

Superior Court of California, County of Santa Clara  
Juvenile Justice Court  
2011 Report of the Supervising Judge

Honorable Patrick Tondreau  
Supervising Judge, Juvenile Justice Court

### **MISSION STATEMENT**

**The Mission of Juvenile Justice is to protect and rehabilitate our youth, build strong and healthy families, redress victims, and increase the safety of our community.**

The Judges of the Juvenile Justice Court would like to acknowledge at the outset that this report and the many accomplishments reflected would not have been possible without the tireless efforts of all of our juvenile justice partners. As in previous years, the accomplishments documented here are a result of the extensive collaboration and many meetings necessitated by the goals that we set for ourselves.

Although this is a report that addresses the activities of the Juvenile Court, the Court would like to acknowledge at the outset the many noteworthy achievements of the [Santa Clara County Probation Department](#). It is apparent to the Court that a significant cultural change is underway which includes the adoption of many best practices to give probation and ultimately the Court additional tools, perspectives, and programs.

The Court would like to highlight the following:

1. The adoption and implementation of the Juvenile Assessment and Intervention System [JAIS](#) assessment tool, a validated risk and assessment tool developed by the National Council of Crime and Delinquency which will help address strategies, challenges, and appropriate intervention with our minors.
2. Creation of the new [EDGE](#) program, Encouraging Diversity Growth and Education, a new highly structured non custodial intervention which provides structure while addressing anger management, conflict resolution, gang intervention, drug and alcohol issues, family strengthening and parental skills.
3. The adoption of best practices as it relates to placement youth and reunification with a significant increase in the use of community wraparound programs.
4. Adoption of an overarching philosophy with policies and protocols to keep all minors 13 and under out of juvenile hall.
5. Aggressive engagement with [Disproportionate Minority Contact](#) issues including, in partnership with the Hayward Burns Institute, creating an inventory of available best

practices, methodologies, and incentives to create a Response Grid for formulate probation responses to Violations of Probation.

6. Obtaining a grant to institute the **HIGH OCTANE** (optimal change through alternative non-custodial efforts) program to implement the **7 Challenges** program countywide, a new approach to drug and alcohol issues with adolescents that intervenes in a non-confrontational holistic way allowing the adolescent to see and make decisions for themselves; in addition. to partner with evidence based practice experts, to create a phone system for court date notification, all to reduce the secure detention of minors for probation violations, warrants, and failures to appear.
7. Obtaining a grant for intensive re-entry services for youth exiting the ranches including educational, vocational and therapeutic services.
8. The Court would like to give special recognition to Erica Eliot, a counselor at juvenile hall, for recognizing the issue of sexually exploited youth and for convening a workgroup to explore how to better serve this population in Santa Clara County. This workgroup is designing a protocol that all agencies and concerned stakeholders can agree to recognize and implement.

## HIGHLIGHTS

1. The **Reproductive Health and Safety Task Force** completed its initial work and issued a formal report to the Board of Supervisors.
2. Juvenile Justice Court is lead agency on a grant to bring **trauma-informed mental health services** to youth in the juvenile justice court.
3. Juvenile Justice is the first division to bring **wireless** computer services to our Courtrooms.
4. Stanford and San Jose State Universities bring significant **research** to Juvenile Justice Court.
5. Superior Court commits to **redesign of Department 79A** for permanent use as a court Room. .

## COMPLETED PROJECTS 2011

Reproductive Health and Safety Task Force

In December 2009 the supervising Judges of Juvenile Justice and Juvenile Dependency Court convened a Task Force to address teen pregnancy, the prevention of sexually transmitted diseases, teen parenting, and delayed pregnancy. The Task Force spent 17 months accessing current programs and information available to youth in our juvenile systems, and identifying gaps in those services. In March, 2011 the Task Force issued a [Report](#) encouraging the development and establishment of policies and procedures for all court system stakeholders who work with our court involved youth.

