

**Toward Developmentally
Appropriate Practice:
A Juvenile Court
Training Curriculum**

An Overview

by the National Juvenile Defender Center in
partnership with Juvenile Law Center

ModelsforChange
Systems Reform in Juvenile Justice

Prepared by the National Juvenile Defender Center and Juvenile Law Center. The MacArthur Juvenile Court Training Curriculum Revision Project Team includes Katayoon Majd, Mary Ann Scali and Ji Seon Song from the National Juvenile Defender Center and Emily Keller and Lourdes Rosado from Juvenile Law Center.

The preparation of this document was supported by the John D. and Catherine T. MacArthur Foundation.

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©December 2009



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Preface

We are pleased to release the second edition of the John D. and Catherine T. MacArthur Foundation's *Juvenile Court Training Curriculum*. Intended for juvenile court judges, defense attorneys, prosecutors, and probation staff, the curriculum provides in-depth training materials on the most up-to-date adolescent development research and its application to juvenile court practice. As a part of the MacArthur Foundation's project, *Models for Change: Systems Reform in Juvenile Justice*, this curriculum is available to jurisdictions across the country to enhance the capacity of professionals to make high-quality, developmentally appropriate decisions about the court-involved youth with whom they work.

Since its release in 2000, the first edition of the curriculum has generated great enthusiasm and hundreds of juvenile court professionals from across the country have attended training on each of the curriculum topics. Given the continued need in the field for training and the launch of *Models for Change: Systems Reform in Juvenile Justice*, in 2005 the Foundation selected the National Juvenile Defender Center (NJDC) in partnership with Juvenile Law Center (JLC) to review and revise the curriculum and incorporate the most recent advances in law and social science research relevant to the field.

To that end, project staff undertook an extensive, three-year revision process. At the outset, we convened two meetings of juvenile justice experts from around the nation to help guide the planning process. From the discussion at those meetings and our own internal review, we identified the topics to be included in the second edition, the format to be used, and the authors best suited to draft the new modules. After completion of the initial draft of the revised curriculum, staff asked juvenile justice professionals with particular subject matter expertise to review and edit the curriculum. In the later stages of the process, a team of external reviewers with significant juvenile court experience provided feedback which was incorporated into the final product. What follows represents the collective work and best thinking of dozens of professionals who have worked in the field for years in a variety of capacities – as attorney-practitioners, mental health professionals, academicians, and juvenile justice advocates. We hope this revised edition, *Toward Developmentally Appropriate Practice: A Juvenile Court Training Curriculum*, improves practice and in turn results in more positive outcomes for all youth who come in contact with the juvenile justice system.

Format of the Modules

Each module contains an estimate of presentation timing, a list of learning objectives, a summary of key concepts, and comprehensive substantive material on the particular topic. To encourage trainings to be interactive, the authors have included several exercises, including hypothetical case scenarios, discussion guides for video clips, and other training tools.

Module One

Presentation Timing

The entire module is designed for presentation in approximately four hours. If the trainer has less than four hours, it is suggested that the focus be on Part I. *Normative Development*, II.A. *Learning Disabilities*, II.D. *Mental Health Disorders*, II.E. *Substance Abuse*, III.A. *What Do We Mean by Context?*, III.B. *Family*, III.E. *Trauma and Victimization*, and IV. *Relevance in the Juvenile Court Process of Research Findings on Adolescent Development*.

Learning Objectives

The goal of Module One is for participants to develop a working knowledge of key aspects of adolescent development, and to learn how to apply this knowledge to their decision making at critical junctures in the juvenile court process. Participants will gain an appreciation of how teenagers develop their cognitive skills, moral framework, social relations, and identity, and how the various factors, including brain development, disabilities and the external environment in which they live, affect their behavior and decision making. This knowledge will aid juvenile justice professionals in assessing each adolescent at important stages in the juvenile court process, including intake, detention, waiver, adjudication and disposition. Specifically, an understanding of adolescent development and the impact of external factors will help juvenile justice professionals to identify those factors that led to a particular youth's involvement in the court system and the interventions which are likely to be most effective for that youth.

This Module focuses on key areas of development as well as external and contextual factors that may affect adolescent decision making and actions. Module One training will allow juvenile justice professionals to answer the following questions more adeptly:

Cognitive Development

- How do adolescents think?
- How does adolescent thinking differ from that of children and that of adults?
- How does adolescent thinking increase the likelihood of taking unacceptable risks and engaging in undesirable behavior as compared to the thinking of children or adults?

Moral Development

- How do adolescents' concepts of right and wrong develop, and how do adolescents express these concepts?
- How do peers and the family influence adolescents' moral reasoning?

