D. contributed suggestions on how a juvenile reentry court might form closer linkages with faith-based organizations and more fully incorporate their services into the reentry case plan.

A Legislative subcommittee, working with Professor Robert Shepherd, reviewed state-by-state reentry legislation and policy to identify examples from state codes that established procedures supported by the research into sound reentry practice and that conferred to the juvenile court a role in the significant decision-making points pertaining to reentry. This work formed the basis of the recommended guiding legal and practice principles for the establishment of a court-based reentry model.

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## PREFACE

*Reconnecting: The Role of the Juvenile Court in Reentry* is intended as a practical guide for planning, implementing and operating a juvenile reentry court for the purpose of managing reintegration of high-risk youthful offenders into the community after commitment to secure confinement or other out-of-home placement.

The court-based reentry strategy proposed here adapts practices and procedures developed by drug and other problem-solving courts and by the Intensive Aftercare Program.

Few juvenile courts in this country have focused their resources on the specific goal of leading a coordinated response to the obstacles youthful offenders face when returning to their communities after placement. The purpose of this text is to set out a blueprint for the use of juvenile court authority as part of a comprehensive strategy to address this problem. It is recognized that full implementation of a court-based approach may require extension of the juvenile court's jurisdiction beyond its present parameters. In fact, such extension may be required in most states to permit the court to render more specific dispositional orders and to retain supervisory and decision-making authority during commitment, reentry and community supervision.

Although many recommendations in this text are premised on such extended authority, the court-based reentry model was developed with a view that limited or incremental approaches might be more readily implemented in light of existing legal constraints, policy considerations and limited fiscal resources.

The value of individual practices recommended in this text is not contingent on the court's ability to implement all practices, either simultaneously or sequentially. For example, the court may have an expanded role after release, even though it may lack legal authority to specify or oversee the terms and conditions of confinement.

Although judicial leadership is central to the model, the policies and procedures of any reentry court must be tailored to take into account state-defined jurisdictional limitations, available federal, state and local resources and local policy and practice.

### **Project Funding and Parameters**

This juvenile court-based reentry project was funded by Grant No. 2002-51822-NV-JF from the Office of Juvenile Justice and Delinquency Prevention as part of the Serious and Violent Offender Reentry Initiative. That initiative, developed by the U.S. Department of Justice, Office of Justice Programs (OJP), in conjunction with the Departments of Health and Human Services, Labor, Education, Housing and Urban Development, and the National Institute of Corrections, is a comprehensive effort that addresses both juvenile and adult populations of serious, high-risk offenders. It provides funding to develop, implement, enhance, and evaluate reentry strategies that address both preservation of community safety and reduction of serious, violent crime. The focus of the Reentry Initiative is on significantly increasing the number of targeted offenders who are successfully reintegrated into their communities following an extended period of secure confinement in a state training school, correctional facility, or other institution.

The Serious and Violent Offender Reentry Initiative envisions the development of



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model reentry programs that begin in correctional institutions and continue throughout an offender's transition to and stabilization in the community. Such programs call for individual reentry plans that address complex transitional issues for the offender and family in the broader context of preserving community safety. The broad federal initiative encompasses three implementation phases:

**Phase 1 - Institution-Based Programs.** These programs are designed to prepare offenders to reenter society. Services provided during the institutional phase should include education, mental health and substance abuse treatment, job training, mentoring, and full diagnostic and risk assessment in a highly structured and secure environment.

**Phase 2 - Community-Based Transition Programs.** Transition programs are designed for offenders prior to and immediately following their release from correctional institutions. Transition services should be compatible with institutional services and include: alternative housing, continuing secondary or post-secondary education, intensive surveillance and supervision, mentoring, life skills training, reassessment of risk and needs, job skills development, and mental health and substance abuse treatment services.

**Phase 3 - Long Term Community-Based Supervision and Support Programs.** Long-term programs serve individuals during (and hopefully after) the community supervision phase. These programs connect individuals with a network of social services agencies and community-based organizations to provide ongoing services and mentoring relationships even after successful case termination.

The concept of a specialized juvenile reentry court is one of several approaches supported by the Serious and Violent Offender Reentry Initiative, which includes: institution-based release readiness programs, institutional and community assessment capability, supervised or electronically monitored living arrangements, mentoring programs, and community surveillance, supervision and services, delivered by a multi-disciplinary team.

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## EXECUTIVE SUMMARY

This blueprint for the nation's courts constitutes the first written guideline for extending the Juvenile Court's role in managing the reentry of youthful offenders.

The goals of this project are:

1. To provide recommendations for planning, implementing and operating a juvenile reentry court;
2. To articulate the strengths of a court-based reentry model;
3. To underscore the necessity of treating youth and family through a holistic approach; and
4. To promote increased interagency and interdisciplinary collaboration through joint accountability for successful case outcomes.

### Guiding Principles

The Legislative Subcommittee of the Reentry Project Advisory Committee identified the following fundamental principles that form the foundation for an exemplary reentry process:

1. Reentry planning should reflect the "Balanced and Restorative Justice" approach, and should be designed to protect the community; hold juveniles accountable for their actions; recognize the interests of victims; and develop offender competencies.
2. Dispositional decision-making should be deliberately conscious of the juvenile's eventual return to the community and should specify the

desired outcomes for the juvenile and for the correctional agency.

3. There should be maximum sharing of relevant information between and among the court, correctional institution or other residential placement, law enforcement and the various youth-serving agencies and resources.
4. Planning for the transition of juveniles back into their communities should begin immediately upon arrival at the correctional facility or other residential placement, if not sooner.
5. Institutional services should be developmentally appropriate for the individual juvenile offender, and should specifically address the unique needs of a culturally and racially diverse population of male and female juveniles.
6. The committing court should remain informed about the progress of those juveniles placed in institutional care.
7. The court should have the authority to conduct pre-release and post-release review hearings on committed juveniles.
8. The court should convene a local reentry team as the juvenile's release date approaches with those participants necessary to the implementation of the reentry plan.
9. The development of a reentry plan should begin no later than 90 days prior to the projected date of release.

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10. Juveniles should not be released from institutional care unless a reentry plan is in place.
  11. Reentry planning should be flexible and specific to the juvenile and should take available community resources into account.
  12. The court should have the authority to hold the juvenile, the juvenile's family and responsible agencies accountable for failures to comply with court orders or meet their legal responsibilities.
  13. The court should give consideration to the effect of its orders on institutional discipline, programming and available resources.
  14. The court should develop graduated sanctions/responses to post-release violations of aftercare/parole requirements and have the authority to implement and enforce them.

4. Increased public trust and confidence in the juvenile court and its leadership capability with respect to reentry;
5. Expanded community awareness of policy and program issues pertaining to juvenile reentry through participation in reentry planning at the local level;
6. Reduced revocation and recommitment rate resulting in reduced institutional costs;
7. Increased ongoing interagency and cross-disciplinary cooperation, professional education and training;
8. Enhanced cultural competence in service provision to the target population;
9. More effective utilization of interfaith resources for the target population and their families; and
10. Reduced overall rate of serious violent crime committed by youthful offenders in participating jurisdictions.

### **Expected Reentry Court Results**

In those jurisdictions where a juvenile reentry court is tested, the following outcomes or results should be attained to a measurable degree:

1. Increased public safety through intensive supervision and service delivery to the youthful offender population;
2. Reduced individual offense rates by program participants;
3. Increased offender life skills and competencies particularly in the fields of employment and education;

### **Summary Recommendations**

The planning process for a reentry court should include the following steps, which will be covered in detail in Chapter II, Planning the Juvenile Reentry Court:

1. Form a multi-agency planning team, including the juvenile court, prosecution, the defense bar, law enforcement, juvenile corrections (if the target population will be youth committed to their custody), social services, probation, mental health, health, vocational and academic edu-

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cation, youth employment agencies, and the business and faith communities.

2. Assess the nature and scope of the problem of reintegrating offenders and the need for a Reentry Court.
3. Consult other stakeholders in planning, including state and local policy makers, the private sector, community leaders, service organizations, parents, youth, victims and victims' advocates.
4. Develop and broadly disseminate a Reentry Court Action Plan, including a unifying Vision and Mission statement that expresses the shared values of planning participants.
5. Adopt Goals and Objectives for the juvenile reentry court.
6. Decide on the target population and establish eligibility criteria.
7. Review available programs and services and identify and fill gaps in the continuum.
8. Identify key staff and service providers to form the nucleus of the treatment team to work with a case manager in developing and implementing individual case plans.
9. Adopt policies and procedures to guide operation of the reentry court.
10. Design, or ensure the availability of, a Management Information System (MIS) that can assist the court and team with individual case tracking and provide data required for process

and outcome evaluation of the overall program.

11. Keep the public informed by establishing a sustainable relationship with the local media to assure ongoing project coverage, and balanced reporting of project successes as well as challenges and shortcomings.
12. Establish cross-disciplinary education and training to promote collaboration, professionalism and cultural competence.
13. Adopt an interagency Memorandum of Understanding describing the roles and responsibilities of each agency involved in the reentry process.

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## I. INTRODUCTION

Of the 567,000 delinquency cases adjudicated in 1996, more than a quarter resulted in out-of-home placement.<sup>1</sup> In 1994, over 133,000 juvenile offenders were released from commitment with an average length of stay in placement of 147 days.<sup>2</sup> In spite of the high cost of out-of-home placement the recidivism rate among juveniles following release from secure or other residential placement remains unacceptably high. As one example, a 2002 report prepared for the California State Senate Joint Committee on Prison and Construction Operations entitled “Aftercare as Afterthought” noted that despite an annual expenditure of \$48,400 per ward, during the period studied, 91% of youthful offenders released from the California Youth Authority re-offended within three years of release.<sup>3</sup>

This text addresses the juvenile court’s current and potential role in the reentry of offenders into the community, and suggests a more comprehensive and integrated approach under the leadership of the juvenile court to improve reentry outcomes.

The promising but largely untested strategy described here entails a broader role for the committing court in managing the reintegration of offenders both during placement and following release than currently exists in many jurisdictions.

The strategies and procedures set out in this text are adapted to a great extent from the

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<sup>1</sup> Snyder, H. and Sickmund, M., *Juvenile Offenders and Victims: 1999 National Report*.

<sup>2</sup> Sickmund, M., Sladky, T.J., and Kang, W. (2004) *Census of Juveniles in Residential Placement Data-book*.

<sup>3</sup> Byrnes, M., Macallair, D., and Shorter, A. (2002) *Aftercare as Afterthought: Reentry and the California Youth Authority*.

“Drug Court” model. Evidence of the success of drug courts<sup>4</sup> in responding to a population with similar obstacles to remaining law abiding and developing pro-social behaviors suggests that a court-based model for managing juvenile reentry might employ similar procedures and strategies to improve reentry outcomes.

Drug Courts share common characteristics with other single-focus courts, such as mental health courts, domestic violence courts, and gun courts. These shared characteristics include:

1. Intensive judicial oversight including frequent court appearances by the offender and family;
2. A team approach to formulating treatment plans and responding to compliance issues;
3. Comprehensive individualized treatment plans for the offender and family that are culturally, gender and developmentally appropriate;
4. A system of graduated sanctions applied promptly, including rewards and incentives in addition to accountability measures;
5. Treatment plans that include support and development of offender strengths;
6. A shifting of the court’s focus from simply processing cases to achieving tangible results;

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<sup>4</sup> National Consortium for Justice Information and Statistics (February 2003) *Drug Court Monitoring, Evaluation and Management Information Systems National Scope Needs Assessment*.

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7. Use of community-based services addressing the needs of the youth and family; and
  8. Accountability of agencies and service providers.

