



Bridging Teen and Courtroom Cultures

This project was supported by grant 2018-TA-AX-K033 awarded by the office on violence against women, U.S. Department of justice. The opinions, findings, conclusions, and recommendations expressed in this publication/program/exhibition are those of the authors and do not necessarily reflect the views of the U.S. Department of justice, office on violence against women.



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Welcome and Introductions

Self-Care

The NCJFCJ has made efforts to make this a safe place for discussion and sharing of ideas. The content may be challenging and emotional. The NCJFCJ and faculty are sensitive that participants may need to take a break or step away during exercises or discussions that may be particularly triggering.

Learning Objectives

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

- Describe the Communication Breakdowns that Courts have traditionally experienced with youth;
- Understand the teen culture of today's youth,
- Identify how to anticipate and respond to how young people perceive the justice system and other institutions;
- Discuss a courtroom dynamic that emphasizes mutual respect and the seriousness of the legal process.

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**What are some perceptions
adolescents have about
adults?**

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What are some perceptions adolescents have about the justice system?

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What are some perceptions that adults have about teens who are involved in the justice system?

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Does the case type influence a judge's view of the person before them?

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Learning Points

- Communication difficulties arise from misconceptions and cultural misinformation on both sides.
- Adolescents often feel judged and belittled by adults in their lives. If they do not conform to adult ideals of appearance and behavior they are often overlooked, misunderstood, or underestimated.
- Typical adolescence is marked by the need to explore identity as well as to break from conformity with adult ideals.

Learning Points

- Adults can exacerbate the disconnect with adolescents when they judge the young person's appearance or make assumptions based on limited information. Thus adults tend to confirm what adolescents already think about them: that they do not understand what the young person is going through and that adults think that all adolescents are the same.
- Ascribing characteristics to a particular teen or young adult based on stereotypes makes it difficult to truly assess the circumstances of a case and to understand the youth before you in court.

Learning Points

- A young person in the system may have cognitive disabilities or mental health issues that may never have been diagnosed.
- Studies estimate that 18-22% of the general youth population has some diagnosable mental health disorder. Two to 10% have a learning disability. One to 3% have cognitive impairments. One to 3% have PTSD. Three to 5% have ADHD

Learning Points

- Depending on the particular study, education researchers have estimated the prevalence of children and adolescents with disabilities in juvenile corrections as 30-50%. Similarly, mental health needs among incarcerated youth range as high as 60-70%.
- Trauma exposure: Traumatic events where a child has either witnessed, been the victim of, or been both abused and witnessed IPV violence increases their exposure to PTSD.
- Justice system professionals must “**look below the surface**” when interacting with adolescents and interpreting their behaviors.
- Certain aspects of a particular culture may be true of particular individuals or families within a particular space and time period. These aspects are not true for everyone from that group at all times and in all locations.

Improving Communications with Youth Role Play



Role Plays

- Criminal Settings
- Vacating the Protection Order
- **Flag words or behaviors that may be inappropriate or alienating to youth.**

Role Play Discussion

- What Worked?
- What Doesn't Work?

Learning Points

- Youth are often intimidated and scared in court and may not understand what is happening or the jargon.
- The teen is likely more focused on getting out of the court than on what is happening in the court. As a result, statements may be misunderstood or only partially heard.
- Judge's communication with youth is extremely important. A judge's role is often to confirm whether a youth understands what is happening and whether they are making an informed decision about some aspect of a case.

Learning Points

- A judge will need to communicate effectively with a youth at several stages in the court process involving youth decision-making, such as in whether to waive the right to counsel, whether to testify or not at trial, whether to enter a guilty plea, etc.

Learning Points

- Case law confirms that judges must use developmentally appropriate language to assess the validity of juvenile waivers of key rights.
- Judges should take care to use simple language and avoid legalese. Sentences should be broken down into short, plain language using a subject, word, and predicate. For example, individually introducing each party at a hearing for purposes of the record instead of grouping together.

Learning Points

- A Massachusetts study of juveniles in the court system aged 9-17 found that juveniles did not understand 86% of the legal terminology routinely used in plea proceedings.
- Words such as “ex parte, clear and convincing, adjudication, offenses, reasonable doubt, district attorney, vacate” ...may mean little or nothing to a young person in court.
- Consider opening with simple, informal sentences. Ask youth simple questions such as their name or age first. Get a feel for how quickly the youth understands your questions and is able to formulate a response.