The report had six specific recommendations: (1) institute follow-up procedures for minors released from the Hall or Ranch programs, (2) create a business card sized information sheet to hand out to minors, (3) develop services in the South County, (4) Conduct a survey to determine why girls are getting pregnant or not using birth control, ([see new research, below](#)), (5) conduct a survey of county school districts to determine who is and who is not offering sexual education classes and why, and (6) the Department of Family and Children's Services and the Juvenile Probation Department should continue to develop programming and communication with the Courts.

In this regard, as a result of Task Force efforts, a new [Partnership between FIRST 5 and Santa Clara County Juvenile Probation Department](#) was developed to support the healthy growth and nurturing of young children. Juvenile justice youth now have access to the Family Resource Center (FRC), developmental screenings, [First 5/Gardner Services linkage](#), Planned Parenthood's Adolescent Family Life Program AFLP, and Santa Clara County [Nurse/Family Partnership](#).

When a pregnant or parenting teen is identified, probation refers the teen to the Court Support Specialist who accesses the teen and makes appropriate referrals for services.

The Juvenile Court also issued a [Standing Order](#) mandating that all youth in our systems be offered access to family planning services and products, services of a health care provider, medical treatment concerning pregnancy, and appropriate privacy concerning reproductive health choices.

### [Paperless Courtrooms](#)

Juvenile Justice Court is the first division to work towards a paperless system. All courtrooms have been equipped for wireless connections and each partner agency is allowed laptops in the courtroom. The cabling has been completed, each agency has been given a pass code, and all can now participate in the wireless network. This has encouraged the agencies to acquire the necessary equipment and begin to establish the goal to be paperless in the courtroom.

### **Juvenile Justice Records Sealing Manual**

Under the leadership of Judge Jesus Valencia, the Juvenile Justice Court created the

### **Juvenile Justice Records Sealing Manual, Guidelines and Protocols.**

This comprehensive manual includes an accurate and thorough step-by-step procedure for the record sealing process with accompanying forms, and addresses such related issues as inspection and destruction of sealed records.

### **Juvenile Mental Health Court Manual and Protocol**

Under leadership of Judge Paul Bernal, and several years of collaborative participation and hard work, a **Juvenile Mental Health Court Manual and Protocol** was developed for the Juvenile CITA Court (Court for Individualized Treatment of Adolescents).

This comprehensive manual addresses the rationale and goals, the process (the ten steps to graduation), confidentiality, and all the appropriate forms including the graduation letter and certificate.

### **Implementation of AB 938 and AB 1628.**

AB 938, an act to improve the outcomes of minor's in foster care, and a response to the federal Fostering Connections to Success and Increasing Adoptions Act, requires adult relatives to be notified of a minor's placement out of home and invites their participation on the minor's life. This was fully implemented in Juvenile Justice Court.

AB 1628 which shifted parole supervision of youth committed to the Department of Juvenile Justice to the counties has been fully implemented in Santa Clara County.

## **NEW PROJECTS AND PROGRAMS**

### **Trauma-Informed Mental Health Services**

In 2008 Huskey and Associates in association with the National Council on Crime and Delinquency issued a report describing the extensive mental health needs of juvenile justice youth, the need for specific trauma-informed training for justice partners, the need for evidence based screening and collaboration between probation and mental health.

The Santa Clara County Juvenile Justice Court, as the lead agency in collaboration with the Santa Clara County Mental Health Department, the Department of Alcohol and Drug Services, the Probation Department, the District Attorney, the Public Defender, and the Alternate Defenders, received a [\\$250,000 grant](#) from the Bureau of Justice Assistance to serve [60 youth per year](#), with a priority for girls, with [Trauma-focused cognitive behavioral therapy](#). The goal is to produce health youth who spend less time in detention and under the supervision of the juvenile court.

The Mental Health Department will implement the UCLA PTSD Reaction Index assessment for youth to identify the severity of trauma and PTSD in youth, promote healthy family functioning, and create a trauma-informed justice system through [training of all justice partners](#) in the impact and effects of trauma, trauma-informed approaches, and best practice models.

