

Judicial Council Briefing

November 2023

**Juvenile Collaborative Court Models:
How to Start a Juvenile Collaborative Court**

Information about how to start a juvenile collaborative court model

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 eighth in 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.¹ 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. This briefing will cover how to start a juvenile collaborative court.

How to Start a Juvenile Collaborative Court

Before starting a juvenile collaborative court, it is important for all involved to receive training on the issues involved with the specific type of court, the youth involved, and appropriate treatment. For example, in juvenile drug court, all team members should be knowledgeable about how substance abuse impacts youth and their families, as well as its intersection with the justice system and evidence-based practices in treating substance abuse in youth. This knowledge will help the team make informed decisions about targeting, program development, resource allocation, and funding options.² It is also important to recognize and integrate into planning the fact that juveniles are not small adults. Adolescents' brains are still developing, as are their cognitive, social, and emotional skills. Their families, peers, schools, and community relationships influence their development and thus they must all be integrated into rehabilitation. There are other differences between adults and juveniles that collaborative courts should take into consideration. For example, youth who drink or take drugs may not be addicted to alcohol or other drugs the way adults may be and may naturally grow out of substance use.³ Further, it is important to note that when a collaborative court does not follow evidence-based practices within the model, such as using high risk levels as a criterion for eligibility, the court may not be effective for some youth,⁴ so it is important for the right youth to be in the program.⁵

In developing a juvenile collaborative court team, a minimum of the following people or representatives should be involved:⁶

- Judge
- Court administrator
- Prosecutor
- Public defender (and alternate defense counsel)
- Treatment representatives
- School district representative
- Community supervision representative (usually Probation)

For dependency drug courts, county counsel, parents' counsel, and social services should also be involved.

A foundation of supportive, nonadversarial relationships within the team and among the agencies is important. A great way to build this foundation is for the team to visit other similar collaborative courts to observe. The team should create a written document, or memorandum of understanding, describing and specifying each team agency's role and duties, including how the team will work together, when and how often meetings will occur, attendance and participation expectations, how decisions will be made, how conflicts will be handled, how assignments to the team and turnover will be handled, and, of course, funding.⁷

The first steps in funding a collaborative court include the following:⁸

- Creating a budget that includes all of the start-up and operating expenses;
- Surveying resources that your team already has or that can be realigned or combined;
- Identifying budget gaps where new resources are needed; and
- Seeking potential contributors, including community groups, local or national foundations, and government agencies.

Other decisions for the team include the following:

- How and when cases will be referred to the court;
- How individuals should be screened and assessed for eligibility, risks, and needs;
- The structure of the court, such as the length of the program and the number of phases or stages of treatment that should be required;
- The structure and roles of incentives and sanctions; and
- Any testing protocols (e.g., drug testing).

The team should also draft a mission statement and goals for the court, as well as how they will define success. Each goal should follow "SMART" goal-setting criteria—that is, they should be specific, measurable, agreed upon, realistic, and time-based. When the court decides to evaluate the program, those goals and definitions will likely be among the criteria used to determine

whether and how well the court program is working. Courts should establish a clear data collection, review, and evaluation process and practice continuous quality improvement.^{9, 10} Courts should also develop a five-year plan.

To determine the target population and eligibility criteria, the team should consider evidence-based practices. Researchers have shown that targeting high-risk, high-needs participants and using a validated assessment instrument to determine eligibility facilitate the success of

Among the most essential aspects of a collaborative court’s success is information sharing among the courts, treatment providers, schools, and other service

collaborative courts.¹¹ One often overlooked screening that has been recommended is for trauma, considering the high rates of incidence and impact on mental health needs.¹² Other studies have shown that juvenile drug courts that admit participants

promptly and that build on academic or job skills have higher graduation rates than other courts.¹³ Mentoring and skills training are also sometimes used effectively in collaborative justice. The most important thing is that the program type matches the needs of the offender.¹⁴ Graduation, or a “full dose” of the treatment provided in collaborative courts, is associated with greater success and lower recidivism than not completing a program. Other evidence-based practices for treatment services include functional family therapy, cognitive behavioral therapy, multisystemic therapy, and motivational enhancement therapy. Court treatment programs should avoid standard community services, self-help treatment, and generic counseling programs.^{15, 16}

Having a confidentiality policy that protects the privacy of youth while still allowing the court team to access information is integral. Among the core elements of a collaborative court’s success is information sharing among the courts, treatment providers, schools, and other service providers.¹⁷ These stakeholders should work together to create a collaborative court model that meets the criteria of *The 10 Key Components of a Drug Court*¹⁸ and also meets their own jurisdiction’s needs. The youth’s family should also be involved in his or her treatment.

