

## **Judicial Council Briefing**

November 2023

### **Juvenile Collaborative Court Models: Introduction**

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Introduction to juvenile collaborative courts and this series of briefings detailing various juvenile collaborative court models

## **Judicial Council Briefing**

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## Introduction

The Collaborative Justice Courts Advisory Committee of the Judicial Council of California makes recommendations to the council for developing collaborative justice courts, improving case processing, and overseeing the evaluation of these courts throughout the state. As part of the committee's purview, it also works to provide information about collaborative courts to relevant stakeholders around the state.

This is the first of a series of briefings providing an overview of juvenile collaborative courts, including what types of courts exist, how they work, and how they can be replicated.<sup>1</sup> These briefings are not intended to be an exhaustive review of the research; rather, they are meant to be an overview. Like their adult counterparts, juvenile collaborative courts are geared toward high-risk, high-needs individuals whose offenses stem from an underlying, treatable cause. Juvenile collaborative courts take into account adolescent brain development, unique ways that substance abuse and mental health issues manifest in youth, and other issues unique to youth, including the original rehabilitative nature of juvenile court.

Briefings in this series will cover information on juvenile drug courts, juvenile mental health courts, girls'/CSEC courts, and youth courts. The last briefing in this series includes information about starting a juvenile collaborative court model.

## What Is a Juvenile Collaborative Court?

Collaborative courts, sometimes referred to as problem-solving courts, combine judicial supervision with intensive social and treatment services to offenders in lieu of detention.<sup>2</sup>

***Collaborative justice courts, sometimes referred to as problem-solving courts, combine judicial supervision with intensive social and treatment services to offenders in lieu of detention. Collaborative justice principles include a multidisciplinary, nonadversarial team approach.***

Collaborative courts can be found in many court types, including adult, juvenile, and dependency. Collaborative courts have a dedicated calendar and judge for specific types of offenders (e.g., mental health courts for offenders with mental illness, drug courts for offenders with substance abuse issues). Collaborative justice principles include a multidisciplinary, nonadversarial team approach with involvement by the court, attorneys, law enforcement, and community treatment and service agencies to address offenders' complex social and behavioral problems. Due to the unique nature of proceedings involving youth, a juvenile

collaborative court team may also include schools, after-school programs, and family systems services. Attorneys, probation officers, judges, and sometimes others can refer youth from traditional juvenile court to a collaborative court at various points in the juvenile justice process. Although all collaborative courts follow a similar model based on the National Association of

Drug Court Professionals' *The 10 Key Components of a Drug Court*,<sup>3, 4</sup> each court operates in a slightly different way with varying eligibility criteria, requirements, length, types of sanctions and incentives, services provided, and graduation criteria.

Once accepted into a collaborative court, youth are required to participate in appropriate treatment and services relevant to the court (e.g., substance abuse treatment for drug court, mental health treatment for mental health court). They are also closely supervised in the community by the probation department and are required to attend regular review hearings at the court. Once they successfully complete the court program, their charges are often dismissed and probation is terminated. Some courts also encourage youth to submit the required petition to seal their records when they turn 18.

Generally, high-risk juveniles have the most to gain from juvenile collaborative courts. The risk-needs-responsivity theory indicates that responses to offenders should correspond to the individual offender's risk and needs, which are determined using appropriate assessments.<sup>5</sup> Thus, the higher the risk level of the offender, the more intense the services and supervision response to that individual offender should be. Other research has shown that providing too much supervision for low-risk offenders can actually result in increased recidivism and poor outcomes.<sup>6, 7</sup> Collaborative courts provide high levels of services and supervision. Other evidence-based approaches can affect how well juvenile collaborative courts work as well. In addition to serving the appropriate youth in terms of risk and needs, research has shown that the "dosage," or amount and length of a program, can impact the program's effectiveness.<sup>8</sup>

#### ***The 10 Key Components of a Drug Court***

1. Drug courts integrate alcohol and other drug treatment services with justice system case processing.
2. Using a nonadversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights.
3. Eligible participants are identified early and promptly placed in the drug court program.
4. Drug courts provide access to a continuum of alcohol, drug, and other related treatment and rehabilitation services.
5. Abstinence is monitored by frequent alcohol and other drug testing.
6. A coordinated strategy governs drug court responses to participants' compliance.
7. Ongoing judicial interaction with each drug court participant is essential.
8. Monitoring and evaluation measure the achievement of program goals and gauge effectiveness.
9. Continuing interdisciplinary education promotes effective drug court planning, implementation, and operations.
10. Forging partnerships among drug courts, public agencies, and community-based organizations generates local support and enhances drug court program effectiveness.

