

Assessment of Youth in Court

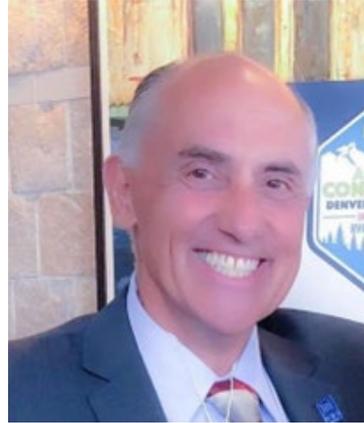
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TEEN DATING VIOLENCE



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Welcome and Introductions

Learning Objectives

As a result of this workshop segment, you'll be better able to:

- Assess dangerousness and risk factors as well as the presence and impact of trauma for youth who appear in court.
- Recognize protective factors that might enhance an individual youth's resiliency, well-being, and safety.
- Rule on evidentiary issues particular to cases that involve adolescent parties.

Case Facts

Cindy and Abraham have been dating since the ninth grade but now that both are seniors, Cindy has chosen to end the relationship. Both attend Southeast High School in a suburb near Los Angeles. Cindy and Abraham are 17. Cindy told classmates that Abraham is very possessive and constantly monitors her accounts on Snapchat and Instagram. Yesterday, law enforcement arrested Abraham for an incident at Cindy's house; he is accused of pushing and threatening Cindy. Abraham threatened to send his friends to beat up members of Cindy's family and to distribute intimate photos of Cindy. Cindy's mother reported the incident to police. Abraham is in juvenile court for a pre-trial release hearing and has asked to be released pending trial.

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What additional information would you like and how might you get it?

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Is Abraham dangerous? What factors support your answer?

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What are your concerns for Cindy?

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Learning Points

- The majority of victims of adolescent relationship abuse are female:
 - more likely to be victims of child sexual abuse,
 - experience greater physical injuries,
 - tend to date older partners who are more predatory,
 - and place a greater emphasis on romantic relationships in forming an identity.
- Adolescent perpetrators are more likely to use non-physical abuse against their victims including threats, peer pressure, and other forms of intimidation.
- Studies show that adults tend to ignore the prevalence and minimize the impact of adolescent partner violence.
- Adolescent perpetrators' techniques to create social isolation and humiliation often center around technology, making it harder for adults to assess the scope of the problem.
- In this case, all parties would have benefited from some kind of assessment of Abraham before releasing him.

Civil protection orders eliminate or reduce violence in 80% of cases

Risk Factors for Dating Violence

- History of maltreatment
- Alcohol and drug use
- Relationship conflict
- Socioeconomic disadvantage
- Early attachment problems
- Attitudes justifying violence
- Exposure to community violence