Most juvenile collaborative court models are voluntary for the participants. It is not clear whether coerced treatment would be as effective as the voluntary programs; however, some research has shown that at least for adults, mandatory treatment may have better outcomes than voluntary treatment for some addicts.¹⁹

The Conference of State Court Administrators recommends incorporating the following six core elements into collaborative (or problem-solving) courts:²⁰

Six Core Elements of a Problem-Solving Court	
Core Element	Description
Specialized Court Docket or Program	The court has a dedicated docket or program that functions in a nonadversarial manner.
Judicial Authority and Ongoing Supervision	The court provides ongoing judicial interactions with participants, predominantly through a court docket and related preparations.

Six Core Elements of a Problem-Solving Court	
Team Collaboration, Community Involvement, and Information Sharing	The court fosters interdisciplinary partnerships between the court and outside agencies and between members of the problem-solving court team.
Specialized Team Expertise	The members of the court team receive training that contributes to the successful implementation and operation of the problem-solving court.
Individualized Treatment and Responses to Risk and Needs	There is a coordinated strategy in place to respond to participants' compliance or noncompliance and individual needs.
Therapeutic, Rehabilitative	Evidence-based therapeutic treatment services are offered to participants in an effort to rehabilitate the participants.
<i>Source: Conference of State Court Administrators</i>	

There are several court-specific resources as well. Below is information specific to juvenile drug courts, dependency drug courts, girls/CSEC courts, and youth courts.

Juvenile Drug Court

The U.S. Department of Justice created guideline strategies for creating juvenile drug courts that could also be used to create other collaborative courts. In addition to what has already been mentioned, these strategies highlight focusing on addressing criminogenic needs, ensuring equitable treatment in eligibility criteria and screenings, following procedures fairly, conducting comprehensive needs assessments to inform individualized treatment, implementing strategies effectively, referring participants to evidence-based services, and monitoring and tracking data.²¹

Dependency Drug Court

The National Drug Court Institute recommends laying a solid foundation to plan a family treatment court effectively, developing protocols and practices to ensure efficient implementation, and sustaining and fine-tuning the operational components in the future.²² Their planning guide offers several worksheets to guide courts on data collection to justify starting a family treatment court, to determine the best community resources, to determine steering and other committee composition, to ensure cultural competence of the court, to ensure a system of accountability and ethics, and other worksheets.

Courts may want to consider a variety of interventions as well. One study found that participation in informal, community-based activities was a good predictor of whether dependency drug court participants reunified with their children and had negative drug tests.²³ In addition, participants in a dependency drug court may also have high levels of psychological distress, and researchers advise incorporating a comprehensive assessment not only for substance abuse, but also for trauma and other psychological issues that may impact treatment.²⁴

Children and Family Futures and the Office of Juvenile Justice and Delinquency Prevention proposed ten recommendations for developing a dependency drug court:²⁵

1. Create a shared mission and vision;
2. Develop interagency partnerships;
3. Create effective communication protocols for sharing information;
4. Ensure interdisciplinary knowledge;
5. Develop protocols for early identification and assessment;
6. Address the needs of parents;
7. Address the needs of children;
8. Garner community support;
9. Implement funding and sustainability strategies; and
10. Evaluate for shared outcomes and accountability.

Girls'/CSEC Court

Girls' courts are relatively new courts with varying models. Some of these court models are specifically for victims of sex trafficking or exploitation regardless of gender and some models are specifically for girls at risk for or with a history of trauma in general. Special considerations should be made for those courts that serve commercially sexually exploited children (CSEC). Researchers have offered 6 recommendations for developing these court models:²⁶

1. Focus on training and capacity building since the CSEC population requires trauma-informed care.
2. Use a multisystem approach and cross-system coordination because CSEC interact with many systems.
3. Incorporate trafficking-sensitive questions into screening and intake forms to help identify victims, taking into consideration who is conducting the screening or assessment and where it is being conducted.
4. Utilize trauma-informed organizations, programs, and services to avoid re-traumatization.
5. Engage in meaningful relationship development with victims that is consistent, nonjudgmental, and supportive, and recognize that change takes time.
6. Create specialized services and treatment options that offer expertise in sexual exploitation and stability and that have reasonable protocols specifically for this population.