Learning Points

- Consider asking the last grade they completed in school or what types of activities or classes they enjoy in school. Do they like to read? What's the last thing they read? This may help ascertain whether the youth has any cognitive disabilities that will further challenge their understanding of your communications.
- Judges may also have a leadership role in ensuring that other adults who interact with youth in the justice system use developmentally appropriate language.

Learning Points

- IT IS CRITICAL THAT JUVENILE DEFENDANTS ARE REPRESENTED. It is not best practice to take a plea from an unaccompanied or unrepresented juvenile defendant. In the case that the defendant is unrepresented, it is best to halt the proceedings until representation can be established. Many jurisdictions are finding all juveniles as indigent for the purpose of providing counsel.
- Encourage juvenile defense bar to become fully informed about child abuse, exposure to domestic violence, and the overlap with dating violence and other criminal behavior in juveniles.
- Provide leadership to enhance advocacy services for youth victims in civil court as well, access to legal services.
- Act to promote the fair and impartial administration of justice

Practical Application: Experiences in Court

- What currently works for you?
- What doesn't work?
- What adjustments have you made?
- Is your courtroom conducive to conversations?

Communication Considerations

- Remember older youth generally can remain focused for the entire hearing.
- Explain the purpose of the hearing and ask everyone in the courtroom to identify themselves and their role.
- Build rapport by talking with them at the beginning of the hearing.
- Communicate directly with the youth.

Enhancing Communicating with Youth I

- Avoid using acronyms or legal terms.
- Maintain eye contact when talking to the youth.
- Expect avoidance with some older youth. They may want to attend but their ability to deal with intense emotion may not be as mature. They also may be less attentive for the same reason.
- Allow for alternative ways of communicating (e.g., drawings, poems or letters).
- Repeat decided actions of the Court's Orders to be sure the older youth understands.

Enhancing Communicating with Youth II

- Share documents that are appropriate for older youth to read – this increases their awareness and their sense of control.
- Watch for nonverbal cues that could prompt deeper discussions or assist in decision-making.
- Acknowledge even the smallest attempt at participation – this adds a sense of control and self confidence.

Enhancing Communicating with Youth III

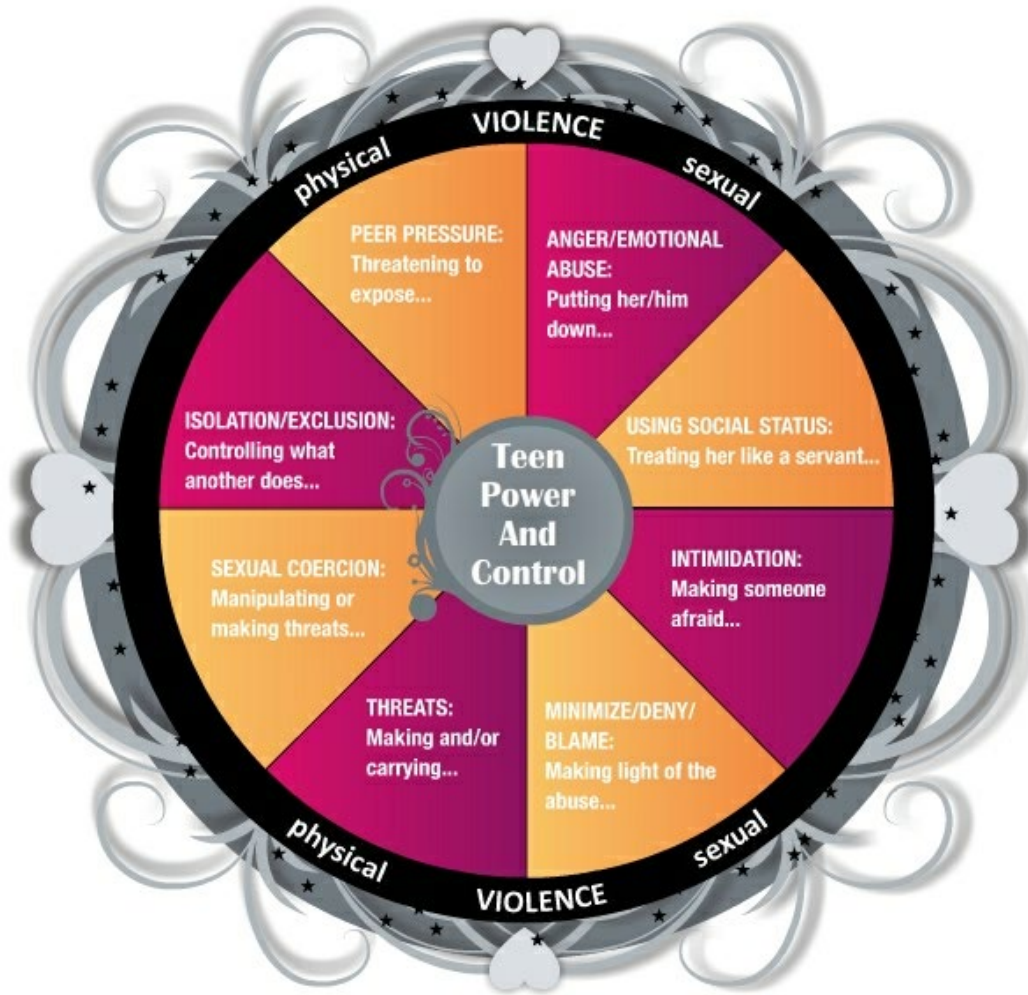
- Encourage pre-planning for future meetings or hearings.
- Assure the youth that the court received and noted their input.
- Ensure the youth understands the decision and the reasoning behind it.
- Coordinate with the youth about the next hearing date.
- Encourage participation in all court proceedings by asking youth to attend the next hearing.