Assessing for Dangerousness Mini-Lecture



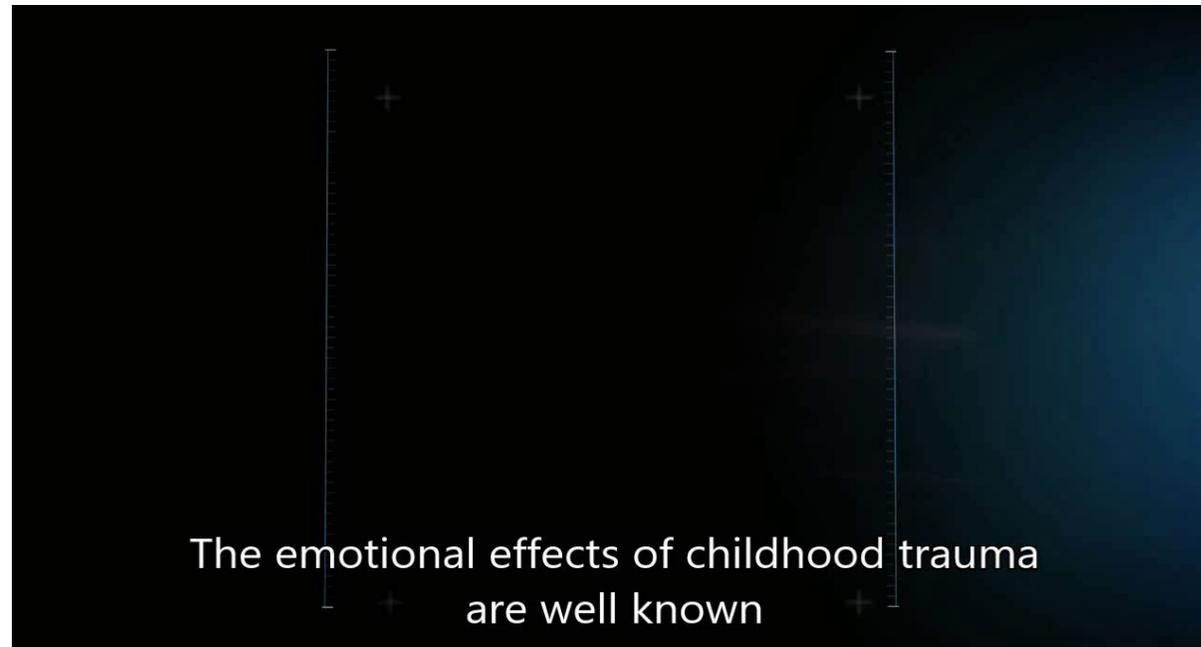
Red Flags = Dangerousness Indicators

- A few dangerousness indicators include: stalking (include cyber stalking or harassment), sexual violence, jealousy, and threats, particularly with firearms.
- Identifying adolescent relationship abuse requires each person who routinely interacts with adolescents to ask the right questions and create an environment for safe disclosure.
- Identifying dangerous factors can also inform a judge's decision-making regarding provision in orders that may enhance safety.

Assessing Dangerousness

- Assessment focusing on only one type of victimization may not provide a comprehensive picture of the trauma experiences of adolescents.
- Judges often have broad access to information regarding both parties and the context in which the violent behaviors occurred.
- Judges can stem the tide of violence by ensuring proper professionals are conducting screening and lethality assessments in their jurisdictions.
- Risk is not static.

Changing Minds



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What factors in an adolescent's life might make her or him more resilient post trauma?

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What can courts do to leverage a young person's ability to recover post trauma?

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What are the challenges to identifying these factors and how can these challenges be addressed?

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How can assessments of adolescents incorporate resiliency factors?

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Learning Points (1 of 2)

- Resiliency
 - Stability can come from family even if the family is struggling
 - More likely to succeed academically if succeeding in building upon strengths
 - Sense of future and identifying needs to transition to adulthood
 - The ability to see concrete examples of reward for good behavior

Learning Points (2 of 2)

- Incorporate factors into assessment and court.
- Use hearings to hold parents and caseworkers accountable.
- Remember that parents struggle too and need support.
- Consider moving the docket, adhering to time frames, to get cases resolved and allow youth to move on.

Impacts of Trauma

- There is increasing evidence from neuroscience research that trauma has a significant impact on executive functioning.
- Youth who have spent too much time of their lives in “fight, flight or freeze” mode have added vulnerability at the neurocognitive level in terms of developing emotional regulation skills.

Impacts of Victimization

- Youth may react to perceived helplessness and isolation:
 - Indifference
 - Defiance of authority
 - Aggression as a counter-reaction
- May also be contributing factors at a neuropsychological level

Recovery and Resilience

- Resilience stems from overall competence and adjustment: “...capacity to recover and maintain adaptive behavior after insult.”
- Derived in part by environment and in part by individual capacity
 - Individual = good intellectual functioning or sociability
 - Family level = close relationship to a caring adult
 - Community level = good relationships with school teachers, other community members

Clinical Intervention Goals

- Target specific symptomology
- Build on protective factors and strengths
 - Individual
 - Relationships
 - Mentoring
- Goal of least intrusive/restrictive interventions
- Building on assets in youth's immediate context

Trauma Among Perpetrators

- Estimates are around 90% of those in the juvenile justice system have experienced trauma.
- Clinical and epidemiological studies:
 - 75% exposed to traumatic victimization
 - 11-50% exhibiting PTSD
- Why is recognizing trauma among perpetrators important?

Assessment of Youth



Learning Points

- Most teen dating violence cases do not enter the system pre-labeled as teen dating violence.
- Cases come into the system as violation of juvenile codes: assault, battery, threats of violence, disorderly conduct.
- Difficulty in identifying teen dating violence can mean offenders are released without establishing specific conditions of release, which would protect the victim & hold the offender accountable.

Assessment and Screening

- Can help ensure the treatment and disposition for individual adolescents meet their needs.
- Adolescents also are less likely to seek help for fear of being blamed, or concern that the information will not be held in confidence.