In most jurisdictions the significant decisions affecting reentry, e.g. placement choice, services to be provided while in placement, the decision to release, setting conditions of release, post release supervision, revocation or modification, are made by a number of different agencies including courts, state juvenile correctional agencies, state parole offices and local probation offices. A juvenile court-based model as set forth here has the potential through authoritative leadership throughout the reentry process to provide overarching case management spanning the institutional, transitional and community supervision phases. This, in turn, will promote more seamless service delivery and effective interagency collaboration between these various agencies. Features of a court-managed reentry system that can contribute to better reentry planning and preparation, community supervision and case management include:

1. The committing court commonly has the most complete and accurate knowledge base regarding juvenile and family, offense history, social history, educational records, neighborhood and community context, interventions already applied and their respective outcomes.
2. The court can exercise its leadership position in the community to convene local private and public service providers, as well as state agencies, to marshal their resources and guide more effective communication and

collaboration across traditional institutional and disciplinary boundaries.

3. During the transition and community supervision phases, the juvenile court can administer a wide range of graduated sanctions and supports proportional to compliance and progress. This would include a structured, gradual “decompression” of supervision and monitoring following release as warranted by how well the offender performs through each stage.
4. Where statute or policy permits, the local court can continue to deliver services to the family throughout the placement period, and can compel compliance by the family with the treatment plan. This can be especially important where the institution is a great distance from the family making the provision of services by the institution impractical.
5. The court is singularly situated to enforce dispositional orders such as restitution and reparation, and address victim and community safety issues.
6. The court, in collaboration with the state correctional or other agency operating the placement facility, can ensure continuity and integration of institutional and post- institutional programming, enhanced by consistency of key personnel assigned to the case, such as the case manager and probation/parole officer.
7. The juvenile court is uniquely positioned to assure intensive monitoring of offender compliance with the conditions of release, because of the

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traditionally strong linkages between the court, law enforcement and other local agencies.

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## II. PLANNING THE JUVENILE REENTRY COURT

*“All segments of the system from the courts through aftercare must be involved in planning and decision making and have a very clear understanding of the larger picture of confinement and reintegration.”<sup>5</sup>*

This chapter outlines a sequence of planning steps drawn from a standard action planning approach applied here to the specific aim of establishing and operating a juvenile reentry court. The planning process itself presents an opportunity to begin communication and collaboration among the juvenile reentry court, correctional system, schools, local probation, law enforcement, mental health and other service providers, both public and private that is essential to the successful operation of a court-based reentry model.

On a practical level careful planning maximizes the ability of the court to ensure the necessary level of supervision and delivery of the continuum of services required by the target population.

Although the impetus for setting up drug and other specialty courts commonly comes from the local justice community, the nature of the reentry problem suggests that the state juvenile correctional agency should consider taking the initiative in contacting local courts to explore collaborating on the development of the reentry court. Juvenile correctional agencies have statutory responsibility for aftercare in many states, and could di-

rectly benefit from the additional resources that greater collaboration with local courts might offer. Additionally, the opportunity to improve coordination between institutional and community-based programming should provide strong incentive for such an initiative.

### A. Select And Convene The Planning Team

Identification of a broad-based, multi-disciplinary planning team is recommended as the first step in the planning process. The agencies represented on the team can serve as resources for much of the baseline information needed in the earliest stages of planning. Further, since the comprehensive nature of a sound reentry program places increased demands on justice system and community resources, successful collaboration and implementation depends on team members' early buy-in, voluntary commitment to the project, and willingness to commit resources.

The makeup of the reentry court planning team may vary in different jurisdictions, depending on the roles and responsibilities assigned to various agencies by law or practice. The team should be comprised of high-level representatives of the principal agencies that shape the individual reentry plans the court proposes to implement and each should be able to represent and commit their respective agencies at the policy level. Many communities have existing juvenile justice planning or advisory commissions, boards or panels, set up to make local policy recommendations on delinquency issues generally. Commonly, such groups are comprised of representatives from education, health and mental health, juvenile justice, child welfare, employment, law enforcement, religion, recreation, child protective services, public defenders, prosecutors, private business and

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<sup>5</sup> Altschuler, D., and Armstrong, T., (1995) *Managing Aftercare Services for Delinquents*. In B. Glick & A. P. Goldstein (eds.), *Managing Delinquency Programs that Work*. Laurel, MD: American Correctional Association, 137 -170.



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service sectors, and parent, family and youth associations. Because of their composition and mission it may be feasible to use such an existing organization as the planning body rather than forming yet another new committee.

A distinction should be drawn between the planning team and the treatment team that will implement and monitor individual reentry plans for each youthful offender participating in the project, although some overlap in membership can be expected.

Planning team tasks include, but are not limited to:

1. Assessing the nature and scope of the problem of reintegrating juvenile offenders into the local community and the need for a Reentry Court.
2. Agreeing on a unifying vision or statement of professional values that will guide the project.
3. Setting out a mission statement that supports attainment of the vision.
4. Defining project goals and measurable objectives.
5. Enumerating the specific activities that must be accomplished to achieve each objective.
6. Securing agreement from planning team members as to who will undertake each of these activities, including a detailed description of who will do what, when and how.
7. Convening a forum, or determining another method of securing input from other stakeholders not represented on the planning team includ-

ing youth and families, state or local legislators, county or regional juvenile justice commissions, the business community, the housing authority, service organizations, churches, politically active groups, such as the League of Women Voters and other community-based organizations.

8. Identifying the target population and determining eligibility criteria.
9. Conducting an inventory of existing resources and service gaps, and filling them.
10. Identifying funding sources to support program activities.
11. Determining the makeup of the treatment team. Although membership may be flexible depending on individual case needs, core membership should be consistent: e.g., case manager, prosecutor, defense counsel, probation/parole officer, social services worker, educator, counselor, etc. Ideally, a representative from the institution where the offender is placed should be included.
12. Developing joint or compatible policies and procedures to guide the treatment team for purposes of removing barriers to accessing service. Adapting or developing risk/needs assessment instruments.
13. Designing or ensuring the availability of a Management Information System (MIS) that can provide the court and team with current individual case tracking information as well as provide data required for process and outcome evaluation of the overall program.

- 
14. Agreeing on protocols for sharing of information and records.
  15. Adopting rules of court procedure, including:
    - a. Time, place and frequency of hearings
    - b. Who should be present
    - c. Types of information/reports required
    - d. Responsibility for preparation of information/reports
  16. Developing media relations.
  17. Keeping the public informed of progress and setbacks.

At a minimum, the planning team should include a representative from each of the following entities:

1. Juvenile State Department of Youth Corrections
2. Juvenile Probation
3. School District
4. Local Workforce Investment Board
5. Prosecutor/ District Attorney
6. Law Enforcement
7. Public Defender
8. Social Services
9. Mental Health/Public Health
10. Alcohol and Drug Treatment Providers

### **Rationale for Inclusion:**

**Juvenile Court:** Judicial leadership is essential to the planning and operation of a reentry court. The court is uniquely positioned to hold youth and families accountable, protect the community, promote the interests of victims, and coordinate the delivery of sanctions, incentives and services necessary to successful reentry, community supervision and case termination/closure.

**State Department of Youth Corrections:** As acknowledged in the IAP model, traditional reentry efforts have fallen short in the crucial area of developing and maintaining linkages between court and institution, and between institutional and field services staff. If the target population will be youth committed to the custody of a state correctional agency their participation in planning is critical. A seamless transition from secure custody to reentry depends on close collaboration between the two entities. Such collaboration should begin at the planning stages for establishment of a juvenile reentry court. Particularly important issues to reach accord on are information sharing, choice of assessment instruments and the timing of their administration. Since in many jurisdictions the collaboration will involve a degree of reallocation of responsibility for certain activities a cooperative agreement, or Memorandum of Understanding is advisable to set out the parameters of this new partnership.

**Juvenile Probation:** Probation has knowledge of services commonly needed by the target population and experience working with the providers of those services. Staff is trained in monitoring offenders frequently in cooperation with local law enforcement, and administering drug tests. Probation officers have background knowledge and experience from dealing with the offender and family prior to commitment.

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**School District:** Long-term offender success is directly related to educational attainment and employment. It is essential that both the local school district be involved as full, collaborative partners from the outset. The range of alternative academic programs and the frequently complex eligibility requirements must be thoroughly understood by the reentry team so that reentry plans include an educational program matched to the needs and level of the offender.

**Workforce Investment Boards:** Local workforce investment boards administer programs that provide an array of services needed by this population including tutoring and dropout prevention, alternative schools, summer jobs, work experience, occupational skills training, adult mentors, counseling for substance abuse and referrals for **treatment**.

**District Attorney:** Prosecutorial input at the planning stage will assure that policies and procedures protect public safety and promote offender accountability. Adoption of a system of graduated sanctions or responses touches a key area of prosecutorial responsibility: advocating accountability for violations. Since serious violations of the terms and conditions of release may also constitute grounds for filing a supplemental delinquency petition, it is essential that court policies pertaining to non-compliance be consistent with the prosecutorial policies of the District Attorney's Office.

Another area requiring cooperation between the prosecutor's office, the court and other agencies is discovery and information sharing. Failure to agree upon a discovery policy can cause delays particularly in the court responding to violations that occur after release. Depending on the nature of the violation, reports of such matters are commonly provided by law enforcement to the prosecutor. Until defense counsel has had an oppor-

tunity to review the relevant reports a resolution of the issue may be delayed.

**Law Enforcement:** Sound aftercare practice demands intensive supervision and monitoring of compliance with conditions of release. Law enforcement augments the effectiveness of case management by its ability to monitor activities in neighborhoods and communities. The intensive level of supervision required as part of the aftercare plan places demands on the resources of these agencies.

Law enforcement officers can be a valuable source of information on local issues such as gang activity, drug trafficking, and offender, peer group and family activity. This information is helpful in detecting potential problems and can be relevant to deciding on the target population for the reentry court.

Law enforcement officers may be first to detect parole/probation violations. Accordingly, high priority must be given to adopting policies concerning re-arrest, detention and referral that accommodate law enforcement's mission to protect public safety while maintaining consistency with the principles and goals of the reentry court.

Law enforcement agencies in many communities also sponsor mentoring and recreational programs that can be valuable to the target population.

**Public Defender:** Imposition of sanctions triggers significant statutory and constitutional rights for the offender, contingent on the nature of the offense, the sanction, and the legal status of the youthful offender. Policies and procedures should allow matters to be dealt with promptly and consistently, while accommodating the rights of the accused.

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Defense counsel will be called upon to advise and represent the offender in the event of alleged violations. They may also play a role in explaining to the offender and family the requirements of the reentry plan and the specific services prescribed. The offender's response to the reentry plan may be influenced to a high degree by defense counsel's belief in the fairness of the process and value of the program to the offender.

**Social Services:** Social service agencies act as a referral source to many service providers and are responsible for directly providing or paying for an array of services required by youthful offenders and their families. Such programs commonly include direct income assistance, disability monies, medical care, housing assistance and sometimes childcare and employment training.

Rules and regulations governing eligibility for services are complex, and must be considered in planning the service continuum available to the court for the target population. Additionally, due to the high incidence of family dysfunction in the offender population, social service agencies often have previous or on-going involvement that can inform the court regarding social history and family dynamics. The scope and sophistication of programs available through social services federal funding streams (such as IV-E monies for therapeutic foster care) are noteworthy. Inclusion of social services as a full partner in the planning and implementation of a reentry initiative can pave the way to overcoming barriers to eligibility for service in the delinquent population.

**Mental Health/Public Health:** The prevalence of mental health and other special needs in the juvenile offender population and their families place heavy demands on mental health and health agencies. The problem is exacerbated by the categorical funding structure for many mental health agen-

cies and medical care providers, which often limits their ability to shift resources to serve the needs of this population.

