

WHY JUVENILE COURTS SHOULD ADDRESS FAMILY VIOLENCE: PROMISING PRACTICES TO IMPROVE INTERVENTION OUTCOMES

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This article examines the issues family violence as it relates to juveniles in the court system. Buel begins the article by identifying three ways juveniles may be involved with the judicial process due to domestic violence: children who witness, perpetrators of dating abuse, and perpetrators of abuse and violence directed against their parents. She also suggests that although some portion of juveniles are involved in judicial processes explicitly due to these issues, in at least as often, juveniles are involved in the judicial processes for other reasons but an assessment exposes one of these forms of family violence.

Buel states that family violence often goes undetected in juvenile court because juvenile court and workers rarely screen for family violence and if they do, rarely have the skills or information to know what to do to respond to family violence, and frequently lack the specialized resources to refer these juveniles to.

After some exploration of the statistics of family violence in these three forms among juveniles, Buel then proceeds to describe promising practices that are in place to respond to these issues. She begins by arguing that “routine screening, suitable referrals and judicial oversight, for both victims and offenders, should become institutionalized practices within our juvenile courts” (p. #3). She uses drug courts as an example of the kinds of in-court expertise and community-court liaisoning that can be duplicated to address family violence with juveniles. She identified 10 “key components” that exist that can be adapted to work develop family violence juvenile courts:

1. Integration of substance abuse treatment into cases processing – Teen battering intervention services need to be offered for juvenile batterers, and the **successful completion** of batterer intervention programs should be a requirement of the court processes.
2. Prosecutor & defense Attorney adopt a non-adversarial stance – the goal of court intervention with juveniles with regards is to end the violence while protecting due process rights. In drug courts, prosecutors and defense attorney’s collaborate – this model is possible to adopt for juveniles in family violence cases.
3. Early identification enables courts to quickly immerse them in treatment – Expediting the time between arrest and case disposition discourages the juvenile’s (and their family’s) denial and minimization and encourages both victim safety and an appropriately responses system. In the experience of drug courts, this model has had the effect of reducing the amount of unsuccessful drug treatment.
4. Drug courts enable defendants to gain access to a range of treatment and rehabilitation services – Juveniles often face a range of needs and deserve a cumulative array of services including mental health, educational, and other social services.
5. Frequent Drug substance use testing and monitoring to ensure accountability – Drug courts routinely screen juveniles for substance use, and actively monitor for ongoing compliance with the court order. This includes weekly visits to the judge for the juvenile himself reports on his progress. Both victims and offenders should be made aware of possible behaviors changes and the offender

proceeds through intervention, and safely planning is integral to the successful implementation of this effort with juvenile family violence courts.

6. Coordinate judicial responses to litigants' level of compliance – A continuum of responses is necessary to respond to both incremental successes and relapses.
7. Continuing judicial involvement with each defendant is critical
8. Careful monitoring and evaluation of program effectiveness is integral to daily court functioning – Formulated goals, constructive evaluation, and ongoing collection and analysis of program data ensure efficacy and program success.
9. Ongoing interdisciplinary training – All court personnel should be mandated to attending informational sessions to enhance their understanding of program goals and improve coordination of expertise and skills.
10. Drug court's efficacy is augmented by partnering – Courts are more effective when they operate in an active partnership with community-based programs, public entity. The court should take some leadership in facilitating such linkages.

Based on these key components, Buel then goes on to explore two models of juvenile family courts that have been developed and are demonstrating some promise.

King County, Washington

The Department of Judicial Administration and the Prosecuting Attorney's office created the "Step-Up Program" in their juvenile court. This is a specialized domestic violence/sexual assault unit that specializes in protecting victims while offering services to hold juvenile perpetrators accountable. This program addresses 13 – 17 year olds who batter their parents or dating partners. An intervention program is offered for juvenile batterers (modeled on the Duluth Program) with a dating violence course (focusing on equality) and another course for family violence (focusing on parental authority and respect).

An in-depth assessment of the juvenile and his family is completed. The group has 5 goals: 1) understanding what behaviors constitute abuse; 2) identify justifications for abuse; 3) defining strategies to isolate situations that trigger their choice to abuse; 4) discuss nonviolent alternatives; and 5) empathy with victims. In addition to mandatory attendance in every week's session, the youth are also required to: 1) maintain a "time-out" log to identify thoughts and feelings when tempted to use violence; 2) write a "responsibility letter" to their victim(s) – this letter is not sent, but is shared in group; 3) completing an "abuse journal" identifying his abusive thoughts; 4) writing an "empathy letter" acknowledging the physical and emotional trauma he's perpetrated; 5) using the "Abuse of Family Members Wheel and the "Mutual Respect Wheel" to report back to the group his interactions with the family members (or dating partners) through the week; and 6) role-playing in front of the group.

Santa Clara County, California

Developed the "Juvenile Delinquency Domestic/Family Violence Court" in 1999. One probation officer has been designated as the juvenile family violence specialist and all juvenile family violence cases are referred to her. Juveniles are placed on "maximum level supervision" which includes office and home visit and monthly court appearances. A protocol has been written for the county to respond to juvenile family violence with 2 goals: protections for the victims and supporting that juvenile batterers accept complete responsibility for his abusiveness.

Juveniles are referred to the "DV/FV Unit" for assessment and if appropriate, ongoing work. If warranted, the court authorizes a "Juvenile Delinquency Protection Order" which mandates that the abuser stays away from the victim, in addition to officially precluding any "attempt to prevention or

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dissuade any victims or witness from attending a hearing, testifying, or making a report...” Juvenile family violence offenders are also mandated to complete a 26-week juvenile batterers intervention program, in addition to any mental health, substance abuse, or other counseling that is found necessary.

The probation officer is expected, during the assessment, also assess for domestic violence between the juvenile’s parents. If a Juvenile Delinquency Protection Order was not issued at the detention hearing, the PO will usually request one at the disposition hearing.

Overview

Based on the models describe above, several aspects of a comprehensive program to address juvenile family violence (dating abuse, witnessing domestic violence and perpetrating violence against their parents) can be identified. These aspects include:

- Community Collaboration – the courts, law enforcement, probation departments, juvenile services, mental health services, substance abuse treatment, domestic violence victim services, and others need to be involved in a coordinated manner to address juvenile family violence.
- Intake and Screening – a comprehensive screening is needed to identify various forms of abuse. It is recommended that all juvenile offenders be screened for domestic violence (one of the three forms described above) as part of the intake process.
- Development of specialized juvenile batterer intervention programs is essential. These programs should be specialized to work specifically with juvenile batterers and should be tied into the judicial and probation process. Anger management and impulse control groups are not appropriate for juvenile batterers.
- Juvenile batterer intervention programs should reflect the cultural differences of the community and should culturally grounded (based on the recommendations of the National Council of Juvenile and Family Court Judges).
- Juveniles and dating partners should have the ability to obtain protective orders on their own.
- Mediation is not advised for juvenile batterer. Like their adult counterparts, rarely negotiate in good faith and will often “voice their agreement to whatever stipulations as necessary to facilitate their release.” As such, court and community services should work together to develop alternatives to mediation for juvenile batterers.

Conclusion

Focusing only on the punishment of juvenile offenders will not prove beneficial – “we must not only focus on the deed, but the doer.” Juvenile batterers and their victims enjoy neither political power nor constituency, leaving their fate in the hands of professionals with whom they interact in the justice system. These children’ unique treatment needs must be prioritized” (p. #14).