Screening vs. Assessment

- **Screening:** Generally refers to a brief, easy-to use tool comprised of a short series of questions that focuses on a limited number of topics.
- **Assessment:** Generally refers to a comprehensive examination of individualized data, interviews, and records.

Assessment of Youth

- **Is there a need?**
 - Between 60% and 70% of adolescents in the juvenile justice system have some type of mental health issues.
- **Who is qualified?**
 - Screening may be done by court staff with appropriate tool
 - Assessments should be conducted by mental health professionals
- **How can assessments help?**
 - Provide information on multiple forms of victimization or challenges affecting youth.
 - Helps in the design of intervention services.

What Are the Challenges?

- Assessments and screening may only show what an adolescent has experienced, thought, or felt.
- Having regular reassessments is important with adolescents who will continue to develop over the course of a case.
- Judges and other system professionals must be aware of the information-sharing implications and possibility for self-incrimination that arise in the context of assessments and screenings.

Challenges Cont'd.

- Most states do not have comprehensive protections that prevent statements and information obtained through screening and assessments from being used against adolescents at the intake, detention hearing and disposition stages in juvenile justice cases and criminal trials.
- Assessments and diagnoses may not be able to identify problems in the same way across racial, ethnic, or gender divides.

Beyond Case Specific Assessments

- Need to assess the living situation and local community context from the perspective of adolescents.
- Such assessments will help ensure that the community meets the needs of victims.
- Assessments also give adolescents a chance to participate.

Courts and Communities Can... (1 of 2)

- Understand that behavior may not be voluntary, and particularly in the case of traumatized youth, behavior may be communicative.
- Consider conducting a court trauma assessment. This can include:
 - Case-analysis
 - Court observation
 - Focus groups

Courts and Communities Can...(2 of 2)

- Fashion creative remedies by looking at other states' responses to teen dating violence.
- Mandate training for hearing officers, probation, attorneys, social workers, victim advocates, and service providers.
- Consider organizing your docket in such a way as to cluster teen dating violence cases together and request specialty providers to be present.

Effective Outcomes for Youth in Teen Dating Violence Cases



Learning Objectives

As a result of this segment, you will be better able to:

- Identify developmentally appropriate interventions and accountability mechanisms that recognize the circumstances unique to teen dating violence cases.
- Describe dispositions informed by needs and circumstances of adolescents in teen dating violence cases.

Effective Outcomes and TDV (1 of 3)

- Studies show that adolescent victims are hesitant to engage the legal system.
- Domestic violence cases against teen defendants result in dismissals approximately 77% of the time.
- Victims of teen dating violence often do not have access to a specialized advocate who understands issues that affect this population or laws tailored to their needs.

Effective Outcomes and TDV (2 of 3)

- The legal response to domestic violence has generally focused on assisting adult victims.
- Court professionals with access to complete information regarding both parties and the context in which the violent behaviors occurred can tailor their decisions to address and inform criminal justice results adequately.
- Courts may be able to attain a level of rehabilitation that might otherwise be unattainable in an adult population where the violence has become more entrenched in a perpetrator's life.

Effective Outcomes and TDV (3 of 3)

- Adolescents often appear before the court on matters unrelated to family or intimate violence.
- Necessity for judges and other professionals to be familiar with behaviors associated with teen dating violence to identify adolescents at risk for dating violence.
- Adolescents may have tremendous difficulty seeking help with ending an abusive relationship.
 - Judges and other professionals may need to assist teens assess their relationships and options.

Strategies to Improve Outcomes

- **Engage:** The simple act of asking adolescents what they need is an important initial step to effective interventions and outcomes.
- **Ask teens questions about relationships:**
 - How they define their intimate relationships?
 - Who they talk to about relationship problems and who they feel is supportive?
 - What would help them improve their own relationships or would help them aid friends with issues of dating violence?

Civil Protection Order Dismissal Exercise

- **Background:**
 - You are in Civil Protection Order court
 - Your jurisdiction permits juveniles to obtain CPOs

Case Facts

- Simona, 16, dated Jesse, 17, for two years.
- Three months ago, Simona obtained an order against Jesse.
- Jesse assaulted Simona in his vehicle and she sustained injuries, including a black eye and bruising on her jaw.
- Jesse pled guilty to the assault.

Additional Information

- The judge has information on the bench that Simona has recently pled guilty within the last week in juvenile court to an assault on a female, Laura, age 18.
- She has not yet been sentenced.