In addition to helping the planning team understand and address program and funding issues, mental health providers can make valuable contributions to the selection and adaptation of instruments for mental health screening and assessment and for broader areas of general risk and needs assessment.

**Alcohol/Drug Treatment Provider:** Youth whose offense patterns are drug or alcohol-related are over-represented in the institutional population of serious and violent offenders. Chronic substance abuse issues affecting offenders and their families need to be dealt with during all phases of case management. It cannot be assumed that substance abuse problems have been addressed during secure confinement. The professional expertise required for accurate assessment and referral to appropriate treatment programs must be directly represented on the planning team.

## **B. Assess The Nature And Scope Of The Problem**

As with drug courts, the momentum for establishing a reentry court usually begins with the perception that there is an unacceptable degree of failure in rehabilitating offenders whose disposition involved an out of home placement. The perception is generally triggered by high recidivism rates and a decline in public confidence in the juvenile court's capacity to effectively deal with the problem.

A detailed understanding of the nature and scope of the problem is necessary in order to determine the type and extent of services required, and to inform the policies and procedures to be adopted. Data should be ob-

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tained on the number of youth being returned to the community, which institution they were placed in and recidivism rates within that population. Local probation and court records are good sources of information. Other data can be obtained from the state Statistical Analysis Center.<sup>6</sup> Since recidivism can be defined and measured by arrests, adjudications/convictions, technical probation/parole violations, or the filing of new petitions/criminal charges, the data should be specific regarding the measure used. A technical violation suggests a significantly different problem - and response - than recidivism measured by a new adjudication/conviction.

Risk and needs assessment data, if available, should also be compiled on the target population. Such data should include, alcohol and other drug usage, educational needs and attainment, vocational readiness needs, restitution obligations, community service obligations, mental health diagnoses and services, and housing requirements. This data will assist the treatment team in identifying service needs and gaps in the service continuum which will form the basis of the system of graduated sanctions.

### **C. Convene Stakeholders**

As an integral part of the planning process, the team should consult those whose support for the project is critical. This “stakeholder” group - if they are not already part of the planning team - might include: local/state elected officials, local/state budget administrators, the media, victim advocacy groups, department of youth corrections representatives, the public housing authority, job or

vocational training providers, members of the business community, community service organizations (such as Boys’ and Girls’ Clubs and the YMCA), and the faith community. Court-involved youth and their families are also important stakeholders who should not be overlooked in this process.

In addition to securing their input into the planning process, convening stakeholders can also serve the purpose of securing buy-in due to their participation and familiarity with program goals and expected results. Participation contributes to community “ownership” of the complex problems surrounding the reentry and reintegration of youthful offenders into the community.

### **D. Formulate A Vision Statement**

Planning begins with a vision of a desired future. The vision is derived from shared beliefs, values and convictions. The belief system underlying the vision must be deeply held and shared by the team. Although formulating a vision statement may initially seem to be a theoretical exercise, it is essential in providing consistent direction and purpose to subsequent planning steps.

### **E. Adopt A Mission Statement**

The mission statement should be a concise statement of the project’s purpose and function. It should be substantive enough to provide clear direction and guide the members in their work.

### **F. Define Goals, Objectives And Activities**

Goals express the desired outcomes of a system, program or plan. They are general statements that are then described in quantifiable objectives. As an example, the Marion

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<sup>6</sup> Statistical Analysis Centers are state agencies that collect, analyze and disseminate justice data. Contact information for the center in your state can be found online at <http://www.jrsa.org/sac/>

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County Reentry Court Initiative chose five project goals:

1. Enhance public safety.
2. Re-deploy and leverage existing community resources.
3. Assist the juvenile and family to avoid delinquent acts, engage in pro-social activities and meet family responsibilities.
4. Ensure program sustainability.

Objectives are clearer statements of the specific steps required to achieve the goals. In the action planning context, objectives concretely describe what participants in the re-entry court project are to do. They should be quantitative to allow for evaluation of the program's success.

The highest level of specificity is in the design of the activities needed to achieve each objective: activities identify who is responsible for what, when, and how.

### **G. Identify Resources And Gaps <sup>7</sup>**

The search for service providers should not wait until after the offender has been released from secure confinement or other out of home placement. Even short delays or gaps in the delivery of services increases the chance that any gains made while institutionalized will be eroded.

High risk youth tend to be high needs youth. The service continuum needed by serious or violent youthful offenders and their families

during transition and community supervision are extensive and include:

- Mental health treatment
- Vocational training and job placement
- Secondary and post-secondary education
- Individual and family counseling
- Mentoring
- Recreational programs
- Health services
- Social skills development
- Culturally competent and gender-specific programs
- Intensive supervision, surveillance and monitoring
- Drug testing and substance abuse treatment services
- Transitional and alternative housing
- Transportation
- Spiritual counseling and family support, if desired and appropriate

Beyond compiling an inventory of available services, the planning team should understand the eligibility and intake requirements of each agency or program to confirm its actual availability and accessibility.

Services should be culturally relevant to the user group, appropriate to their developmental level, age and gender. The assessment of available programs and resources should specifically consider such special needs groups as: female offenders, minority youth,

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<sup>7</sup> For a more in-depth discussion of this subject see *Graduated Sanctions for Juvenile Offenders: A Program Model and Planning Guide, Vol. I*, National Council of Juvenile and Family Court Judges (2003).

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youth with learning and/or mental health problems, sex offenders and youth with substance abuse problems.

Programming should also be available for youth with multiple special needs. Lastly, programming should be aligned with empirically validated preferred practice models rather than simply reconfiguring traditional services that have little demonstrated effectiveness with this population.

In addition to services, sanctioning options must be explored. Although there is continuing debate about the efficacy of short-term detention as a sanctioning option, any jurisdiction wishing to use it as part of its menu of responses should ascertain potential space availability, policy restrictions, payment issues and the availability of educational and mental health services in the detention facility.

A system of incentives and rewards for achievement should be developed. Some forms of recognition and reward may be given by the juvenile court judge, such as:

- In-court recognition
- Certificates or tokens
- Relaxed curfew
- Less frequent court appearances
- Less frequent drug testing
- Reduction in community service hours
- Faster progress through the community supervision program, and
- Early termination

Drug courts have demonstrated creativity in assembling an array of incentives, such as

tickets to sporting events and gift vouchers donated by community service organizations.

## **H. Select The Target Population And Determine Eligibility Factors**

Since the success of the reentry effort depends on small caseloads, frequent and meaningful contact with the case manager, regular multi-disciplinary team case review and plan modification, all of which place a heavy demand on resources, the target population must be carefully chosen.

The greatest public safety and long-term cost benefits from a reentry program will be realized by focusing on youthful offenders at highest risk to recidivate. It is not safe to assume that out-of-home placement or even commitment to a training school is a sufficient and reliable marker of a high-risk offender at the time of release to the community. In practice, training school and other residential commitments are driven by a variety of offense backgrounds, including a history of chronic minor delinquent acts. In some jurisdictions, commitment to state custody may be seen as the only avenue to secure needed diagnostic and treatment services, due to the paucity of local resources. Not every offender returning to the community from secure placement is at high risk of re-offending, or is a viable candidate for participation in a focused reentry effort. As explored more fully below, comprehensive risk and needs assessments should be used to determine eligibility.

Selection of the target population at the local level will be influenced by statute, local policy and priorities, and resource availability. The services needed for the target population must be available in the community.

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Consideration must also be given to the potential “aging out” of older offenders and a determination made as to whether there will be sufficient time for the reentry plan to be effective before the court loses jurisdiction.

In dense population areas, eligibility may be restricted by residence in specified geographical areas such as districts or neighborhoods that yield high crime rates and are concentrated sources of referral for the reentry program.

In the West Virginia Reentry Court which oversees reentry of juvenile offenders from ten different counties selection is based on the following predetermined criteria:

1. Offender’s age – (must be between 14 and 21 years old)
2. A plan that the offender will return to a county participating in the reentry court program
3. At least six months of secure or residential placement
4. Assessed at high risk to re-offend during the reentry phase
5. Will be on probation (under formal court supervision) after release.

### **Who Determines Eligibility?**

Depending on the reentry model adopted, the target population and state law, eligibility criteria may be determined by the court-led reentry team acting alone or in concert with representatives of the state department of youth corrections.

For the Juvenile Reentry Court for West Virginia, the decision regarding participant eligibility is reached jointly by the Juvenile Court Judge, Probation and the State De-

partment of Juvenile Services Aftercare Coordinator. If the offender meets eligibility criteria, the court recommends to the institution that he or she be placed in the reentry program. A notable feature of this program is that participants can earn early release through successful completion of the institutional reentry program providing an additional compliance incentive for the offender.

### **When to Determine Eligibility**

Consideration must be given as to when the determination of eligibility should occur. The Juvenile Reentry Court in West Virginia makes a recommendation for acceptance into the program at the dispositional hearing with eligibility determined shortly after commitment to the correctional facility. Early selection of candidates allows specific reentry programming for both the offender and family begin at an early point in the institutional phase.

Many institutions administer risk assessments periodically as the offender progresses through the program which can be used to identify candidates for the program. At a minimum, it is suggested that individual eligibility be determined, and specific reentry case planning initiated, at least 90 days prior to release to ensure that the offender and family have been adequately prepared for the transition and that all of the community-based components of the reentry plan prior to the release of the offender.

### **I. Risk, Needs And Strengths Assessment Instruments**

Both risk and needs assessment are components of “Structured Decision-Making” (SDM). Structured Decision-Making is an objective approach to delinquent offender classification, taking into account offender risk and needs and applying a decision ma-



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trix to assure placement in an appropriate program and access to targeted resources.

SDM takes many forms. In the context of reentry it is intended to improve system efficiency and case outcomes by directing resources to those youth at greatest risk of re-offending.

When assessment and classification procedures do not result in the “right” youth being consistently linked with the intervention designed for them, there are a number of potentially negative consequences, including:

- Increased risk to public safety, as a result of high-risk and/or violent youth being placed in settings that are not sufficiently restrictive to control their behavior;
- Inefficient use of resources resulting from the placement of non-violent or non-high-risk youth in overly restrictive settings, and
- Inequities resulting from the placement of youth with similar offense/risk/need characteristics at different levels of intervention.

It is noteworthy that all structured decision-making systems contain provisions for mandatory and discretionary overrides to achieve a higher or lower risk classification based on unusual circumstances not accounted for in the formal risk assessment process.

For the most part, risk assessments are comprised of static, or unchangeable, factors (past history, age at first referral, and number of prior out-of home placements). Needs assessments are comprised of dynamic factors (capable of being changed).

Risk assessment components include: age at first referral; total number of referrals; total referrals for violent offenses; placement his-

tory; school discipline history (suspensions/expulsions) during the past year; level of substance abuse; peer relationships - including gang affiliation; history of victimization of the offender (abuse, neglect, sexual abuse); availability of parental supervision; history of parent-sibling criminality; and new arrests (offender).

Needs assessment components with respect to the family include: need for substance abuse treatment by any family member living in the home; need for family counseling; need for financial support and a suitable living situation (for homeless families and families whose housing does not meet the basic health and safety needs of the children); need for parent counseling or family counseling; need for medical support for disabled caregivers; domestic violence and intra-familial sexual abuse; criminogenic factors in parents or other adults living in the home; and need for vocational training.