Identity and Social Development

- How do adolescents develop an identity?
- What role do family, peers, and the larger community play in identity development?

Brain Development

- What has recent technology revealed about typical adolescent brain development?
- How does the brain's physical structure change during the adolescent years?
- What changes in brain functioning occur during adolescence?
- How might typical brain development affect adolescents' behavior?

Biological/Physical Development

- What are the major physical changes that occur during adolescence?
- How do these physical changes influence adolescent behavior?
- How does sexual behavior emerge in adolescents?

Disabilities Affecting Normative Adolescent Development

- How can various types of disabilities and disorders – including learning disabilities, severe emotional disturbance, cognitive/developmental disabilities, mental illness and substance abuse – affect youth's decision making capacities and behavior?

Understanding Adolescent Development in Context

- How can a contextual approach help professionals better understand a particular youth's behavior?
- How do various factors in the youth's environment and background – including family, neighborhood, school, traumatization, gender, sexual orientation, race, and ethnicity – affect the youth's actions and decision making?

Summary of Key Concepts

- Knowledge of adolescent development research, and its appropriate application, is imperative for both juvenile court practitioners as well as juvenile justice policymakers.
- Research on adolescent development focuses on what is normative or typical behavior rather than on what is desirable behavior. Much of the behavior exhibited by court-involved youth is behavior that is not abnormal for adolescents.
- Individual adolescents develop along different dimensions at different rates. Adolescents mature in some ways before they mature in others, and maturity in one area or domain should not lead to the assumption of maturity in other domains.
- Development in any domain is a gradual, non-linear process with stops, starts, and, it is important to note, regressions.
- Disabilities and disorders can affect adolescents' development in a number of domains and, consequently, in their decision making capabilities and in their behavior.
- A contextual approach to understanding a youth examines the various factors that contribute to the youth's life circumstances and the boundaries within which adolescents, in general, make choices. Unlawful or unacceptable behavior may be maladaptive in the larger social context but may seem logical to the adolescent in her particular contexts (e.g., the peer group or family).
- Without minimizing the fact that an offense is unacceptable, recognizing the thought processes that led up to it, including the context within which it occurred, and using that knowledge to develop programming that helps adolescents identify errors in their thought processes and see other options to their behavior is the goal.

Module Two

Presentation Timing

This module is designed for presentation in approximately four hours. For trainings that are less than four hours, it is suggested that the trainer focus on Part I. *Forensic Evaluations*.

Learning Objectives

The goal of this module is to provide juvenile justice professionals with the information necessary to request and use forensic evaluations of youth in juvenile court. In addition, the module is geared toward familiarizing participants with screening and assessment instruments used with youth, as well as the confidentiality issues that arise when youth provide information to evaluators and others conducting evaluations.

The module is designed to assist participants to:

1. Identify the ways in which forensic evaluations inform forensic or psycholegal issues; the type of information that must be included in these evaluations; and the differences and similarities between forensic evaluations and therapeutic evaluations;
2. Understand key components of the mental health evaluation process;
3. Find qualified examiners and formulate focused referral questions;
4. Review and understand the reports of mental health professionals;
5. Understand the elements of screening and assessment instruments; and
6. Recognize the importance of confidentiality protections related to information received through evaluations.

Summary of Key Concepts

Mental health evaluations conducted for the purpose of addressing a legal issue (i.e., forensic evaluations) differ from those conducted for the purpose of informing treatment decisions (i.e., therapeutic evaluations). One of the main differences is that the scope and focus of forensic evaluations are typically dictated by the legal issue before the court. Though the legal issue may be the focus, the evaluation should include a detailed discussion of the youth's emotional (i.e., how he feels), behavioral (i.e., how he acts and behaves), and cognitive (i.e., how he thinks) functioning *as it relates* to the legal issue. Mental health professionals have an obligation to present this information to the court in a format and in language that juvenile justice professionals can understand.

Although they may be relied upon and included in forensic evaluations, psychiatric diagnoses and results of psychological testing on their own typically do not answer legal questions before the court

(e.g., whether the youth is competent to stand trial or whether the youth should be transferred to adult court). Diagnoses, in and of themselves, do not provide enough detailed information about adolescents and their functioning to make legal determinations. In addition, diagnoses are not always consistent with how the law defines “mental disease or defect.”

However, some psychological tests do assess constructs (e.g., intelligence, academic achievement, depression, and memory functioning), and test results, as well as mental health diagnoses, may help inform the court’s decisions regarding the disposition and rehabilitation of youth.