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**Do you have additional questions for
Simona Ungaro?**

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Would you dismiss the order? Why or why not?

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If you do not dismiss the order, are there options to address Simona's needs?

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Assume you believe Simona's allegations of bullying. How is evidence of bullying relevant in cases of teen dating violence?

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Judicial Need to Improve Outcomes

- Education on the dynamics of teen dating violence and how normal adolescent development impacts adolescent behaviors, including use of violence and help-seeking efforts.
- Training on recognizing adolescent intimate partner violence in cases that are not specifically before the court for intimate partner violence, such as in custody proceedings, other family law matters, and juvenile/criminal status offenses.
- Information about promising practices in the legal system and in their communities.

Victim's Safety and Autonomy

Institutional responses to abuse can mask the complexity of the lives of victims and:

- Discourage victim participation in criminal cases against their abusers
- Discourage adolescents from seeing the legal system as a resource
- Discourage adolescents from following through with a proceeding which they started
- Keep victims from talking about the abuse

Considerations for Dropping CPOs (1 of 3)

- Consider each request individually; avoid per se rule
- Provide an explanation if issuing order against petitioner's wishes
- Consider modifying the order to better meet petitioner's specific needs

Considerations for Dropping CPOs (2 of 3)

- Keep the courtroom door open; invite return if help needed in the future
- Be aware of the pros and cons of asking a petitioner to state reasons for seeking dismissal in open court
- Provide the petitioner with an option to speak with an advocate, confidentially

Considerations for Dropping CPOs (3 of 3)

- Ensure petitioners have multiple opportunities to obtain advocacy, from filing of petition through entire course of proceedings.
- Remember that safety is threatened by “abuser generated risks” as well as “life generated risks.”
- Success = Safety, and success is what each victim defines it to be.
- See also Jill Davies, “Advocacy Beyond Leaving”

Effective Interventions in Adolescent Intimate Partner Violence

- While intervention and prevention programs for teen dating violence are incredibly promising in combatting future violence, there are few studies looking at effective intervention characteristics or the effectiveness of any given program.
- More studies on the efficacy of intervention programs for adolescents is needed, including for programs in culturally specific and vulnerable populations, LGBTQIA+ adolescents, and adolescents with disabilities.

Considerations for Intervention (1 of 3)

- What we do know is that adolescents engaged in dating violence are generally different than adults engaged in intimate partner violence. Programs that are not based in adolescent brain development are generally not appropriate for adolescents.
- BUT be aware of safety red flags or severe forms of violence, intimidation, or stalking. Respond with appropriate safety measures, safety planning for the victim/survivor, and appropriate accountability or supervision.
- In any form, services in teen dating violence cases must prioritize the safety and needs of the survivor and the community.

Considerations for Intervention (2 of 3)

- Youth brains are still changing and maturing.
- Intervention programs that are relationship focused, strengths based, and skills focused can be used to strengthen communication, empathy, and emotional regulation while teen brains continue to develop.
- Intervention programs should show the differences between healthy and unhealthy relationship behaviors and the positive outcomes associated with healthy and supportive relationships.
- Intervention programs should be trauma-informed, recognizing that those that cause harmed often have been harmed themselves.

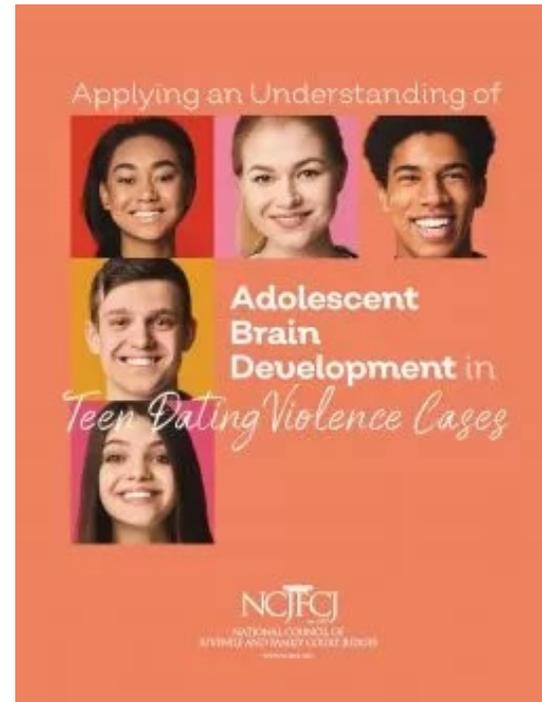
Considerations for Intervention (3 of 3)