With respect to youth, needs assessment factors include: education needs; peer relationships; adult relationships with pro-social adults; employment/vocational preparation; substance abuse treatment needed; aggressive behavior (to determine the need for skills development in positive conflict resolution); sexual behavior (to determine the presence or absence of health-related issues, identity issues, parenting issues, decision-making deficits); emotional stability and pro-social attitudes, values and behaviors; history of victimization; parenting skills; physical health (to determine the need for medical, dental or health education and services); and recreational/structured activities (to encourage age-appropriate mentoring, faith-based activities, sports, and/or employment).

The risk assessment determines the appropriate level of surveillance and supervision.

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The needs assessment drives the service element of the individual case plan.

In the reentry court context, assessments serve three fundamental purposes:

1. To assist in candidate selection;
2. To determine the appropriate level of supervision; and
3. To formulate, and if needed, modify the reentry treatment/service plan.

Determination of risk, needs and strengths should be based on assessments, using validated instruments that are locally accepted as consistent with both state law and court policy. Many instruments are in use, with varying degrees of research-based reliability and validity for use with this population. Some instruments focus only on risk, others on areas of need and strengths, and still others combine all in a single instrument.

Assessment may already be standard procedure both locally and within the institution at key points in case processing, usually for disposition purpose, at intake, or preceding release. If the institution(s) to which the offenders will be committed use a particular instrument, the planning team should review the instrument, the assessment process and the conclusions it generates to decide whether or not the information yielded is sufficient for reentry court purposes. Use of different instruments by different agencies can cause difficulty in determining offender progress and can result in inconsistent recommendations for supervision and services.

If assessment is not a pre-release requirement imposed by the institution, the court/planning team should ensure that risk/needs/strengths assessment is conducted well before the release date to permit deter-

mination of eligibility and formulation of an individualized reentry case plan prior to release.

Because of the importance of family involvement in the aftercare plan, assessments should also capture critical data on family needs, strengths and areas of dysfunction.

## **J. Develop Policies And Procedures**

The planning team should prepare a policy and procedures document that at a minimum defines:

- Agency and reentry team member responsibilities and activities and related timelines.
- Information and record sharing protocols.
- Court procedures.
- A system of graduated responses or sanctions that will form the basis of the court's actions in response to either positive or negative behavior by the offender.
- Minimum length of time, if any, that offenders must remain in the program.
- Criteria for determining successful completion of the reentry program and case termination.

The collaborative decision-making and treatment approach that characterizes the operation of drug and other problem solving courts has often required individual team members to accept roles that may differ in some respects from their traditional ones. The operation of a reentry court can be expected to require similar adjustment. It is important to recognize this during the plan-

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ning phase as well as in operating the court, since traditional roles may initially lead members of the planning team (or the agencies they represent or lead) to advocate policies and procedures inconsistent with the philosophy and principles of the reentry court.

### **K. Interagency Memorandum Of Understanding**

A number of key issues in philosophy, policy and practice must be resolved if non-traditional interagency partnerships are to be successful in supporting the reentry process. Confidentiality of records and restrictive intake or enrollment requirements are examples. A Memorandum of Understanding stating the purpose of the project and defining the role and responsibilities of the court, involved agencies and community-based service providers will help ensure a clear understanding of, and commitment to, the project.

### **L. Define The Role Of The Case Manager**

Although a probation or parole officer has traditionally been the primary case manager for delinquent youth, the responsibilities of the case manager working with an intensive reentry court program are more varied and require more frequent contacts with the minor, the family and service providers than those of a traditional probation/parole officer. It is the case manager who is the central figure in developing the case plan, ensuring service delivery and monitoring offender performance for the court, coordinating transitional and aftercare services, maintaining linkages with institutional staff, community treatment staff and service providers, and others involved in the aftercare plan. In some jurisdictions, case management will be the responsibility of institutional staff during

the placement phase, and the local case manager will only take over the central role after release (although case planning activities will commence prior to release).

Even where the court and local case manager does not determine programming during the placement period the local case manager should meet regularly with institutional staff, and throughout the duration of the case with the offender and family and service providers.

When the offender is released and under the active supervision of the reentry court, the case manager should meet on a regular and frequent basis with the treatment team. The position will be responsible for obtaining current information on all services and activities involving the offender and family, reporting on the status of the case and making recommendations at each review hearing to the reentry court on matters such as supervision and imposition of sanctions or rewards.

While the case manager's position may be filled by reassigning an existing probation, parole or social worker, the case manager must fully understand and support the principles and philosophy underlying the operation of the reentry court. Cross-disciplinary training is encouraged for the case manager and key members of the treatment team. The function may be contracted outside. The Marion County Reentry Court receives case management services through a contract with a non-profit managed care corporation.

### **M. Determine Caseload Size**

The experience of the Intensive Aftercare Program underscores the need for the case manager to carry a smaller caseload than is common for traditional probation supervision. There must be sufficient time for fre-

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quent and meaningful contact among the case manager, offender and family, both during placement and following release, preparation for frequent review hearings, and working closely with service providers and others involved in the aftercare plan and life of the youth.

Since effective juvenile aftercare requires intensive supervision and services, caseload recommendations developed for intensive probation supervision can give some guidance regarding an appropriate client/staff ratio. The National Advisory Committee for Juvenile Justice and Delinquency Prevention and the National Advisory Committee on Criminal Justice Standards and Goals recommend an average caseload of 12/1 for cases requiring intensive supervision, compared to an average supervision caseload of 25/1, and 40/1 for cases needing minimal supervision. The American Bar Association suggests a ratio of 15/1 for intensive supervision cases, 35/1 for medium supervision cases and 50/1 for low-level cases. These ratios are for juvenile probation supervision and, as noted earlier, a case manager can be expected to handle a wider range of duties. A ratio that allows effective case management will be heavily affected by whether the case manager has significant case responsibilities during the placement phase.

#### **N. Provide Public Information**

The return of serious, violent youthful offenders to the community is a matter of legitimate public concern. Public understanding and support of the reentry program are critical.

Presentations to local legislative bodies, service organizations, professional organizations and media releases can be used to provide information about the reentry program, and are potential opportunities for the plan-

ning team to become aware of and respond to concerns of community members. Positive ongoing relationships with media representatives can inform the public, garner public support and sustain public interest in the reentry effort.

It may be useful to stress the public safety aspects of the reentry program, which are supported by risk assessment and by close, collaborative interagency supervision and behavioral services to offenders and their families.

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### III. THE MANAGEMENT INFORMATION SYSTEM

A critical component of a court-based reentry program is the ability to track its caseload in an automated fashion: the larger the reentry program, the greater the need. The value of such a system in the day-to-day operation of the court cannot be overstated and growing emphasis on evaluation of the effectiveness of juvenile justice programs warrants that the development and implementation of the system be given high priority.

An automated case tracking system will enhance the reentry court's ability to:

- Conduct eligibility and risk screening as well as permit the court to develop accurate summary demographic, offender and risk profiles of program participants.
- Track individual case progress (including length of time in the program); progression through various supervision levels; types of services provided and their timing; frequency/timing of surveillance/supervision activities; and compliance with program requirements and specific court orders (including restitution and completion of community service hours).
- Monitor program implementation and performance to ensure that cases are accepted and progress through the program in a fashion consistent with procedural requirements and to identify any mid-course procedural modifications needed (e.g., changes in the program's target population; expectations regarding timing, types and level of services provided; frequency and types of surveillance contacts).

- Evaluate programmatic outcomes (short term and long term) including the percentage of youth successfully completing all program requirements; percentage of youth remaining recidivism-free for specified time periods after program completion; and assessing longer-term competency objectives such as graduating from high school/completing GED and maintaining employment.

#### Special System Development Considerations

A number of important considerations need to be addressed in designing an automated system to track a juvenile court's reentry population: the larger the reentry program, the more complex these considerations tend to be.

System design issues are also shaped by the amount of funding in place, the number of organizations involved and the current state of automated technology utilized by the court and/or its collaborating partners. While not an exhaustive list, the following represent some of the more critical issues that need to be addressed in the early stages of reentry program planning and development:

- Should the system stand-alone, or should it be integrated into the court's larger automated system that supports many other functions, including calendaring, judicial case assignment, case initiation, and production of court orders?
- Who will have access to data and how will confidentiality concerns be addressed?
- What types of data should be tracked?

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- Who will be responsible for collecting/generating this information and entering these data in the automated tracking system?
  - How will data integrity be assured and who will be responsible for this function?
  - What type of functionalities (including report generation) should be incorporated into the automated tracking system?
  - The type of funding is in place for developing, modifying and on-going support/maintenance of the system.

### **System Functionalities**

A court-based reentry program tracking system should have a number of basic functionalities. That is, the system should be able to do many of the following, either as part of the core automated reentry tracking system or as part of an integrated court management information system:

- Quick and user-friendly case initiation and search routines. This may include the ability of staff to complete intake and eligibility screening and case assignment (to judges, probation/parole supervision staff, attorneys and treatment providers).
- Routine access to automated data that highlight and/or summarize a youth's overall delinquent/criminal involvement, key court actions taken and placement/detentions ordered by the court.
- Calendaring of review hearings and scheduling of reentry treatment team meetings.
- Linkages between supplemental filings and the original petition to facilitate ac-

curate tracking of case status and case processing timelines. This would allow for the linking of any technical violations filings to the underlying petition(s).

- Placement tracking to identify a youth's current placement type, the number of placements/detention stays and length of stay in each placement.
- Ability to track and monitor compliance with specific court orders.
- Close tracking of case supervision activities including parole/probation officer contacts with the youth, parents and collateral parties; tracking of service referrals; provision of services, drug testing and completion of any court-ordered community service and/or restitution.
- Reentry program profiles that summarize a youth's involvement in the program, including case demographics, information on family members (parents, siblings and guardians), current placement information, summary data on prior court petitions), supervision and service summaries including length of time in various supervision levels.
- Generation of a variety of court documents, including: supplemental/violation petitions, orders, minute entries, hearing notification, process service, and all important court and case documents (psychological assessments, progress reports by supervision staff and treatment providers, test results), and routine correspondence from agency to family.
- Generation and posting of detailed court orders/minute entries in the courtroom and the distribution of these to all relevant parties at the conclusion of court hearings.

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- Systematic auditing of data through online screen edits and various quality assurance reports.
  - User-activated (menu-driven) report generation including a comprehensive series of aging reports, case listing and statistical reports that allow for effective caseload management, tracking of reentry cases, and court-wide planning.
  - Financial tracking of expenditures for residential placement and other contracted services as well as individual tracking of client fees, fines, restitution and community service hours.
  - Direct system access and/or electronic data transfer linkages with other key agencies to the degree that these entities are not considered part of the court or are not already on a shared system (juvenile detention, probation, prosecutor's office, and public defender's office).

### **Data Elements**

The following are data elements that a reentry court should track and monitor at the case level (for each juvenile participating in the reentry program). These include data elements that will allow the court to differentiate reentry cases using key case characteristics, facilitate close case tracking, and provide the court basic information related to program performance. Some data elements need not be tracked within the automated reentry tracking system if that system functions within the larger court system from which the same data are easily retrievable.

The suggested list of data element categories includes the following:

1. Basic client demographic information (date of birth, gender, race/ethnicity, parental information, key addresses, phone numbers and contact information)
2. Key parties assigned to the case (reentry court judge, case manager, attorney, community supervision/surveillance staff, treatment providers, guardians or Guardian ad Litem (GAL))
3. Offense and placement history - most importantly, the offense(s) that resulted in secure placement - and key dates related to court activity including petition filing, adjudication and disposition, placement and release
4. Eligibility, risk and service needs data collected as part of eligibility screening
5. Placement tracking while in the program (including begin and end dates, and reasons for placement changes)
6. Reentry plan information (including dates plan approved/revise/completed and information on specific plan components)
7. Review hearings and resulting court orders (as well as reentry team meeting dates)
8. Sanctions and services provided (including types/levels of services and related dates), compliance with sanction and service requirements and progress achieved within program components
9. Educational attainment and work history while in the reentry program
10. Tracking of restitution, community service hours, fines and supervision fees

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11. Supervision and surveillance data (including timing and frequency of contacts)
  12. Reentry violations, both technical and substantive (curfew and house arrest violations, positive drug tests, new arrests)
  13. Supervision level progression (including dates of changes in levels of supervision and reasons for changes) and
  14. Case closure data (including date and reason for case closure/termination).

the most significant from both accountability and future planning perspectives. On the one hand, evaluation allows us to look back and determine what worked, and on the other to look forward and avoid repetition of least successful strategies, while “institutionalizing” the most successful ones.