### [New Research in Juvenile Justice Court](#)

Juvenile Justice Court experienced three new significant research projects concerning juvenile justice youth.

Dr. Emily Bruce, Associate Professor of Social Work, and Dr. Maureen Smith, Professor of Child and Adolescent Development at San Jose State University, joined the Juvenile Justice Systems Collaboration Case Processing Workgroup and implemented a project to examine the impact of [parent participation](#)/presence in court on case outcomes for youth. This project involves reviewing files, interviewing youth and holding focus groups with parents. The data is designed to allow recommendation for best practices with respect to supporting youth and their families who enter the juvenile court system.

Dr. Arash Anoshiravani, a doctor treating our juvenile hall population, with collaborators from the Stanford School of Medicine and the Palo Alto Medical Foundation Research Institute, began a grant funded research project with 50 girls from juvenile hall. This project will explore their perceptions of their [reproductive health needs](#) and provide a qualitative analysis which will inform efforts to improve the health outcomes of these adolescents. ([See Reproductive Health and Safety Task Force recommendations](#))

Dr. Veronica Herrera from Department of Justice Studies at San Jose State University will conduct an individual pilot research project comparing adolescent male and female perpetrators of Domestic and Family Violence with an emphasis on patterns of substance use within the context of violent offending. The project will examine whether youth who received [substance abuse treatment in addition to the required batterers' intervention treatment](#) were more likely to successfully complete probation and less likely to reoffend.

### **Child Advocates in Juvenile Justice Court**

In 2011 the Model Courts project set as a major education goal the creation of a Child Advocates program similar to the existing CASA program for dependent youth. A new committee

chaired by Dana Bunnett, Executive Director of Kids in Common, was assembled to address this goal.

These advocates will be specially trained volunteers who will be a friend, mentor and advocate for wards or potential ward, will help them navigate the justice system, and will identify and advocate for resources and programs.. The Advocate will be a trusted adult concerned with the well-being, safety and education of the youth.

System partners have been meeting for over a year and are coalescing around a pilot project that will reach out to minors who are failing the Deferred Entry of Judgment program and who has fragile families and therefore are in need of additional support and advocacy.

### **Videotape in Lobby of Courthouse**

In 2011, under the leadership of Molly Oneal, Supervising Attorney for the Public Defenders Unit, a professionally made videotape, in English, Spanish, and Vietnamese, on a continuous loop, explains the practices and procedures of the Juvenile Justice Court to everyone waiting to be called to court. The processes and participants, from arrest or citation to disposition, are explained and demonstrated to the minors, their families and friends.

## **ONGOING PROJECTS AND ACTIVITIES**

### **MODEL COURTS**

Our Juvenile Justice Court continued its participation in the National Council of Juvenile and Family Court Judges Model Juvenile Justice Program. The Model Court technical team visited us in June and August, and the model court's team attended site visits at Salt Lake City Juvenile Court in April and Tucson Juvenile Court in September.

#### **Lead Agency Discussion**

At each site visit and at numerous local meetings we have been investigating the need for, barriers, and benefits of shifting from an "on hold" dual status court to a "**lead agency**" model so that both DFCS and Probation could at times be concurrently in the life of a minor and his/her family.

#### **Staggered Calendars**

As a result of our visit to Salt Lake we initiated **staggered calendars** in each courtroom. Cases are now set and called at 8:30, 9:30, or 10:30. so that all families are not required to report to the court at the same time at the beginning of the court day and then wait until their individual cases are called. This process of staggering calendars began July 5<sup>th</sup>.

#### **Victim Issues**

Progress has been made on improving **services for victims**. The victim waiting room has been updated and parking vouchers are now being provided to victims for parking in the public parking garage near the court. The Court is prioritizing cases where the victim is present. Letters to victims are now available in English and Spanish and the court is working towards translating them into Vietnamese.

A special Model Courts committee on collection of **Restitution** has been formed and is chaired by Chris Arriola, Supervisor of the District Attorneys Juvenile Court unit. This committee will address all systems issues concerning the need to prioritize the collection of restitution and systems changes necessary to achieve this goal.