Mental health professionals who evaluate youth appearing in juvenile court should be knowledgeable about (1) child development; (2) the manifestation of emotional, behavioral, and cognitive impairments in childhood and adolescence; (3) the legal process and commonly-encountered legal issues for which there is a psychological component; (4) the juvenile justice system and services available in the community; and (5) cultural competence across race, ethnicity, socio-economic class, sexual orientation, and gender.

Juvenile justice professionals can assist in improving the quality of mental health evaluations by identifying psychological and legal issues that are to be addressed by the examiner, providing relevant collateral information about the youth to the mental health professional, and ensuring that the mental health professional conducting the evaluation has the required knowledge, training, and experience.

Distinct from forensic evaluations are the screening and assessment activities that may be conducted with youth who are involved with the juvenile justice system. Screening instruments are short assessment techniques used with all youth to identify immediate concerns or those that potentially require more comprehensive assessment. Screens are not used to provide diagnoses or unequivocal conclusions. Some screening techniques (like risk for recidivism assessment instruments and several mental health assessment instruments) can be administered by non-professional juvenile justice staff.

In contrast, assessments are more in-depth than screens. They are conducted when screening indicates a need for further evaluation. For example, screening instruments may reveal the need for a mental health assessment to identify in greater detail potential mental health problems or treatment planning. Many mental health assessment instruments and psychological tests require administration and interpretation by a mental health professional. Assessment instruments can provide helpful information for a number of purposes, including: (1) to assess the mental health needs of a youth; (2) to assess a youth’s risk for recidivism and associated causal factors; and (3) to identify and discuss psychological components of a legal issue, such as a youth’s ability to exercise her Fifth Amendment rights, a youth’s capacity to understand and participate in the legal process, a youth’s disposition and/or treatment needs, or the appropriateness of transferring a youth to adult court.

Youth often reveal personal and highly sensitive information about themselves when they are screened, assessed, and evaluated. Juvenile justice professionals must be aware of the information-sharing implications and possibility for self-incrimination that arise in these contexts.

Module Three

Presentation Timing

The entire Module with activities and discussion is designed for presentation in approximately five hours. Without activities, the Module is designed for presentation in three hours.

Learning Objectives

This Module reviews special education and disability legislation with an emphasis on juvenile courts and juvenile justice. After completing the Module, participants should be able to:

1. describe the major provisions of the Individuals with Disabilities Education Improvement Act, the Americans with Disabilities Act, and Section 504 of the Rehabilitation Act of 1973 and their applicability to juvenile court processing and advocacy;
2. understand issues of school discipline and disability, particularly IDEA school discipline protections, and their relevance to juvenile court proceedings;
3. enumerate challenges faced by youth, their parents, and advocates in securing special education rights; and
4. describe the advantages of identifying youth eligible for special education services.

Summary of Key Concepts

Understanding the issues surrounding special education and disability rights is important for all practitioners in the juvenile justice system. A youth's education-related disabilities might be the very reason he enters the juvenile justice system. Once the youth is charged, his disabilities could be relevant at every stage of court processing. A nuanced understanding of the interrelated school and juvenile justice system issues will allow practitioners to identify the best course of action in any particular case.

Research demonstrates that youth with disabilities are overrepresented in the juvenile justice system. Many are diagnosed with learning disabilities and emotional and behavioral disorders. Researchers have explained that an association exists between school policies and practices concerning youth with education-related disabilities and subsequent juvenile justice involvement. Students with disabilities (and particularly students of color with disabilities) are overrepresented in both school exclusion and juvenile incarceration rates due to a number of systemic failures within school systems.

Three federal statutes provide ways to combat this "School to Prison Pipeline" for those youth with disabilities: the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act (ADA).

The IDEA provides certain entitlements for youth between the ages of 3 and 21 who have a specifically identified disability and who are in need of special education services. The IDEA also provides these youth with certain due process rights in school disciplinary exclusions and lays out guidelines for, and certain restrictions against, suspensions and expulsions. Youth maintain their rights under the IDEA even when involved in the juvenile justice system and, with some exceptions, even when incarcerated in adult facilities.

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination based on disability by entities that receive federal money and by federal agencies. It provides that reasonable accommodations must be made for youth to access school programs to the same extent as their non-disabled peers. This statute covers all disabilities, not just education-related disabilities. Section 504, like the IDEA, also has procedural safeguards and provides parents with the opportunity to challenge decisions through impartial hearings.

Another anti-discrimination statute, the ADA, also applies to youth with disabilities in the juvenile justice system who might be entitled to reasonable accommodations at all stages of representation. For example, the ADA might be relevant when a client testifies, seeks release from pre-trial detention, or is interrogated by police.