Youth Court

When creating a youth court, it is important to recognize that the number of sanctions imposed is not associated with the likelihood of recidivism, and thus sanctions should be imposed based on an individual participant's risks and needs rather than the availability of a sanction.²⁷ Like other collaborative courts, youth courts should use a standardized risk/needs assessment instrument and should eliminate any sanctions that have not been shown to reduce recidivism and implement services that are evidence-based. Youth courts may also be well-served by fostering and maintaining networks and relationships with various local resources, including schools, community organizations, juvenile justice agencies, and volunteers.

Conclusion

Juvenile collaborative courts can be an effective way of diverting youth from the juvenile justice system and treating the underlying causes of their delinquent behavior. Additional models of collaborative courts and more information can be found on the “Juvenile Courts” webpage of the California Courts website at www.courts.ca.gov/3081.htm.

¹ The Center for Families, Children & the Courts maintains a roster of all collaborative courts in California at 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.

² B. Gurnell, M. Holmberg, & S. Yeres, “Starting a Juvenile Drug Court: A Planning Guide” (2014) National Council of Juvenile and Family Court Judges. Retrieved from http://ndcrc.org/sites/default/files/starting_a_juvenile_drug_court_-_ncjfcj_jdc_planningguide_final.pdf.

³ L. Blair, C. Sullivan, E. Latessa, & C. J. Sullivan, “Juvenile Drug Courts: A Process, Outcome, and Impact Evaluation” (2015) Office of Juvenile Justice and Delinquency Prevention. Retrieved from www.ojjdp.gov/pubs/248406.pdf.

⁴ *Ibid.*

⁵ D. Thomas, W. L. Schiller, & L. R. Lucero, “The Right Youth for Your Juvenile Drug Court” (2016) National Council of Juvenile and Family Court Judges. Retrieved from www.ncjfcj.org/sites/default/files/NCJFCJ%20JDC%20Right%20Youth%20Final_0.pdf.

⁶ Gurnell, Holmberg, & Yeres, *supra*, note 2.

⁷ *Ibid.*

⁸ *Ibid.*

⁹ H. Hills, J. L. Shufelt, & J. J. Coccozza, “Evidence-Based Practice Recommendations for Juvenile Drug Courts” (2009) Models for Change. Retrieved from www.modelsforchange.net/publications/235.

¹⁰ D. Thomas, “Failure to Make Data Driven Decisions” (2016) in *Seven Deadly Sins Series: Juvenile Drug Court Practices that Can Lead to Poor Outcomes* (pp. 7). National Council of Juvenile and Family Court Judges. Retrieved from www.ncjfcj.org/sites/default/files/NCJFCJ%207%20Deadly%20Sins%20Final.pdf.

¹¹ Gurnell, Holmberg, & Yeres, *supra*, note 2.

¹² Y. Cannon & A. His, “Disrupting the Path from Childhood Trauma to Juvenile Justice: An Upstream Health and Justice Approach” (2016) 43(3) *Fordham Urban Law Journal*, 425–493.

¹³ D. M. Stein, S. Deberard, & K. Homan, “Predicting Success and Failure in Juvenile Drug Treatment Court: A Meta-analytic Review” (2013) 44(2) *Journal of Substance Abuse Treatment*, 159–168.

¹⁴ M. W. Lipsey, J. C. Howell, M. R. Kelly, G. Chapman, & D. Carver, “Improving the Effectiveness of Juvenile Justice Programs: A New Perspective on Evidence-Based Practices” (2010) Center for Juvenile Justice Reform. Retrieved from https://cjjr.georgetown.edu/wp-content/uploads/2015/03/ImprovingEffectiveness_December2010.pdf.

¹⁵ Judicial Council of California, “Family-Based Treatment Models: Effective Practices for Treating Youth Who Have Antisocial and Delinquent Behaviors” (Apr. 2009) *AOC Briefing*. Retrieved from www.courts.ca.gov/documents/AOCBriefApr09Online.pdf.

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- ¹⁸ National Association of Drug Court Professionals, “Defining Drug Courts: The Key Components” (1997). Retrieved from www.ndci.org/wp-content/uploads/KeyComponents.pdf.
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