### **Data Collection**

A subcommittee chaired by Jean Pennypacker, the Court's Division Director, Family Resources, assessed data collection capacities and sharing by the Court, Probation, and other agency partners. The team has agreed to produce an **annual data report** beginning 2012 so the juvenile justice can better determine outcomes.

### **DMC**

The Model Court team and Probation agreed to merge their Disproportionate Minority Contact (**DMC**) efforts, which began with a presentation by Shawn Marsh, Model Courts Project Director, on **Implicit Bias**. The Juvenile Justice Systems Collaborative DMC workgroup is now open for court participation, and the court has agreed to work with probation on a presentation on DMC at the 2011 Annual Beyond the Bench conference.

Santa Clara Juvenile Justice Court has also agreed to join with the Tucson and Austin Courts in a National Pilot to design and implement Juvenile Justice **BENCHCARDS**, which are designed for use by judicial officers to enhance the quality of hearings and reduce DMC. This project will be funded by a grant secured by the national Model Courts project.

The Court has also attended two LaRaza Roundtable conferences at Stanford University.

The Model Court project will fund a presentation by James Bell of the Burns Institute at next years local Juvenile Justice Beyond the Bench conference.

### **Competency Restoration**

Last year the Juvenile Justice partners, under the leadership of Judge Paul Bernal, came together to create a protocol for a competency and restoration process. The Santa Clara County Probation Department and the County Mental Health Department came together to contract with the Virginia Restoration Program, a nationally recognized juvenile competency restoration program.

In 2011 the County Board of Supervisors authorized and the Mental Health Depart completed the contract with the Virginia program, and a full scale version of the program will be implemented by January, 2012.

### **Treatment Advisory Review Panel TARP**

In 2010 the Juvenile Sex Offender Treatment Committee completed its work and FINAL REPORT. In 2011 that Committee nominated an ADVISORY PANEL, which was appointed by the Presiding Judge of the Court, and renamed itself the Juvenile Sex Offence Treatment Advisory Review Panel.

This panel is chaired by Deputy Probation Officer Peggy Jo Davidson-Cathey. The Supervising Judge of the Juvenile Justice Court sits as a non-voting member. This panel is responsible for the appointment and termination of treatment providers as well as periodic review of the quality and timeliness of reports. This panel has established provider qualifications, applications, letters of appointment, and treatment status report templates.

### **Juvenile Justice Commission**

The Juvenile Justice Court regularly attends the Juvenile Justice Commission's monthly public meetings and assists the Commission in the orientation of newly appointed Commissioners. The Court coauthored a report published in the San Jose Mercury News regarding the separation of the adult and juvenile probation departments. Commissioners attend Court sponsored trainings and have observed during juvenile courtroom hearings. The Court also met with the Commission to discuss its concerns regarding the physical move of Department 79A to the Hall of Justice and the detention of minors 12 years old and younger in Juvenile Hall. During this fiscal year, the Court has continued to work with the Commission in matters relating to youth in the juvenile justice system.

### **Education**

The Special Committee for the Education of Children in Juvenile Court, under the continued leadership of co-chairs Kathy Garguilo of the Santa Clara County Probation Department and Mary-Anne Bosward, Director of Special Education, County Office of Education, continued to address important education issues including, (1) county wide establishment of policies for implementation of partial credits, (2) tracking of Community Schools Waiting List, (3) tracking Foster Youth Services and support to minors in Juvenile Hall; (4) committee letter to all school district concerning changes to education law reflected in AB 1933; and (5) creation of a new Standing Order facilitating the sharing of education information.

The Juvenile Court Education Partnership (JCEP) continues to monitor the implementation of Foster Youth System Information Database and the At Risk Youth Student Information System. This Committee continues to monitor other issues concerning educational outreach to juvenile justice minors.