### **Program Evaluation**

Each planning team member should be familiar with program evaluation design and implementation, since each core agency has its own process and program evaluation requirements.

A well-planned reentry program, with clear vision, mission, goals and measurable objectives can shape the evaluation design. The management information system yields data on treatment outcomes and recidivism. Such objective data must be available to provide accountability to funding agencies. As suggested, the planning team agencies represented on the planning team should identify critical data elements needed for two purposes:

1. Making informed individual case decisions, and
2. Measuring program results.
3. The team should determine how data is to be compiled, maintained and accessed on a regular basis.

While program or project evaluation is the least commonly utilized planning tool, it is



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## IV. KEY COMPONENTS OF THE REENTRY PROCESS

### A. The Intensive Aftercare Program

The Intensive Aftercare Program (IAP) was designed in response to a 1988 OJJDP initiative, seeking to demonstrate improved outcomes among delinquent juveniles released from court-ordered, out-of-home or institutional placement. Since prevailing juvenile justice system practices had failed to curb the high failure and recommitment rates, changes in professional practice, from the point of court commitment through case closure, were critical.

Drs. David Altschuler and Troy Armstrong designed and implemented the IAP model at four initial demonstration sites. Their groundbreaking work yielded new information about what works in planning and operating aftercare programs. Altschuler and Armstrong are presently engaged in operating a national clearinghouse and providing training and technical assistance in aftercare/reentry.

The Intensive Aftercare Program can be divided into three phases: pre-release planning during confinement; transitional activities involving both institutional and field staff before and after the release of the youthful offender; and long-term stabilization activities that include both adequate controls and supports.

The core of the IAP is an overarching (rather than fragmented) approach to case management, consisting of five elements:

1. Assessment, classification and selection.
2. Individualized case planning.

3. A balance of incentives and graduated sanctions.
4. A post-release balance of surveillance and services.
5. An adequate mix of available services and linkage/access to applicable community resources.

In terms of improved policy, practice and processes for this population, the IAP notes the following essentials:

1. Client selection based on site-specific risk assessment information.
2. Small, concentrated caseloads for institutional and field staff.
3. A team approach to case planning, both in the institution and community.
4. Early initiation of pre-release planning (not later than 30 days prior to release). Inclusion of formal step-down structure to ease transition (including transitional facility).
5. A mix of incentives and controls throughout.
6. Graduated sanctions during both institutional and community phases.

It should be noted that while the Intensive Aftercare Program was not designed with the juvenile court as the agency responsible for all significant decisions impacting reentry, it was intentionally designed to be flexible so that it could be implemented in jurisdictions regardless of the configuration of responsibility for reentry planning and aftercare. What is critical in any system of aftercare is how well the units work together and cooperate in the provision of supervision and services to the target population.

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As suggested by the Intensive Aftercare Program a sound reentry approach relies on several basic program elements:

1. Establishment of relevant offender selection criteria.
2. Development of an individualized case plan for offender and family.
3. Use of locally customized risk and needs/strengths assessment tools.
4. Maintenance of a continuum of programs and services to address the full range of offender risks and needs.
5. Application of a system of graduated interventions in the context of intensive offender supervision and surveillance.
6. Employment of a team approach to treatment and rehabilitation, requiring participation by the committing court, probation/parole, mental health, public health, social services, the housing authority, educators, vocational trainers, mentors and representatives of the faith and business communities.

Regardless of the reentry court model, as defined by the extent of court involvement, these components should provide the framework for each youthful offender's reentry plan.

## **B. Characteristics Of Programs That Work**

While many programs can more accurately be described as promising than proven, literature reviews and meta-analyses suggest that there are several shared principles that drive successful juvenile crime intervention programs:

1. A central strategy that addresses dynamic (changeable) crime-related factors, suppressing or eliminating risk factors while enhancing protective factors.
2. A treatment focus on behavioral change in domains relevant to reducing recidivism (such as substance abuse, abuse, delinquent peer affiliation, and poor adult supervision and engagement).
3. A strong program design, implemented by trained personnel.
4. Treatment of sufficient duration to impact recidivism.
5. Treatment that incorporates family as well as offender.
6. Use of the least restrictive alternative consistent with community safety.
7. Application of incentives as well as controls.
8. An individual counseling component that focuses on relevant social skill development such as appropriate assertion, conflict negotiation, decision-making and identification and avoidance of high-risk situations for re-offense.

Certain barriers to successful reentry commonly encountered when an offender is placed in a juvenile correctional institution are particularly resistant to change, regardless of the reentry model selected. These include:

1. Long periods of confinement;
2. Isolation from family and community;
3. Inadequate educational opportunities ;

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4. Lack of professional mental health services, including assessment and treatment services relying on research-based methods for high risk, multi-problem youth;
  5. Increased institutional dependence;
  6. Escalating delinquent behavior in response to confinement;
  7. Hardened gang affiliation;
  8. Lack of gender-specific programming for female offenders;
  9. Lack of culturally sensitive programs and staff; and
  10. Inadequate transitional planning in preparation for release;

The committing court can mitigate these barriers by initiating or advocating for some or all of the following recommendations:

1. Conduct comprehensive reassessment of risk, needs and strengths prior to release.
2. To the extent possible, utilize smaller correctional facilities closed to the offender's community.
3. Expand educational and training options for youthful offenders in secure confinement.
4. Connect offenders to caring adults and mentors.
5. Begin transitional planning immediately after commitment.
6. Address chronic health, mental health and substance abuse issues for youth and

family throughout the period of confinement.

7. Provide cultural competence and gender-specific training and programming on an ongoing basis.
8. Provide training across disciplinary lines to custodial and field personnel and specialized treatment providers.

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## V. REENTRY COURT OPERATIONS

### A. The Institutional Phase<sup>8</sup>

The period of placement can accurately be described as the preliminary phase in preparing for reentry. In many jurisdictions attainment of this goal of viewing the period of placement as part of the reentry continuum will require closer communication, more consistent information sharing and structured collaboration between the local court and state correctional agencies.

An important caveat: The role of the court during the period when the offender is in placement should not be one of overseeing or managing the day-to-day administration of the program. Deference must be given to the institutional need to control allocation of resources and staff, maintain discipline and have flexibility in responding to the offender's issues promptly as they arise.

Where the juvenile court has continuing authority during the period of commitment or placement, either by statute or through a voluntary sharing by the agency that has such authority (often the state department of juvenile corrections) planning for reentry ideally should begin at disposition when the

committing court can designate the institution of choice and direct or recommend the programs and services to be delivered during placement.

In many respects a dispositional hearing for a "reentry case" may be the same as other delinquency cases, but a sharper focus should be on identifying issues that could be impediments to eventual reintegration.<sup>9</sup>

If offender eligibility for the reentry court program is determined at disposition, after adjudication the case manager should be responsible for developing the dispositional plan in consultation with the reentry team. A full risk, needs and strengths assessment should be completed that includes family and community issues. The specific composition of the reentry team may vary depending on the characteristics of the individual offender and family as shown by the comprehensive assessment. The case manager should be responsible for ensuring that all team members have the records necessary to meaningfully contribute to development of the case plan.

The risk assessment component of the report should guide the court in determining the appropriate level of placement and supervision. Accurate identification of needs and strengths can drive the formulation of the case plan and support the rehabilitation process.

The dispositional report should inform the court of the programs available in the institution recommended and the services in the community that address the identified needs of the offender and family. In keeping with

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<sup>8</sup> The term "institutional phase" is used here for consistency with the terminology used by the Office of Justice Programs' Serious and Violent Offender Reentry Initiative as well as the Intensive Aftercare Program. However, the principles and practices discussed here also apply when the target population of the reentry court is youth whose disposition is not to a secure, state-operated training school but rather residential placement in other, non-secure settings such as group homes or camps. For those cases, the term will refer to the period of such out-of-home placement.

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<sup>9</sup> State codes generally specify procedural and substantive matters that must be addressed by the court at disposition. Recommendations in this text on dispositional matters are limited to reentry issues.

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the perspective that reentry should be seen as a process that transcends the barrier between institution and community, the dispositional hearing report considerations should not be limited to the placement period, although it would be premature to prepare a detailed plan for the transition and community supervision phases.

Inquiry should be made of the offender and family of their religious affiliation, if any, and whether they wish to participate in any available programs offered by faith-based organizations.

Care should be taken that the dispositional plan addresses:

- Education.
- Vocational Training.
- Mental Health Issues.
- Substance Abuse.
- Life Skills.
- Victim restitution and reparation.
- Community Service.
- Services needed by the offender's family.

Where the court retains jurisdiction after commitment/placement, the court should set the first review date at the dispositional hearing. State codes may specify at what interval the matter must be reviewed, but it should not be less frequent than every six months.

In addition to reviewing the offender's progress at the review hearing, the court should verify the delivery of services, look for

causes for any delays, and if necessary, attempt to facilitate their timely delivery. In determining how soon to review the case, it should be borne in mind that it is not uncommon for ordered services to not actually be delivered for some time after the offender is received at the placement an early review may detect delays or other problems in that regard.

As noted, in some jurisdictions the juvenile court has authority to compel the youthful offender's family to enroll in and complete appropriate programs including during the periods of separation, transition and community supervision. Whatever the extent of the court's specific legal authority, it is critical to include the family in treatment (on a voluntary or involuntary basis), since institutional gains can be undermined after release if areas of family dysfunction have not been addressed. The family's compliance with the case plan should be a part of the regular review hearings, and their personal appearance should be required.

The prevailing "best" or "preferred" practices treat the youth in the context of his/her family and include the family in both case planning and treatment. Optimally this involves regular direct contact between family and aftercare case manager throughout the period of confinement, as well as after release, and the development of an individualized case plan targeted to the unique needs of the youth and family. If the family is unable or unwilling to effectively participate in developing and implementing the reentry plan, family reunification may not be a feasible aftercare goal, and alternative community placement should be considered.

Where a choice of placement locations is available, preference should be given to placement as close to the offender's home as possible to facilitate frequent contact between the offender, the family and the case

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manager – usually by visits to the institution – to increase the likelihood of family participation in any programs that the institution may offer.

During the transitional phase, some institutions allow offenders trial home visits or day passes as the scheduled release date nears. Such brief releases used for home visits, school enrollment, employment applications and interviews, and meeting with service providers can test the offender's readiness for the transition from the highly controlled and structured institutional environment to the relative freedom of the community. Placement close to the offender's home makes this valuable tool more feasible.

It should be expected that, as the offender progresses through the treatment program, the court may need to revise the plan at the scheduled review hearings, and most importantly just prior to release – the transitional phase. Although a focus on reentry should at all times inform the plan, the emphasis of program activity in that direction logically will be more intense in the months just prior to a scheduled release date.

As noted, in most jurisdictions, if there is a commitment to a state training school, the state correctional agency gains custody and control of the youthful offender from the time the commitment order is executed to the date of release. In that situation, the committing court at the time of disposition may be limited to making a commitment order with the juvenile corrections agency conducting the assessment and formulating the treatment program. If local court involvement is interrupted during the period of placement, there are still a number of useful actions the court and local agencies can take during the placement phase.

