



## Judicial Council of California · Administrative Office of the Courts

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: June 25, 2010

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**Title**

Juvenile Delinquency: Status Report on  
Implementation of the *Juvenile Delinquency  
Court Assessment Final Report*

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## Executive Summary

This is an informational report on the efforts of the Juvenile Delinquency Court Improvement Project to implement the recommendations of the 2008 *Juvenile Delinquency Court Assessment Final Report*.<sup>1</sup>

## Previous Council Action

With the guidance of a working group convened by the Family and Juvenile Law Advisory Committee, the Juvenile Delinquency Court Assessment (JDCA) was the AOC's first comprehensive research study of how the superior courts of California handle delinquency

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<sup>1</sup> The JDCA report can be found at  
[www.courtinfo.ca.gov/programs/cfcc/resources/publications/JuvenileDelinquency.htm](http://www.courtinfo.ca.gov/programs/cfcc/resources/publications/JuvenileDelinquency.htm).

matters. The final report was presented to the Judicial Council in April 2008.<sup>2</sup> Upon receiving the report, the Judicial Council directed staff to convene a resource group to work with CFCC staff to help implement the report's recommendations.

## **Methodology and Process**

The Juvenile Delinquency Court Improvement Resource Group includes major participants in the juvenile delinquency court— judges, court staff, probation officers, prosecutors, and defense attorneys. Interested members from the Family and Juvenile Law Advisory Committee were selected as well as others chosen both for their subject matter expertise and for the purpose of providing balanced representation from across the state in terms of geographic location and county size.

The resource group's charge was to encompass the anticipated implementation activities, which included the following duties:

1. Work with CFCC staff and appropriate AOC divisions to develop and review proposed legislation, rules, forms, educational materials, and other proposed changes to be considered through normal judicial branch processes;
2. Collaborate with other justice system professionals, as appropriate, to improve efforts to serve the interest of justice;
3. Undertake a study to determine the additional resources that courts may require to ensure implementation of the recommendations; and
4. Report progress to the council by June 2010.

## **Implementation Efforts**

A number of projects have been conducted to implement JDCA recommendations that fall within the courts' purview. These projects are outlined below.

### **Calendaring and caseflow management project**

Calendaring and caseflow were central issues in the JDCA. Much of the data for the JDCA was gathered through the Delinquency Court Caseflow Management Project, which sent surveys to all California counties regarding their calendaring and caseflow management processes. The information provided by the counties that responded and participated in workshops uncovered many promising practices for managing court cases.

Because caseflow was a priority, it was fortunate that the AOC was able to apply for and receive a \$30,000 grant from the State Justice Institute to hire a calendaring/caseflow management expert to work with a limited number of juvenile courts to make improvements in this area. Accompanied by AOC staff, Gregory J. Halemba, a consultant from the National Center for

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<sup>2</sup> The report submitted to the Judicial Council when the JDCA final report was presented can be found at [www.courtinfo.ca.gov/jc/documents/reports/042508item7.pdf](http://www.courtinfo.ca.gov/jc/documents/reports/042508item7.pdf).

Juvenile Justice, conducted site visits to superior courts in four counties: San Bernardino, Fresno, Yolo, and Placer.<sup>3</sup> At the site visits, the consultant and staff observed court proceedings and processes and then met with members of the judiciary, court staff, and other stakeholders. Based upon observations, interview results, calendaring data gathered from the counties, and best practice principles, the consultant generated a report for each juvenile court that highlighted the strengths of its current practices and recommended improvements in problematic areas. The most common areas where guidance was offered involved how to reduce crowded calendars, shorten lengthy wait times, and create more meaningful hearings. While implementation of the recommendations is voluntary, the reviewed courts are expressing their enthusiasm for making changes. AOC staff will assist with implementation efforts for courts that would like additional AOC involvement. Moreover, the AOC now has trained staff to assist other courts interested in a calendaring and caseflow review.

### **Victim restitution materials**

JDCA researchers interviewed victims of juvenile crime and found that victims often felt that they were excluded from the court process, their rights were not respected, and there were insufficient informational materials available to explain the juvenile justice system and the process of obtaining restitution. The JDCA addressed the importance of improving the court experience of victims in recommendations 5, 8, and 9.

In 2008, the AOC entered into an agreement with the Superior Court of Yolo County to develop a plan, training materials, and resources to help crime victims obtain restitution. These materials were designed for use in the court's self-help center. AOC staff, with direction from the resource group, is in the final stages of producing:

- A general pamphlet on restitution basics for crime victims;
- A guide for victims on filing a restitution claim in civil court;
- A victim restitution training manual for self-help center staff; and
- An intake form and checklist for self-help staff.

Once finalized, the materials will be available to all courts throughout the state and on the California Courts Web site. A workshop at the June 2010 Beyond the Bench conference allowed for discussion about the materials and provided workshop attendees with information on how to help victims of crime obtain restitution. The AOC will continue to provide training and support to self-help centers that wish to provide these services to victims of crime.