For more information on considerations for intervention programs:

- Stand Up Colorado, et al., Best Practice Guidelines for Working with Youth Who Engage in Relationship Abuse, Colorado Division of Criminal Justice, Department of Public Safety (2021), <https://dcj.colorado.gov/best-practice-guidelines-for-working-with-youth-who-engage-in-relationship-abuse>
- Claire Crooks, Ph.D., and Jessica Pearce, Applying an Understanding of Adolescent Brain Development in Teen Dating Violence Cases, National Council of Juvenile and Family Court Judges (2021), <https://www.ncjfcj.org/publications/applying-an-understanding-of-adolescent-brain-development-in-teen-dating-violence-cases/>

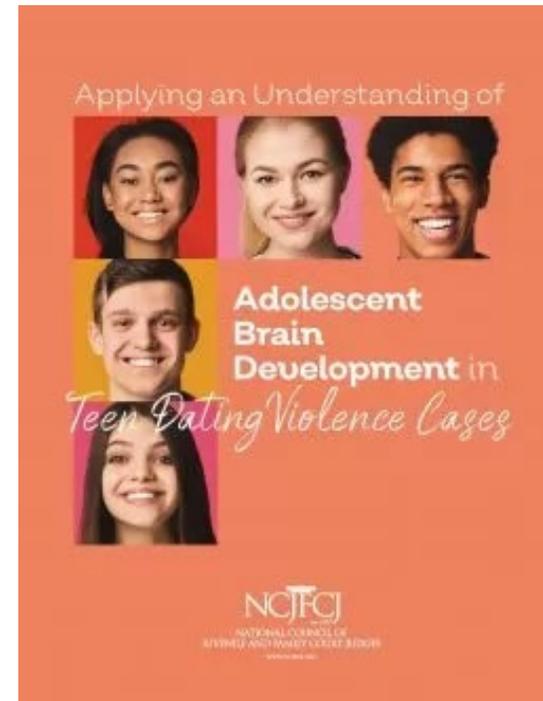
Strategies for Judges and Other Professionals (1 of 2)

- Avoid over- or under- responding
- Recognize that youth are still developing cognitive capacity
- Consider the age of the youth
- Use a therapeutic approach
- Create safe and calm spaces for engaging perpetrators of teen dating violence



Strategies for Judges and Other Professionals (2 of 2)

- Create safe and calm spaces for engaging victims/survivors of teen dating violence
- Promote positive and healthy relationships
- Promote healthy relationship skills



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What disposition can you create to hold Jesse accountable for his behavior while also providing him with the structure necessary for him develop the competencies and skills he needs? What other professionals and services would you involve?

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What disposition can you create to hold Simona accountable for his behavior while also providing him with the structure necessary for him develop the competencies and skills he needs? What other professionals and services would you involve?

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Creating Effective Dispositions: Sentencing (1 of 4)

- An in-depth evaluation of the youth's home and school life can help the court identify co-occurring issues.
- Co-occurring issues like mental health and substance abuse concerns should be a part of the solution.
- Improving outcome for adolescents will require a more comprehensive and tailored legal response to adolescent victims and perpetrators.

Creating Effective Dispositions: Sentencing (2 of 4)

- Judges should take an active, supervisory role with youth.
- Judges play an important role in improving outcomes through tailored dispositions and community coordination.
- Judges can tailor legal remedies for adolescent victims in a creative manner to meet their special needs.

Creating Effective Dispositions: Sentencing (3 of 4)

- By exploring and sometimes creating new interventions and protections, court professionals capitalize on their unique position.
- Teen victims of dating violence have a right to information to help them make their own choices about criminal proceedings, pursuing civil justice, seeking crisis intervention, counseling, and advocacy support.

Creating Effective Dispositions: Sentencing (4 of 4)

- Court-based intervention programs for perpetrators of adolescent relationship abuse are especially effective for first time offenders.
 - But remember, adult services and intervention programs are not appropriate for most adolescents.
- Adolescent perpetrators may need a range of services including: parenting classes for adolescent batterers, access to job training, education, or GED classes.
- Challenges to safety and accountability may be compounded by the limitations of laws and policies as written.



Questions?

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