To the full extent permitted by law, the court and the case manager should maintain con-

tact with the offender and family. Depending on the extent of the court's authority to direct orders to the family after commitment, this may be a voluntary process, but the court should offer services to address any identified family issues that might affect the eventual success of the offender's reintegration. If resources permit, it may be useful to provide transportation assistance to the family to facilitate more frequent contact with the offender.

The court can arrange for the correctional institution to provide regular progress reports. Detailed information on the correctional institution's educational and vocational training program, counseling and life skills programs, risk and needs assessments will assist in fashioning a plan by the reentry court at the transition phase that reinforces gains made during placement or addresses gaps in the program. For example, although for the Marion County Reentry Court it is the state juvenile correctional agency that conducts assessments and determines which programs the offender will be assigned to, by a cooperative agreement the reentry court is to receive progress reports every 90 days from the institution.

## **B. The Transitional Phase**

The transitional phase includes the latter stages of placement and the initial period of community release. Efforts to prepare for and adjust the offender to the return to the less structured life in the community should be intensified during this phase. In jurisdictions where the treatment program while in placement is not determined by the court, this will be the juncture at which the local reentry team will develop a plan to guide the offender's reintegration into the community. If the reentry team has had a role in determining the treatment plan during placement this will be an opportunity to revise the plan

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to focus on the change from a highly structured and controlled environment back to the community.

Where the release decision is not made by the committing court, a procedure should be in place for the institution to advise the court of the offender's prospective release date. The Marion County Reentry Court has a procedure to receive notification from the Department of Corrections at least 90 days prior to the projected release date established by facility staff. During that 90-day period, institutional programming focuses on preparing the offender for release. Simultaneously, the Marion County reentry team begins the process of formulating the Reintegration Plan.

The often dramatic changes that a youthful offender may undergo during the institutional phase warrant a comprehensive risk, needs and strengths assessment before release. The plan should incorporate a gradual de-escalation of monitoring and control contingent on the offender's progress through the service component of the plan and general compliance with the terms and conditions of release.

The case manager should secure input from the offender and family in formulating or revising the treatment plan. This can increase family support and cooperation in implementation. An exception to family involvement should be recognized when the plan recommends independent living, emancipation or extended foster care. In some instances, the family may have exhibited or supported the criminal behavior that brought the youth to the court's attention. In others, the family may have physically, psychologically or sexually abused the youth. In some cases, the family may be indifferent or hostile to the youth and may decline to resume physical custody.

During the period of institutional placement, the reentry plan should have begun preparing the family for the offender's return, if reunification is a goal. The period of institutionalization is disruptive of the offender's relationship with his/her family. Adolescent development factors, coupled with behavioral changes resulting from intense cognitive and behavior modification programs, create the potential for major changes in family relationships. This is particularly problematic when a youth who has been stabilized and shown progress during placement will be returned to a family that has been characterized by substance abuse, psychological or physical abuse, parental criminality or previous parental rejection. The focus on family dynamics should continue during the transition phase, and counseling services should be in place to respond to problems that are likely to arise.

If the offender otherwise is ready to be released but there are unresolved family problems making immediate placement with the family undesirable, consideration should be given to transitional placement (temporary detention, half-way house, group home, community-based residential treatment facility) with decreasing levels of custody, until return to family or independent living is feasible.

Reintegration plans involving the community in supporting and strengthening the family unit have a greater likelihood of long-term success. The faith community can serve a powerful role in this regard. Faith-based services should be offered on a voluntary basis subject to the same expectations and evaluation requirements as their secular counterparts. While the juvenile justice system can influence behavioral change, the faith community can foster attitudinal change that sustains long-term personal growth and development, can meet the spiri-

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tual needs of both youth and family, and provide access to resources and opportunities in the community.

The case manager should ensure that all relevant educational, health, mental health, treatment and other records are provided to the agencies or service providers identified in the reentry plan. This should be done sufficiently prior to release so that services can commence immediately upon release – and without delaying release.

Where personal interviews or completion of forms by the offender is required as a condition of program eligibility, arrangements may be made for day passes from the institution, or in the alternative for pre-release interviews and signing of documents to be completed at the institution. These contacts are an opportunity for the offender to begin developing the relationships with service providers that will contribute to more effective interaction, and as noted, brief furloughs can test the offender's readiness for the relative freedom of community life.

The reentry plan should be adopted in open court with the offender, family, case manager, appropriate members of the reentry team, the district attorney and defense counsel present. Where the jurisdiction allows, the court should order the family to comply with those aspects of the plan that apply to them.

Many drug courts have found it useful to draw up a contract between the court and the offender based on the reentry plan, incorporating the obligations of each, identifying rewards for achievement and specifying the consequences for non-compliance based on the system of graduated sanctions. The contract may incorporate the parts of the reentry plan that delineate what services are to be provided by whom. A contract assures a

clear understanding by the offender of his/her obligations and of potential sanctions and supports and can be formally entered into at the hearing when the reentry plan is adopted and ordered by the court.

### **C. The Community Supervision Phase**

Once the youth has been released from the physical custody of the institution or completed the period of out-of-home placement, the juvenile court, through the case manager and treatment team, will provide intensive supervision, deescalating in planned increments over time. It is at this point that the court has the greatest opportunity to manage reintegration through intensive judicial supervision and the application of graduated sanctions.

A common weak point of centrally administered juvenile parole systems is their inability to impose a sanction proportional to the seriousness of the violation. The result is that minor matters may go without consequence, and the only available response to more serious violations is a return to secure placement. The court-based system can more readily apply a system of graduated sanctions or responses that escalate or deescalate, depending on the youthful offender's compliance. Graduated responses need not be rigidly applied. They do not merely comprise a system of graduated punishments, but rather a full range of "dispositional" options available to the court and its agents to support treatment and behavioral accountability. The court should have a clear policy on what discretion is given to the case manager and/or probation officer to administratively impose sanctions or rewards and what matters should be brought to the attention of the court for more formal handling.

For sanctions to be effective, it is widely recognized that they must be imposed



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promptly following a violation. Like drug courts, reentry courts should adopt an informal and less adversarial tone to proceedings, which can facilitate a more expeditious resolution of issues. However, the imposition of sanctions, particularly loss of liberty, requires a measure of due process. The process required will vary to some extent, based upon the nature of the violation, the type of sanction that may be imposed and the legal status of the offender, e.g. conditional release, parole vs. probation etc., which may vary in different jurisdictions. The procedure utilized by the court must accommodate the competing values of promptness and fairness. A policy requiring timely exchange of relevant information and establishing procedures for discovery is essential to resolving compliance issues promptly and fairly.

A feature of a court-based system of graduated responses should be the court's ability to impose and enforce various levels of restraint. Upon release from placement the court may require, either on a case-by-case basis or as a uniform aspect of the first part of the intensive supervision phase, "step-down" custodial provisions such as reporting to a day reporting center, placement in a halfway house, house arrest and electronic monitoring. The Marion County Reentry Court orders electronic monitoring in all cases for the first 30 days following release.

Because of the complexity of high-risk offender cases, both surveillance and supervision are essential and are most effectively applied by a cross-disciplinary team of law enforcement, juvenile justice system professionals and local treatment providers.

The purpose of surveillance is to closely monitor activities, to ensure that the youth remains crime-free, and to respond quickly, decisively and appropriately if he/she does

not. If the youth commits no further delinquent acts and otherwise meets community supervision goals, the level of surveillance may be relaxed, either administratively or by court order.

Supervision, on the other hand, calls for active engagement with the offender rather than passive observation. Like surveillance, supervision may be intense during the transition period and gradually relax as the offender is successfully reintegrated into the community. Supervision in the reentry context implies direct contact with the offender and family, and with those who provide such treatment services.

For the first thirty days following the offender's release, the case should be calendared for frequent review hearings, as often as once per week. Appearance by the offender and the family should be mandatory at review hearings. Consideration should be given to calendaring hearings at a time when it least interferes with offender or family responsibilities such as school, work or counseling.

In drug courts, the treatment team commonly meets informally before each regularly scheduled review hearing, exchanging information on the offender and family's activities and progress and participating in formulating case recommendations. Courts may have different policies regarding the appearance of counsel at these informal meetings and the ensuing court hearing. However, if it is anticipated that sanctions for non-compliance may be imposed, or a change in custody or level of supervision or modification of the treatment plan will be proposed, resolution of such matters can be expedited by the presence of defense counsel. For matters not subject to informal resolution, contested hearings should be given priority in calendaring to assure swift and sure consequences if appropriate, and to

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prevent the case from languishing in a state of uncertainty.

At the review hearing, the court should obtain a brief report from the case manager. The report should include information from service providers verifying the youth's progress in achieving each objective of the case plan. A well-designed management information system can greatly facilitate maintaining and providing to the court current and historical case information. Without such a system, the preparation of reports with the frequency needed for intensive judicial supervision can be difficult. The court should explicitly recognize successes, address setbacks and apply graduated responses. Consequences for unexcused non-compliance should be promptly applied and be consistent with the contractual specifications between the reentry court and the offender.

As part of each review, the court should also compel "quality assurance" by requiring the timely delivery of ordered services and programs and enforcing accountability by service providers as well as the offender.

### **Dealing with Setbacks**

Given the nature of the youthful reentry population, their "special needs" and the system's difficulty in meeting them, instances of non-compliance with the reentry plan should be anticipated. A rigid policy of re-institutionalization for technical and minor violations can sabotage the entire reentry process, cost substantial taxpayer dollars for reversion to the most costly level of care and control, with the challenge of reintegration still to be faced.

A more pragmatic approach is to differentiate between type and severity of violation and evaluate it in the broader context of how the offender is progressing. While account-

ability is an essential component of rehabilitation and community safety must be given high priority, a system of graduated responses allows room for administrative and judicial discretion through an established "override" process if the standard response does not fit or is out of proportion to the offense, and is "overridden" by the court or by the case manager.

### **Celebrating Success**

The Drug Court Model has demonstrated the value of incentives, rewards and public celebration of incremental successes in the context of case supervision. The notion of support and acknowledgement permeates the Drug Court movement, and while it is most visible at "graduation" it is present at every milestone along the path. Since reentry is a phased process, the movement from intensive supervision down the continuum of sanctions lends itself to a sense of progression leading to goal attainment and graduation. Inclusion of the youth's family and others significantly involved in the youth's life is as important here as it is throughout the community treatment, surveillance and supervision aspects.

In addition to high profile graduations, other interim incentives may include such tangible rewards as tickets to concerts or athletic events; intangible rewards such as reduced restraints or community supervision time, peer mentor training to allow the most successful youth to serve others in the reentry population; and employer or school recognition for positive performance

Since community support is critical to the success of the local juvenile reentry court, it is important to include stakeholders in the celebration of successes. Media coverage of these successes can contribute to continued community support for the reentry court initiative.

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### **Case Termination: Revocation, Waiver, Aging Out, and Successful Closure**

Case termination or closure can occur in one of four ways, as defined by relative degrees of success or failure. They are:

- Revocation, or return to the state training school or other placement.
- Waiver to adult court for a new offense.
- Aging Out of the Juvenile Justice System.
- Successful Case Closure.

Waiver, or certification, may be ordered on the commission of a new crime at any point during the juvenile reentry process. All fifty states have provisions for prosecuting minors under adult criminal law under various circumstances relating to offense severity and age of the offender. Most states have lowered the age of eligibility in the last decade and broadened the categories of offenses for which a minor may be prosecuted as an adult. With their offense history and prior unsuccessful interventions the juvenile reentry population is ripe for waiver, and statistics show that “special needs” offenders are dramatically over-represented in adult jails and prisons.