### **Trainings**



Consistent with recommendation 51 of the 2008 Juvenile Justice Court Assessment, and Key Principle Number 16 of the NCJFCJ Juvenile Justice Guidelines that Judicial Officers, attorneys and probation should be trained and educated to understand the myriad of issues in the Juvenile Justice Court, the Court and partners held nine trainings: (1) Competency Restoration program, (2) National Council on Crime and Delinquency Girls Institute focus group, (3) Implementation of AB 938, (4) How to read a Psychological Evaluation by Dr. Leonard Donk, (5) First Five presentation on pregnant and parenting teens services and the Nurse/Family Partnership, (5) new grant, practices and programs in the probation department, by Laura Garnette, Deputy Chief of Probation, (6) Implementation of the Seven Challenges program, (7), Implicit Bias, by Shawn Marsh, Model Courts project director, (8) Implementation of AB 12/212, and (9) The Art of Intervention: Key principles and Methodology by Enrique Flores

Judge Tondreau also gave a presentation of the Blue Ribbon Commission on Foster Youth and a joint meeting of probation and DFCS management on the benefits of shifting to a lead agency model for dual status youth.

### **Community Leadership.**

Consistent with Key principle 11 of the NCJFCJ Juvenile Justice Guideline and subdivision (e) of Standard 24 of the Standards of Judicial Administration, which mandate active leadership in the community, close liaison with school authorities, and the development of community services and resources, the Judges of the Juvenile Justice Court have participated in the following Committees, Commissions, programs and activities:

#### Supervising Judge Patrick Tondreau

Mayor's Gang Prevention Task Force Policy Committee, member  
Mayor's Gang Prevention Task Force Interagency Collaboration; member  
Children's Agenda Vision Council, Kids in Common, member  
Juvenile Justice Commission, attendee, advisor and trainer  
Executive Committee, Juvenile Court Judges of California (JCJC); member  
Family and Juvenile Court Advisory Committee, AOC; member  
FLY field trip and mock trial; participant  
National Council of Juvenile and Family Court Judges, member  
NCJFCJ model Courts Program; lead judge; attendee at two site visits  
Juvenile Justice Coordinating Council; member  
SCC Blue Ribbon Commission on Foster Youth, member  
LaRaza Roundtable on Disproportionate Minority Contact, member  
Juvenile Justice Systems Collaboration; member  
Juvenile Justice Systems Collaboration Case System Workgroup; chair  
Juvenile Justice Systems Collaboration DMC Workgroup, member  
State Beyond the Bench; presenter  
Juvenile Court Education Partnership; member

Juvenile Court Committee for the Education of Youth in Juvenile Court; honorary chair  
Law Foundation: LACY Honors Award Selection Committee  
Sexually Exploited Youth Committee; member  
Peer Court Implementation Committee; member  
Juvenile Justice Commission: training presenter

Judge Beth McGowen

**SCCBA Panel on Legal Ethics 1/21/11**  
**Teen Dating Violence disc release, San Jose Unified School District 2/11**  
**Domestic Violence Training Program 2/28/11**  
**Read Across America 3/2/11**  
**Charter Middle School Presentation 3/4/11**  
**Keynote Speaker, National Victims' Awareness Reception 4/7/11**  
**Law Foundation Dinner 5/4/11**  
**Kids in Court Seminar 5/18/11**  
**Crime Lab Evidence Presentation 5/19/11**  
**Juvenile Hall Inspection 6/16/11**  
**San Jose State Grant Application for Juvenile Domestic Violence Court, ongoing**  
**Speaker, Judicial Intern Lunch 7/27/11**  
**LACY Honors luncheon 10/27/11**  
**Domestic Violence Conference 10/28/11**  
**Speaker, Castilleja Middle School Program 11/1/11**  
**Judge, Santa Clara County Peer Court 1/1/11**  
**SCCBA Judges Night 11/2/11**  
**Keynote Speaker, Gang Intervention Outreach Program 11/13/11**