Learning Points

- Some children want to be seen and have their opinions heard.
 - This experience may dictate how seriously the child will take the court and comply with the Orders and recommendations.
 - Like anyone else, the willingness to change comes from within and many people have never experienced the support needed to promote growth.

Chris and Eva

- Chris and Eva met during after school activities. Chris comes from a wealthy family and play. for the Basketball team. Eva is a Venezuelan refugee who is a cheerleader. Only a few close friends know about the relationship, but they think this is risky for a farming community.
- Chris becomes furious and possessive after seeing Eva talking to some guys after one of the basketball games. She slaps
- Eva and is arrested by a school resource officer who attend the games. Eva talks to her family about being assaulted by Chris and they tell her they will get a restraining order.
- Eva does not want to be involved in the judicial system out of fear their relationship will be exposed. Her parents file for a restraining order that appears before the Court for the temporary hearing. Eva appears in the Criminal Courtroom when subpoenaed to Court and tells the Judge she wants the charges dropped.
- Chris pleads guilty to a reduces assault charge and you schedule a Review Hearing.



Teen/Court Conversations I

- Active listening. Active listening is when you are not thinking about anything else other than what is being said to you. When a teen is talking to you, you should be spending time trying to understand his or her viewpoint or feelings, not trying to develop arguments or rebuttals to what he or she is saying. Ask questions that go beyond “yes” or “no” answers to prompt more developed conversation.
- Clear, consistent messages. Adults must model the behavior you want, ensure your nonverbal body language matches what you’re saying and avoid mixed signals.
- Include them in decision-making. When appropriate, involve the teenager in decision making and setting consequences for his or her behavior. They will feel ownership of the mistake when they’ve helped set up the consequences.

Teen/Court Conversations II

- Become an “askable” adult. Encourage teens to come to you when they need help by reacting in a nonjudgmental way and helping them solve their problems. You can only be assured that you are effectively communicating with a teen if you have your emotions under control.
- Be positive. During the time you spend together, talk about what is good in their life, even if someone may consider it is trivial. As a Judge, you may never know enough of a person to completely understand what is truly important to them.
- Don’t criticize. While a teen’s actions may have upset and worried you, you can take steps to handle those problems. Mistakes are often the best teachers. Criticism will only tear down the teen’s self-esteem.

Teen/Court Conversations III

- Avoid power struggles. Power is inherent in a judicial position. But there are ways to manage a conversation in a manner where it is more inclusive to the youth,
- There are times to be discreet. Keep your thoughts to yourself around other people when you are upset. Telling a GAL, attorney or anyone else in the courtroom how you feel may lead to the youth getting defensive.
- Focus on their interests. Talk to them about what excites them (e.g., music, sports, computers, dance-team practice, cars, motorcycles). Have conversations with them when you are not trying to make a point, to teach them something, or to impress them. Talk to them just to talk and to have positive verbal interaction.

Teen/Court Conversations IV

- Avoid talking too much. Repeating lectures, questioning excessively, or using other forms of communication that will result in the teenager turning a deaf ear to you. Simply restate the rules and the consequence previously agreed on and that you expect your teen will follow through with it.
- Share your experiences. When talking to teens about a problem they are having, use your discretion in telling them a similar story from the past. They will appreciate hearing what came out of your experience and will also feel that they are not the only one going through this type of situation.
- Admit your mistakes. It's important to admit when you're wrong and apologize for what you might have said or done. It builds trust and teaches children that it is okay to be wrong and how to apologize.