Like revocation, waiver is costly and ineffective in achieving rehabilitative goals. It is also an implicit statement of failure at the juvenile court level and should be invoked only when the youth’s level of criminal sophistication and threat to public safety render him or her no longer amenable to continuing juvenile court jurisdiction, or when the concentrated resources of the juvenile reentry court have been ineffective in protecting the community and promoting behavioral change.

State law defines maximum age that comprises the parameters of juvenile court jurisdiction. Of the fifty states, California retains jurisdiction the longest - until age 25 if the crime was committed before the youth’s 18th birthday and he or she was committed to the custody of the California Youth Authority. The common upper age of juvenile court jurisdiction is 17 (expiring on a youth’s 18th birthday).

The majority of cases processed by a juvenile reentry court should be successfully closed when behavioral and treatment goals are substantially met. Research shows that interventions must be of sufficient duration if they are to have a long-term effect on recidivism lending support for the court setting a minimum period of participation in the program after release from placement.

During the latter stages of community supervision - the stabilization period - the goal is to support the offender in forging extensive connections to the community. Those connections include family relationships, developing positive peer groups, employment, school attendance and involvement with community activities such as those sponsored by service groups, membership in churches and working with and as mentors. When the justice system is no longer providing structure and guidance, the person should be able to function and make productive and law-abiding choices independently or, when needed, voluntarily obtain help. Informal social control will incrementally replace the formal control of the juvenile justice system.

Ideally, case closure should not signal a sudden cessation of support services: family counseling, drug and alcohol counseling, educational and job training activities – even treatment team and case manager access

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should continue to be available on a voluntary basis to the extent practical within budgetary constraints. The offender and family must know how to access services if needed without a court referral, and financial and eligibility issues for services should be resolved prior to case termination.

Successful case closure for this complex and challenging population represents long-term gains for the youth, his or her family, the institution (in terms of reduced recommitment rates), the community (in terms of dealing with its own problems, and directly contributing to strengthening the family and the workforce) and the juvenile reentry court and its partners (in terms of demonstrating the power of collaborative partnerships). On the most pragmatic level, taxpayers are also beneficiaries of lower crime rates and their related costs.

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## APPENDIX A: GLOSSARY OF REENTRY TERMS

**Accountability assessment/risk assessment:** An objective classification tool used to determine the appropriate level of supervision/custody for a delinquent youth.

**Aftercare:** Those activities and tasks that 1) prepare out-of-home placed juveniles for reentry into the specific communities to which they will return; 2) establish the necessary arrangements and linkages with the full range of public and private sector organizations and individuals in the community that can address known risk and protective factors; and 3) ensure the delivery of prescribed services and supervision in the community. As this definition makes clear, both the correctional facility and the community have a critical role to play in aftercare.

**Case manager:** The professional responsible for coordination of sanctions and services, whether provided in an institution or in the community. Over the “life” of a case, there may be two case managers: one in the community, the other in the institution/training school. In “the field” the case manager has traditionally been the juvenile probation officer (pre-commitment), or the parole officer (post-release).

**Committing court:** The court whose dispositional order has resulted in the out-of-home placement of the minor.

**Community resources:** Those programs and services provided by various groups and disciplines available to delinquent youth upon reentry. They may be publicly or privately funded.

**Criminogenic actors:** Features and circumstances of offenders (including their surroundings) which contribute to offending

behavior, and therefore can be used to determine the risk of recidivism. They may be static (those that cannot be changed) or dynamic (those that can be changed).

**Delinquency referral:** The receipt by an intake officer of a written request in the form of a report or allegation that a juvenile has committed a delinquent act.

**Delinquent:** A minor who has committed an act, which under the laws of the jurisdiction would be a crime if committed by an adult.

**Detention:** The legally-authorized temporary confinement of juveniles who are accused of illegal conduct subject to the jurisdiction of the court, and who require a restricted environment for their own or the community’s protection while pending legal action.

**Discovery:** The disclosure of information held by a party to the action. For example, under Federal Rule of Criminal Procedure 16, a defendant may obtain discovery of his or her own written or recorded statements or confessions, results of examinations and tests, his or her recorded testimony before a grand jury, and testimony to be given by the prosecution's expert witnesses. A defendant may also inspect the prosecution's books, documents, photographs, objects, and other items of evidence. Under Federal Rule of Criminal Procedure 12.1, the prosecution must also disclose the names of witnesses that will be called to rebut the defendant's alibi defense. The defendant must also permit the prosecution to inspect books, documents, photographs, and objects and must disclose reports of examinations or tests and testimony of expert witnesses.

**Family:** A youth’s birth parents, adoptive parents, step-parents, guardians, siblings, grandparents, foster parents, and/or other

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significant role models (positive or negative) residing in, or outside the home. The current definition of family is applied in the broadest sense to identify those on whom the youth relies to meet his/her physical, social and developmental needs.

**Family Group Conferencing:** Professionally facilitated discussions allowing all those affected by a delinquent act to discuss impacts and accountability. Participants may include: offender, victim, family and friends of both.

**Graduated Sanctions:** A planned continuum of responses to delinquent behavior, including both community-based and system-based interventions. There are four levels of graduated sanctions: immediate, intermediate, secure care, and reentry.

**Life skills:** Those capabilities that form the foundation for successful independent living. They include: Ability to secure and maintain employment; ability to secure and maintain suitable housing; and ability to complete an education/training program.

**Mediation (Victim and Offender):** A process that provides victims and offenders opportunity to meet for purposes of dialogue, negotiation and problem solving in a safe setting. Goals are remediation and victim empowerment. Also referred to as victim/offender dialogue.

**Mentoring:** Guidance, advice and teaching through role modeling. Mentoring may be offered on an individual basis, or through such group programs as the Boys and Girls Clubs, or the YMCA.

**Multidimensional Treatment Foster care:** Multidimensional Treatment Foster Care is an alternative to group or residential treatment, incarceration, and hospitalization for

adolescents who have problems with chronic antisocial behavior, emotional disturbance, and delinquency. Community families are recruited, trained, and closely supervised to provide MTFC-placed adolescents with treatment and intensive supervision at home, in school, and in the community.

Youth are taught how to do well in a family setting and at school and are intensively supervised, consistently disciplined, and isolated from other delinquent peers. Both the youth and their parents participate in a structured program where the rules and limits are clear, as are the consequences for failing to comply with the program rules. Throughout the MTFC placement, the youth's biological family (or adoptive family or other aftercare resource) participates in the treatment. The goal of Multidimensional Treatment Foster Care is to implement an intervention that will provide corrective or therapeutic parenting to adolescents in order to reduce the incidence of antisocial behavior, emotional disturbance, and delinquency.

**Multisystemic Therapy:** An intensive family- and community-based treatment that addresses the multiple determinants of serious antisocial behavior in juvenile offenders. The multisystemic approach views individuals as being nested within a complex network of interconnected systems that encompass individual, family, and extrafamilial (peer, school, neighborhood) factors. Intervention may be necessary in any one or a combination of these systems. MST targets chronic, violent, or substance abusing juvenile offenders at high risk of out-of-home placement and their families. MST addresses the multiple factors known to be related to delinquency across the key settings, or systems, within which youth are embedded. MST strives to promote behavior change in the youth's natural environment, using the strengths of each system (e.g., family, peers,

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school, neighborhood, indigenous support network) to facilitate change.

**Needs assessment:** The use of a standardized research-based tool to identify the offender's specific service and treatment needs used in formulating the case plan.

**Protective factors:** The youth's individual assets that can facilitate rehabilitation. Protective factors should be included in an assessment of risk and need.

**Problem solving courts:** Also called "specialty courts", since the docket is focused on a single offense type. Problem solving courts are characterized by closer judicial involvement with the offender; a treatment team approach to rehabilitation, highly intensive supervision, comprehensive treatment of youth and family, a system of clear goals and rewards, prompt interventions and a shift in focus from merely processing cases to solving underlying problems.

**Reentry court:** A court that manages the return to the community of individuals being released after a period of secure confinement or other out of home placement, using the authority of the court to apply graduated sanctions and positive reinforcement and to marshal resources to support the offender's reintegration.

**Reentry plan:** A written case plan prepared by the Case Manager, with input from the Reentry Treatment Team and institutional and community service providers. The document is a post-release action plan, detailing roles and responsibilities, timeframes, incentives and consequences.

**Reentry treatment team:** A multidisciplinary team including representatives from educational, vocational, residential, mental health, substance abuse and counseling and

probation. The team develops an individualized reentry plan, monitors service delivery, and makes recommendations to the Reentry Court.

**Risk assessment:** The use of a research-based tool to identify individual, family, peer and community factors which give an estimate of the likelihood that a youth will re-offend. It is used determine the level of supervision needed to protect community safety and it can be applied at various decision points in case processing.

**Risk factors:** Individual, family, peer and community factors that increase the likelihood of delinquent behavior.

**Screening:** The process at an early point in a juvenile justice case of identifying individual youth with possible mental health and/or substance abuse needs. Screening is distinguished from the diagnostic assessment that seeks to diagnose specific mental disorders and inform long-term interventions.

**Serious offender:** A delinquent youth responsible for one or more of a category of offenses defined as chronic, serious or violent.

**Specialty courts:** See "Problem-solving courts" above.

**Strengths assessment:** The use of a standardized research based instrument used to determine offender and family assets, or "protective factors". It is used in developing the individual case plan.

**Structured decision-making:** An objective approach to offender assessment and classification using standardized instruments to identify offender risk, needs and strengths.

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**Violent Offender:** One who commits a crime, or crimes against persons, as opposed to crimes against property.

**Vocational training:** Training for a specific vocation in industry or agriculture or trade



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## Appendix B: State Law Governing the Judicial Role in Reentry

Under the laws of most states, the supervision of juveniles following their release from state commitments is the responsibility of the agency that oversees the state's commitment institutions. Typically, a juvenile who returns home from an institution in one of these states is subject to a period of state-administered "parole"-style supervision, but has no further contact with the local court that ordered the original commitment. Not only does the state agency monitor the juvenile's compliance with parole conditions, it also determines when violations have occurred, and whether parole should be revoked as a result.

This is not invariably the case, however. Juvenile courts do play a role—sometimes a leading role—in a number of states' reentry schemes. In some places, there is nothing like a state juvenile parole authority, and supervision of juveniles following release from state institutions is purely a local matter, overseen by probation officers working as agents of the courts. In others, responsibility for post-release supervision is shared in some way between state agencies and local courts. And courts sometimes have significant authority and involvement during earlier phases of the process that may be critical to the success or failure of juvenile reentry—such as the power to specify the initial placement, the power to review and modify the terms of the commitment, and the power to dictate the timing or conditions of release.

### Authority Over Post-Release Supervision

If we focus solely on authority over post-release supervision of state-committed juve-

niles, state statutory schemes can be divided into three broad groups:

- **Court Control.** In four states—Alabama, Idaho, Iowa and Pennsylvania—supervision following release from state commitments is always overseen by probation officers working as agents of the courts.
- **Shared Control.** In 15 states—Arkansas, Florida, Georgia, Indiana, Kansas, Minnesota, Mississippi, Nevada, New York, North Carolina, Ohio, Tennessee, Virginia, West Virginia, and Wisconsin—post-release supervision is a joint responsibility.
  - In Mississippi, Nevada, North Carolina, Ohio, Tennessee, and Virginia, state agents provide the supervision, but local courts hear allegations of parole violations, and determine whether they merit a return to the commitment institution.
  - In Georgia, Kansas, Minnesota, New York, Virginia, and Wisconsin, the state handles juvenile reentry in some counties, while local courts and probation departments take responsibility in others. (In some of these states, such as Kansas and Virginia, juvenile courts also hear and resolve allegations of parole violations, even for state-supervised juveniles.)
  - In Arkansas, Florida, Indiana, Ohio, and West Virginia, while the state commitment agency generally oversees juvenile parole, the local committing court has the power to inject itself into the reentry process by placing a committed juvenile on post-release probation—either at the time of the original disposition or at the time of release.