### **Juvenile delinquency court orientation video**

JDCA recommendation 13 states that the AOC, in conjunction with the courts, should develop educational materials such as videos and brochures that orient youth and their parents to the

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<sup>3</sup> Site visits were conducted in both dependency and delinquency courtrooms in Placer and Yolo Counties. However, because of funding limitations, only the delinquency courts in San Bernardino County and the dependency courts in Fresno County were visited.

delinquency court. The AOC decided to make production of a delinquency court orientation video a priority after receiving requests for an orientation film from several courts as well as feedback from focus groups participating in a caseflow management conference. A short video was made that incorporated information and feedback from courts around the state and consultation with youth. It was produced with help from the Juvenile Delinquency Court Improvement Resource Group, which convened a special video subcommittee; AOC subject matter experts; and the AOC's production crew. This video covers topics such as the purpose of juvenile court, the types of hearings that are commonly held, and information to improve the viewer's court experience. The completed video was released for distribution in June 2010 and is available to courts statewide and online.

### **Models for Change Juvenile Indigent Defense Action Network, John D. and Catherine T. MacArthur Foundation**

Models for Change is a John D. and Catherine T. MacArthur Foundation initiative created to build successful and replicable models of juvenile justice system reform through targeted investments in key states, specifically Pennsylvania, Illinois, Louisiana, and Washington. In addition to these four states, Models for Change has recruited other state and local jurisdictions for its Action Networks. With financial support from the foundation and the assistance of Models for Change partners, Action Networks work to bring about change in three specific issue areas in juvenile justice: the eradication of racial disparities in the juvenile justice system, the development of better means of treating and diverting court-involved youth with mental health needs, and juvenile indigent defense.

California was selected for the Juvenile Indigent Defense Action Network (JIDAN) along with Florida, New Jersey, and Massachusetts. The California application relied heavily on the JDCA's findings, particularly recommendations 46, 47, 51, 52, 53, and 57, which focus on the importance of attracting and retaining well-qualified attorneys who have a long-term commitment to practicing in juvenile court. The MacArthur board has asked the California team to work to (1) improve appellate practice and develop an expert panel to assist trial attorneys; (2) work on juvenile competence issues; (3) develop model contracts for appointed counsel; (4) develop educational materials on collateral consequences; and (5) work with other JIDAN sites to develop national model practice standards.

### **Juvenile Delinquency Court Performance Measures Development Project**

In response to JDCA findings that most delinquency courts currently lack the means to generate management reports to guide their organizational and policy decisions, the AOC developed performance measures for use in the management of juvenile delinquency courts. The project furthers Goal III of the judicial branch's strategic plan (Modernization of Management and Administration). The AOC-drafted measures have two goals: to help court management assess their business operations and assess the effectiveness of their services in terms of providing accessible, fair, and timely justice. Its contractor, the National Council of Juvenile and Family Court Judges, in collaboration with national advisors and local stakeholders, will submit a report on June 30, 2010, of recommended revisions to the AOC draft performance measures as well as

technical specifications to help data analysts operationalize the measures before the California Court Case Management System data warehouse is available to generate them. AOC staff will add measures specific to Title IV-E placement cases, make other enhancements, and release the report publicly shortly thereafter.

### **Juvenile Court Users Research and Technical Assistance Project**

To respond to the court users' assessment of the usability and fairness of the juvenile court, the AOC has contracted with the National Council of Juvenile and Family Court Judges to work directly with four courts<sup>4</sup> to identify and correct problems related to court users' experience at juvenile court. In juvenile delinquency, court users include youth, victims, and parents/guardians. The goal of this project is to provide evidence-based models for improving users' understanding of proceedings, their cases, and the juvenile court process in general while also improving their acceptance of the fairness of the court process. This project began in June 2009 with an initial phase of interviews with court users and professionals that was followed in winter 2009 with issue identification. Strategic planning began in spring 2010 and the contractor will provide technical assistance to the courts through December 2010 as they implement their improvement plans. The AOC will conduct evaluations of the implementation and report in 2011 on the promising practices adopted by the courts.

### **Corrections Standards Authority Disproportionate Minority Contact Subcommittee**

The JDCA did not study issues related to the disproportionate representation of youth of color in the juvenile justice system (known as disproportionate minority contact, or DMC). However, DMC continues to be a problem that must be addressed. Thus, in recommendations 36 and 38, the report recommended further study in all areas that potentially contribute to DMC. Moreover, in order for states to participate in the federal Office of Juvenile Justice and Delinquency Prevention Formula Grants Program, which provides funds in support of state and local juvenile justice efforts, states must strive to reduce DMC. Since assuming responsibility for the formula grants program in January 2004, the California Department of Corrections and Rehabilitation, Corrections Standards Authority (CSA) has undertaken efforts to ensure that California addresses DMC.