Additional Considerations in LGBTQI+ Cases

- LGBTQ teens may have trouble recognizing that they are victims of TDV, even when the battering is severe,” because intimate partner violence is commonly defined and discussed within a heterosexual context.”
- This fear of “being outed” complicates TDV in LGBTQ intimate partnerships in a way that heterosexual teens do not experience. TDV perpetrators may use “outing” as a method of coercion.
- Just as in heterosexual teen intimate partnerships, technology plays a large part in LGBTQ teen intimate partnerships
- Abuse of LGBTQ teens by their intimate partners, whether perpetrated in person or online, is especially harmful because LGBTQ youth are “at an increased risk for suicidal thoughts and behaviors, suicide attempts, and suicide

Tips to Talking with LGBTQI+

- Always ask for teens' preferred pronouns – see the LGBTQ Issues in Teen Dating Violence: Glossary for more information – and address them using the name by which they call themselves, even if it differs from that listed on state identification. Doing so will demonstrate to the teens that you respect their identity and that you are someone whom they can trust.
- School environments can be hostile towards LGBTQ youth, so working with the school to hold LGBTQ TDV offenders accountable might be challenging.
- Be aware that some LGBTQ youth may not be “out” in their community – or even to their family members – and may be reluctant to reveal their sexual orientation or gender identity in a public manner.
- LGBTQ TDV victims may also be afraid to “out” their abuser or expose details about their abuse for fear of the abuser's retaliation, or because the victims do not want to feel as if they are “betraying the LGBTQ community” by admitting abuse at the hands of an LGBTQ partner.

Learning Points

- In cases involving juveniles, the objective is to reduce criminogenic risk factors and build on protective factors. Criminogenic Needs are factors in a person's life that are directly related to recidivism. Research has identified six factors that are directly related to crime: low self-control, antisocial personality, anti-social values, criminal peers, substance abuse and dysfunctional family. Protective factors are conditions or attributes in individuals, families, and communities that promote the health and well-being of children and families.
- In order to determine how to proceed with a juvenile, juvenile courts typically rely on information about background, juvenile court record, risk/need/responsivity assessment scores, and the youth's willingness to get treatment in the juvenile system. The different axes that make up a person's culture can help provide context for a juvenile's behaviors and can be a protective factor as well.

Learning Points

- Culture is never an excuse for criminal behavior, but certain due process considerations require an awareness of cultural identity, such as access to language interpreters.
- A juvenile's culture can also impact whether they will access the system; their perception of options and services available will naturally reflect the treatment of their culture in society.
- To address the issues that Chris and Eva have, it is critical that the court understand the context in which the issues operate; the axes of cultural identity form the basis of much of that context.

Learning Points

- Abusive partners will utilize these aspects of her identity to reinforce power and control.
- Exposing a teen to helping professionals who are similar to them and understand their background may leverage the positive aspects of their cultural identity so that they can receive effective treatment.
- If you examine the Teen Dating Power and Control Wheel the following tactics are listed: economic abuse, sexual abuse, using technology, threats, enforcing stereotypes, intimidation, isolation, emotional abuse.

Learning Points

- Conversations in the Sterile environment of a courtroom are very difficult.
- There can be a tremendous benefit to afford a young person to understanding the process and to be heard.

Learning Points

- Developing effective communication skills increases our awareness of an individual's needs by requiring us to be present and focus.
- Children who identify as LGBTQI+ are exposed to experiences that place an additional level of stress on them.

Learning Points

Procedural Justice/Fairness

- Procedural justice is the primary factor in litigants' willingness to accept decisions – regardless of why the litigant came to court. (Tom Tyler – Yale Law School)
- African-Americans come to court with lower expectations and, afterwards, perceive less fair treatment than others (Tyler and Huo, 2002)
- Four Key Components [Rossman et al. (2011)]
 - Voice: You felt you had the opportunity to express your views in the court. People in the court spoke up on your behalf
 - Respect: You feel that you were treated with respect in the court
 - Neutrality: All sides had a fair chance to bring out the facts in court. You were not disadvantaged in the court because of your age, income, sex, race, or some other reason
 - Understanding: You understood what was going on in the court. You understood your rights during the processing of the case

Action Plan

- Do we need to change our conversations?
- What can we change immediately?
- What changes can we make within the next six months?

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What can we change in the next six months?

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What can we change immediately?

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Do we need to change our conversations?

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