Judge Jesus Valencia

**Santa Clara County La Raza Lawyers Association Reception Honoring Judge Davila 2-17-11**  
Black History Celebration Juvenile Hall Gym 2/18/11.  
Juvenile Justice Court Mental Health Court tour 2/23/11.  
**City of San Jose, Police Chief Robert Moore Swearing In Ceremony 2/24/11.**  
Read Across America Program at **Jeanne R. Meadows Elementary School, 3/2/11.**  
Disproportionate Minority Confinement/Contact (DMC) community meeting, 3-15-11  
Bench Bar Media Police Committee Meeting, 3/23/11.  
SCU School of Law Board of Visitor Meeting 3/25/11.  
Annual Cesar Chavez Breakfast at CET, 3/31/11.  
SCU La Raza Law Students Spring Banquet, 4/8/11.  
National Crime Victims Week event, 4/14/11.  
Victim Awareness Class, speaking event, 4/27/11.  
FLY Graduation, 5/12/11.  
DMC Meeting Morgan Hill, 5/16/11.  
The Eucharist and Social **Justice at San Jose Diocese Chancery Office: Speaking Engagement: 5/11**  
Bench Bar Media Police Committee Meeting re: Death Penalty, 5/25/11.

San Jose Community School, Keynote Speaker, 5/26/11.  
SCU School of Law Centennial Anniversary Reception, 6/7/11.  
Teen Fatherhood Issues Meeting, 6/15/11.  
AOC CITA site visit by Dr. Bacharach, PhD. 6/22/11.  
Civil Grand Jury Discharge/Impanelment Ceremony, 6/23/11.  
DMC Community meeting, Gilroy, 8/18/11.  
Parent Project Graduation, 8/25/11.  
Seven Challenges Training, 9/22/11.  
DMC Community meeting, Franklin McKinley School District Office, 9/22/11.

Judge Jacqui Duong:

January 11, 2011 Alternative Placement Academy (APA) Graduation Ceremony  
Speaker  
January 11, 2011 San Jose City Council Meeting  
Administer Oath of Office for Vice-Mayor Madison Nguyen  
January 14, 2011 Japanese American Citizens League  
Administer Oath of Office for Officers/Board Members  
January 20, 2011 Fairness Issues and Strategies for Judicial Faculty – AOC  
Attendee/Participant  
February 4, 2011 Santa Clara University School of Law,  
Judge for the Galloway Moot Court Competition  
February 5, 2011 BAAPALSA conference  
Panelist  
February 11, 2011 Silicon Valley Women and Girls Leadership Summit  
Keynote speaker  
March 25, 2011 Asian Law Alliance Annual Dinner  
Attendee  
April 1, 2011 National Conference for Vietnamese American Attorneys  
Judges Panelist  
April 2011 CJA Midyear Conference  
Organizing Committee member  
April 21, 2011 Vietnamese American Professional Women Association of Silicon Valley  
Scholarship Event, Keynote Speaker  
May 25, 2011 J. W. Fair Elementary School Bridges Academy--Career Day  
Speaker  
August 23, 2011 Alternative Placement Academy Graduation Ceremony  
Speaker  
September 7, 2011 AOC Summit on diversity in the Judiciary, Attendee/Participant  
October 13, 2011 Santa Clara University, Katherine and George Alexander Community  
Law Center, Keynote Speaker  
October 31, 2011 Santa Clara University APALSA, Networking Panel Panelist

### **Changes for 2011**

Judge Jacqui Duong will be leaving Juvenile Justice Court after three years of service. She has been instrumental in oversight of Juvenile Treatment Court, a voice in the community for juvenile justice, ...

### **Goals for 2012**

1. Complete Model Court Projects
2. Fully implement competency restoration
3. Continue discussion of shift to “Lead Agency” for dual status youth
4. Implement “Pot of Gold” project
5. Bring Child Advocates to Juvenile Justice Court
6. Publish first Annual Data Report
7. Establish best practices on collection of restitution
8. Local Juvenile Justice Beyond the Bench Conference in early 2012
9. Implement FYSIS and ARYSIS
10. Implement AB 12/212
11. Complete work of Forensic Evaluators Oversight Panel
12. Complete the redesign of Department 79A and transition back to courtroom