*Source: National Association of Drug Court Professionals*

## **Types of Juvenile Collaborative Courts**

Of the more than 400 collaborative justice courts in California, more than 100 are juvenile collaborative courts. Juvenile collaborative courts are in more than 30 of California's 58 counties and include juvenile drug court, juvenile mental health court, girls' court, and youth court. These courts target their services to youth.

A different type of juvenile collaborative court targets its services primarily to the parents: dependency/family drug court. These courts are included in this series because of their

importance and impact on the youth involved in the families going through the dependency/family drug court.

One factor to note in examining how the courts work is that there are varying definitions of recidivism. Researchers may define recidivism as re-arrest, reconviction, or a probation violation, and the varying definitions can make comparing studies challenging.<sup>9, 10</sup>

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<sup>1</sup> The Center for Families, Children & the Courts maintains a roster of all collaborative courts in California at [www.courts.ca.gov/programs-collabjustice.htm](http://www.courts.ca.gov/programs-collabjustice.htm). Court data are voluntarily provided, so the roster is a living document that changes regularly as the agency learns of courts opening and closing around the state.

<sup>2</sup> The dependency drug court is the only model listed in this document that deviates from this overall description. In a dependency drug court, the treatment's focus is on the parent, not necessarily on the juvenile.

<sup>3</sup> National Association of Drug Court Professionals, "Defining Drug Courts: The Key Components" (1997, reprinted 2004). Retrieved from <https://www.ncjrs.gov/pdffiles1/bja/205621.pdf>.

<sup>4</sup> In addition to *The 10 Key Components of Drug Courts*, the Judicial Council's Collaborative Justice Courts Advisory Committee adopted an 11th "essential component" of collaborative justice courts in California: Emphasizing team and individual commitment to cultural competency. This component is described in Judicial Council of California, Center for Court Innovation, *California's Collaborative Justice Courts: Building a Problem-Solving Judiciary* (2005). Retrieved from [www.courts.ca.gov/documents/California\\_Story.pdf](http://www.courts.ca.gov/documents/California_Story.pdf).

<sup>5</sup> Judicial Council of California, "Screenings and Assessments Used in the Juvenile Justice System: Evaluating Risks and Needs of Youth in the Juvenile Justice System" (Feb. 2011) *AOC Briefing*. Retrieved from [www.courts.ca.gov/documents/AOCBrief\\_AssessOnline.pdf](http://www.courts.ca.gov/documents/AOCBrief_AssessOnline.pdf).

<sup>6</sup> J. Bonta, "What To Do With Low Risk Offenders?" (2009) Public Safety Canada. Retrieved from [www.publicsafety.gc.ca/cnt/rsrscs/pblctns/dwth-lwrsk/dwth-lwrsk-eng.pdf](http://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/dwth-lwrsk/dwth-lwrsk-eng.pdf).

<sup>7</sup> E. Seigle, N. Walsh, & J. Weber, "Core Principles for Reducing Recidivism and Improving Other Outcomes for Youth in the Juvenile Justice System" (2014) The Council of State Governments Justice Center. Retrieved from <http://csgjusticecenter.org/wp-content/uploads/2014/07/Core-Principles-for-Reducing-Recidivism-and-Improving-Other-Outcomes-for-Youth-in-the-Juvenile-Justice-System.pdf>.

<sup>8</sup> Judicial Council of California, "How Practices and Programs become Evidence Based: A Review of Juvenile Justice Research" (Feb. 2012) *AOC Briefing*. Retrieved from [www.courts.ca.gov/documents/AOCBrief\\_JuvenileJusticeResearch\\_efile\\_021612.pdf](http://www.courts.ca.gov/documents/AOCBrief_JuvenileJusticeResearch_efile_021612.pdf).

<sup>9</sup> Judicial Council of California, "Defining Recidivism in Juvenile Justice" (Apr. 2012) *AOC Briefing*. Retrieved from [www.courts.ca.gov/documents/AOC\\_Briefing-Defining\\_Recidivism--Web\\_Version.pdf](http://www.courts.ca.gov/documents/AOC_Briefing-Defining_Recidivism--Web_Version.pdf)

<sup>10</sup> As cited in K. J. Scott, "Corrections and Education: The Relationship Between Education And Recidivism" (2016) *Journal of Intercultural Disciplines*, 15, 147–169.