Module Four

Presentation Timing

The entire Module is designed for presentation in approximately three hours. If the trainer has less than three hours, it is suggested that the focus be on the psycholegal issues most important to the audience being trained.

Learning Objectives

The Module is designed to assist participants in:

1. Understanding legal questions in delinquency cases that require information about youth's capacities;
2. Knowing about relevant behavioral and social science research that is useful for addressing the questions; and
3. Appreciating the nature of forensic evaluations performed by mental health examiners to address youth's capacities related to these legal questions.

Summary of Key Concepts

1. Many legal questions in delinquency cases require special attention to youth's mental health, possible disabilities and relative immaturity in relation to adults.
2. Behavioral, developmental and social science research have begun to provide information that helps attorneys and courts to address questions of youth's capacities that are relevant to making legal determinations in delinquency cases.
3. Forensic evaluations of youth by mental health professionals are frequently needed in order to identify youth's capacities in ways that are relevant to the legal question(s).
4. Forensic evaluations of youth are different from general clinical evaluations (also referred to as therapeutic evaluations in Module Two, *Screening, Assessing, and Evaluating Youth*) in that (a) they are performed to address a legal question, not to provide for clinical care and treatment of youth; and (b) they focus specifically on characteristics and capacities of youth that are relevant to the legal question(s).
5. Forensic evaluations of youth are different from forensic evaluations of adults, in that:
 - mental disorders of youth are different than those of adults,
 - some "adult" diagnoses are not appropriate for youth, and
 - the fact that youth are still developing cognitively and socially requires special attention to identifying their developing capacities and accounting for changes in those capacities as they mature.

Module Five

Presentation Timing

The entire module is designed for presentation in approximately three hours. If the trainer has less than three hours, it is suggested that Sections II.B. and III be turned into fact sheets that can be reviewed quickly with the training participants, and that the exercises and video clips be cut out.

Learning Objectives

The goal of this Module is for participants to learn techniques for effective communication with youth involved in the juvenile court system, including respondents, witnesses and complaining witnesses. The topics covered in this Module include:

1. Learning effective techniques for interviewing youth and imparting information.
2. Achieving self-awareness as interviewers, and learning how to interview in developmentally-sound and culturally competent ways.
3. Incorporating sensitivity in interviewing techniques when interviewing youth of different racial, ethnic or cultural backgrounds, girls, youth with disabilities, LGBT youth, traumatized youth, and youth with mental health needs.

Summary of Key Concepts

A variety of interviews take place within the juvenile court context. Whether it is a defense attorney discussing the case with a youth client, a court officer performing an initial intake interview, a prosecutor interviewing a potential witness, or a judge conducting a colloquy, adults interview youth for one or more of the following reasons:

- to obtain information from the youth
- to give information to the youth
- to help the youth make a decision

The developmental considerations discussed in Module One, *Adolescent Development* – including cognitive, identity, and social development – have implications for the interviewer’s demeanor and approach, the language he employs during an interview, as well as for the structure of the questions that are asked. The interviewer must be aware of his own interview style, as well as issues that may affect the youth’s ability to process information and communicate, such as mental illness or learning disabilities. To be successful, interviewers must approach each youth as an individual, and must consider factors such as race, ethnicity, culture, gender, sexual orientation, or experiences of trauma. Most importantly, successful interviewing requires preparation as well as on-the-spot flexibility.



NATIONAL JUVENILE DEFENDER CENTER

The mission of the National Juvenile Defender Center (NJDC) is to ensure excellence in juvenile defense and promote justice for all children. NJDC believes that all youth have the right to zealous, well-resourced representation and that the juvenile defense bar must build its capacity to produce and support capable, well-trained defenders. NJDC works to create an environment in which defenders have access to sufficient resources, including investigative and expert assistance, as well as specialized training, adequate, equitable compensation, and manageable caseloads. NJDC provides training, technical assistance, resource development, and policy reform support to juvenile defenders across the country. NJDC disseminates relevant and timely information in research reports, advocacy guides, and fact sheets.

Juvenile Law Center

Juvenile Law Center is a non-profit, national, public interest law firm that advances the rights and well-being of children in jeopardy. Juvenile Law Center ensures that the child welfare, juvenile justice, and other public systems provide vulnerable children with the protection and services they need to become happy, healthy, productive adults. Founded in 1975, Juvenile Law Center is one of the oldest public interest law firms for children in the United States.

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ModelsforChange

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An initiative supported by the John D.
and Catherine T. MacArthur Foundation
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