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- **Agency Control.** In the remaining 31 states plus the District of Columbia, supervision of juveniles following release from state commitments is entirely the responsibility of the agency that oversees the state's commitment institutions.

### **Judicial Involvement In Placement, Commitment Review, And Release**

When we expand the focus to take in the whole spectrum of powers affecting juvenile reentry—including those relating to specifying the initial placement, the period of institutionalization, and the release—characterizing the degree and type of judicial authority/involvement under the laws of the various states is somewhat more complicated:

- **Comprehensive Judicial Involvement.** The laws of Alabama, Iowa, Ohio and Pennsylvania give courts some influence or authority over the handling of state-committed youth from the beginning to the end of the process—including the initial power, as part of the commitment order, to dictate or guide the agency's placement decision; ongoing jurisdiction to monitor and if necessary modify the terms of commitment; a say regarding the timing of the juvenile's release; and some significant involvement and responsibility in the juvenile's life following return to the community.
- **Post-Release Plus Other Involvement.** In 15 more states—Arkansas, Florida, Georgia, Idaho, Indiana, Kansas, Minnesota, Mississippi, Nevada, New York, North Carolina, Tennessee, Virginia, West Virginia and Wisconsin—courts that at least share responsibility for post-release supervision of juveniles also have other powers pertinent to reentry. These may include the power to specify

placement locations, the power to review secure commitments and/or modify commitment orders, the power to order releases or review agency release decisions—or some combination of the three.

- **Involvement Up To Release.** In 27 states—Alaska, Arizona, Connecticut, Delaware, District of Columbia, Hawaii, Illinois, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Missouri, Montana, Nebraska, New Hampshire, New Jersey, North Dakota, Oklahoma, Oregon, Rhode Island, South Dakota, Texas, Utah, Vermont and Wyoming—courts have powers or combinations of powers during the stages leading up to a juvenile's release, but not beyond it.
- **No Involvement.** In California, Colorado, New Mexico, South Carolina and Washington, juvenile courts wield little if any influence at any of these stages. After ordering youths into state custody, courts in these states have little say about what will happen to them from that point on.

### **Legislative Framework For A Juvenile Reentry Court**

As the above discussion makes clear, current statutory arrangements allocating responsibility for juvenile reentry vary widely from state to state, and sometimes even within states. As a practical matter, it would be difficult to draft a single piece of "model" legislation that could serve as a basis for reentry court experiments in more than a handful of states. Moreover, the experience of the last few decades suggests that, while states have been willing to borrow features or pieces of actual juvenile delinquency legislation from other jurisdictions, blending

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them in with their own distinctive codes, they have generally declined to adopt model codes whole.

Accordingly, rather than propose a model legislative framework for a juvenile reentry court, it would seem more sensible to begin by articulating fundamental principles that would provide the foundation for an exemplary court-supervised reentry process, and then search for existing statutory provisions that embody them.

### **Principles Of Sound Reentry Practice:**

- Reentry planning should reflect the “Balanced and Restorative Justice Approach,” and it should be designed to a) protect the community; b) hold juveniles accountable for their actions; c) recognize the interests of victims; and d) develop offender competencies. In addition, reentry planning should promote the principles of safety, permanency and child and family well-being.
- Disposition decision-making should be deliberately conscious of the juvenile’s eventual return to the community and it should specify the desired outcomes for the juvenile and inform the agency providing services of those expectations.
- There should be maximum sharing of relevant information between the court and the agency providing services, and among the various youth-serving agencies and resources.
- Planning for the transition of juveniles back into their communities should begin immediately upon arrival at the placement.
- Services should be evidence-based.
- Services should be developmentally appropriate for the individual juvenile and should specifically address the unique needs of a culturally and racially diverse population of juveniles of both genders.
- The committing court should regularly obtain and review information about those juveniles in care throughout the duration of the placement.
- The court should be required to conduct pre-release and post-release review hearings on juveniles in placement.
- The court should convene a reentry team as the juvenile’s release date approaches with those participants necessary to the implementation of the reentry plan as members.
- The reentry team should develop an individualized written reentry plan which is flexible and specific to the juvenile and should take available community resources into account no later than 90 days prior to the projected date of release from the placement.
- Juveniles should not be released from placement unless an individualized reentry plan has been approved by the court.
- Reentry planning for juveniles in secure placement should include transitional placement in non-secure settings and the opportunity for supervised home visits prior to release.
- The court should have the authority to hold the juvenile, the juvenile’s family and responsible agencies accountable for failures to comply with court orders and to meet their legal responsibilities.

- The court should give consideration to the effect of its orders on discipline, programming and available resources.
- A system of timely and effective graduated responses to post-release violations of aftercare/parole requirements should be developed and the court should have the authority to implement and enforce them.
- There should be a system in place to ensure the collection of data to allow for the evaluation of the reentry program and individual offender outcomes.

No single jurisdiction has in place a legislative framework that incorporates all of these principles. The only “reentry court” that appears to exist pursuant to state law is in Nevada, where a reentry court program has been authorized for adult criminal offenders (see Chapter 209, Nevada Revised Statutes). Nevada’s adult provisions could certainly be adapted for juvenile purposes. But juvenile and family code provisions embodying most of the above reentry principles can be found somewhere in the country:

- **Purpose Clause.** One way to ensure that a state’s reentry process reflects the “balanced and restorative justice” approach is through enactment of, or amendment to, an existing purposes clause that incorporates the goals of the process. The state of West Virginia incorporates traditional “purpose clause” language with some reference to a reentry principle (see West Virginia Code § 49-1-1). Florida likewise has strong “reentry” language (Florida Statutes § 985.316), as does Oregon (Oregon Revised Statutes § 419C.001).
- **Court Authority to Specify Placement With Reentry in Mind.** If a juvenile

court is to begin involving itself in the process of preparing for successful reentry, a logical place to begin is at disposition—with broad powers to dictate where and how the juvenile will be placed. Although a number of states provide the authority for the court to designate an institutional placement within a correctional agency at disposition, this power is relatively meaningless where there is only one facility in a state, or only one facility for males and one for females. Two states, Alabama (Alabama Code § 12-15-71) and Pennsylvania (Pennsylvania Cons. Stat. §§ 6352, 6653), go a bit further and allow the court far more specific placement power. Several others authorize the courts to order a level of security or a type of placement (e.g., sexual offender treatment facility), but the broadest provisions are found in Michigan (Michigan Comp. Laws § 712A.18) and Oregon (Oregon Rev. Stat. § 419C.478). Other states permit the court to prescribe certain specifics of a placement or treatment modality, as in Kansas (see Kansas Stat. § 38-1671), Louisiana (see Louisiana Children’s Code, Art. 897), Minnesota (Minnesota Stat. § 260B.198), Missouri (Missouri Rev. Stat. § 219.021), and Wisconsin (Wisconsin Stat. § 938.355).

- **Court-Corrections Information Sharing.** It is quite common for statutes to mandate that a court transmit certain information about the juvenile to the correctional agency when the juvenile is committed (see Alabama Code § 12-15-71, Connecticut Gen. Stat. § 46b-141, Kansas Stat. Ann. § 38-1671, Michigan Comp. Laws § 712A.24, New Hampshire Rev. Stat. Ann. § 169-B:19, North Carolina Gen. Stat. § 7B-2513, Ohio Rev. Code Ann. § 2152.18, and Virginia Code Ann. § 16.1-287). Many state

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codes also explicitly require that correctional agencies keep the committing court informed about the progress of the juvenile during the period of institutionalization (see Arkansas Code Ann. § 9-27-331, Connecticut Gen. Stat. § 46b-141, Delaware Code Ann. tit. 10, § 1009, Georgia Code Ann. § 15-11-63, Idaho Code § 20-530, Indiana Code § 31-30-2-2, Louisiana Children's Code art. 905, North Dakota Cent. Code § 27-21-05, Oregon Rev. Stat. § 419C.623, and South Dakota Cod. Laws § 26-7A-123).

- **Early Initiation of Reentry Planning.** While it is important for the correctional agency to begin the planning for reentry shortly after receiving the juvenile in the facility, only three states appear to prescribe this by statute (see Arkansas Code Ann. § 9-27-331, Florida Stat. § 985.316, and Wisconsin Stat. § 938.357). Other states mandate that a reentry plan be developed in advance of the scheduled release date for the juvenile, including North Carolina (see North Carolina Gen. Stat. § 7B-2514) and West Virginia (West Virginia Code § 49-5-20).
- **Court Involvement in Reentry Planning.** A relatively small number of states, including Alabama (Alabama Code § 5139.51), Arkansas (Arkansas Code Ann. § 9-27-331(b)), Missouri (Missouri Rev. Stat. § 219.021), and Tennessee (Tennessee Code Ann. § 37-1-137), specifically provide for the involvement of the committing court in reentry planning.
- **Judicial Review During Institutional Phase.** A number of states provide for periodic review of the juvenile's status while in the institution, or at least for a possibility of review upon petition of the

agency or the juvenile. For example, see Alabama Code § 12-15-74, Connecticut Gen. Stat. § 46b-141, 705 Illinois Comp. Stat. 405/5-745, Iowa Code § 232.54, Kansas Stat. Ann. § 38-1665, Kentucky Rev. Stat. § 610.120 Louisiana Children's Code Ann. art. 909-910, Massachusetts Gen. Laws ch. 120, § 5, Michigan Comp. Laws § 712A.18c, New Hampshire Rev. Stat. Ann. § 169-B:31, Ohio Rev. Code Ann. § 2152.22, Oklahoma Stat. tit. 10 § 7305-5.4, Oregon Rev. Stat. § 419C.626, Rhode Island Gen. Laws § 14-1-42, South Dakota Cod. Laws § 26-7A-124 and West Virginia Code § 49-5-21.

- **Local Reentry Team to Address Service Needs of Returning Juveniles.** Only one state, West Virginia (see West Virginia Code § 49-5D-3), utilizes a multi-disciplinary team approach in its code for delinquent youth who may be committed and returned to the court's jurisdiction.
- **Judicial Authority Over Juveniles' Parents and Over Agencies with Responsibilities to the Juvenile and the Family.** Several states give courts jurisdiction over parents and agencies (see California Wel. & Inst. Code § 727, Maryland Code § 3-8A-19, Michigan Comp. Laws § 712A.18, New York Fam. Ct. Law § 255, North Carolina Gen. Stat. § 7B-1601, 42 Pennsylvania Cons. Stat. § 6310, Utah Code Ann. § 78-3a-118(p)(i), and Virginia Code Ann. § 16.1-241).
- **Post-Release Jurisdiction Over and Sanctioning of Parole Violations.** In many jurisdictions, it is the correctional agency that deals with violations of aftercare or parole, but some states give the courts the authority to address these

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problems. The latter states include Alabama (see Alabama Code § 12-15-75), Idaho (Idaho Code § 20-533), Kansas (Kansas Stat. Ann. § 38-1674), Mississippi (Mississippi Code §§ 43-21-605, 43-21-613), North Carolina (General Statutes of North Carolina §§ 7b-1601, 7B-2516), Ohio (Ohio Revised Code §5139.51), and Virginia (Virginia Code Ann. §§ 16.1-291-16.1-293).

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