At the request of the CSA, the Chief Justice appointed a judge and an AOC staff member to serve on the Disproportionate Minority Contact Subcommittee of the State Advisory Committee on Juvenile Justice and Delinquency Prevention (SACJJDP) of the CSA. The DMC subcommittee ensures compliance with the federal DMC mandate by undertaking intentional and strategic activities to ensure that DMC reduction is under way statewide and provides guidance and leadership through recommendations to the SACJJDP regarding issues of disparity and disproportionality. This subcommittee has supported the SACJJDP by providing training and grant development and oversight.

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<sup>4</sup> Participating courts are Sacramento, Santa Cruz, San Diego, and Fresno. Note: Sacramento may be unable to continue participating in this project due to budget constraints.

### **AOC policy briefings**

Recommendations from the 2008 JDCA final report led to the development of a new *AOC Briefing* publication series. The need for the creation of policy briefs that cover topics of interest to the juvenile and family courts was partially driven by JDCA project findings and from feedback obtained from the JDCI resource group. The first briefing, on the use of family-based treatment models for youth in the delinquency system, has been published and disseminated. The briefing is posted online at

*[www.courtinfo.ca.gov/programs/cfcc/pdffiles/AOCBriefApr09Online.pdf](http://www.courtinfo.ca.gov/programs/cfcc/pdffiles/AOCBriefApr09Online.pdf)*

The JDCA report indicated that the topic of assessments in the juvenile justice system would be of interest to delinquency court professionals and other stakeholders. Interest in this topic was confirmed by resource group members. To address it, CFCC staff is developing two new AOC briefings that focus on assessments in the juvenile justice system. The first, which is in final stages of review, provides an overview of the different types of assessments that are used in the juvenile justice system, including information on why these tools are important, factors to consider when selecting an assessment tool, and explanations of how assessment tools are tested and validated. The second briefing will focus on specific types of assessments used with youth in the juvenile justice system and will include overviews of mental health screenings, risk screenings, and risk assessments. This second document is currently in draft form and is being reviewed by staff and the working group. Both briefings will be finalized and disseminated to juvenile justice professionals and other interested stakeholders in 2010.

### **Corrections Standards Authority's Evidence-Based Practices (EBP) Initiative**

The need to provide individualized services and meet the diverse needs of youth was identified in JDCA recommendations 14–28. In September 2009, the AOC received a portion of a grant from the Corrections Standards Authority (CSA) for a three-year Best Practices Approach Initiative (BPAI). This initiative is a collaboration between Assessments.com, Dr. Edward Latessa of the University of Cincinnati, and the AOC and has the goal of increasing the knowledge and use of best practices in the field of juvenile justice. The project will develop a comprehensive approach that includes a system-wide analysis of current juvenile justice system practices as well as direct service delivery and technical assistance for three juvenile justice jurisdictions (courts, probation, and justice partners). To that end, the AOC is working with CSA and AOC grant partners to (1) assess EBP practices statewide; (2) conduct regional trainings; (3) field a request for applications and then award two years of intensive technical assistance to three courts; and (4) provide information and training statewide, including the AOC policy briefs on EBP discussed elsewhere in this report. The AOC's role in this process will be to educate and engage the courts and justice system partners—prosecutors and defense counsel—and to facilitate implementation of evidence-based practices (EBP) in jurisdictions throughout the state. CSA grant funds provide for an AOC attorney and half of a researcher and support staff person.

To date, the project has produced a DVD, “What Works in Reducing Recidivism in Juvenile Offenders,” by Dr. Latessa, which was used in February 2010 at the overview course for new delinquency judges and is currently available on Serranus; presented nearly 10 hours of EBP training and education at Beyond the Bench; and conducted three regional EBP trainings in Southern California in March. These daylong trainings included judges, probation officers, attorneys, law enforcement, school officials, representatives from the California Department of Corrections and Rehabilitation, and interested community members. In late June, three more EBP regional trainings will be conducted in Northern California, and in August the AOC will broadcast a discussion of EBP featuring Dr. Latessa and Judge Kurt E. Kumli. The AOC plans in September to begin providing two years of technical assistance to the three courts selected through a competitive process by CSA.

### **Juvenile court education and training**

The JDCA indicated that court leaders wanted additional education and training resources. AOC staff responded to this need by identifying areas of law in which questions were likely to arise and wrote informational memoranda and briefs directed at judges and court executive officers to provide guidance. Memorandum topics have included judicial inspections, public access to juvenile delinquency court hearings, and the ramifications of Proposition 9 (the victim’s bill of rights). Legal memorandums have addressed subjects such as information sharing and confidentiality in the areas of education, health care, mental health, and substance abuse.

In a related effort, CFCC staff, in conjunction with the AOC Education Division/Center for Judicial Education and Research (CJER), developed a series of distance learning broadcasts primarily intended for presiding juvenile court judges and other court leaders. The initial broadcast, aired on April 8, 2010, was designed for trial court presiding judges and court executive officers. “Exercising Effective Oversight of Your Juvenile Court” provided an overview of the juvenile court’s role and function, the relevant codes, and standard 5.40 of the California Standards of Judicial Administration, as well as a breakdown of the major responsibilities of a trial court presiding judge.

A second broadcast aired on April 14, 2010, and included information and materials on the unique challenges associated with juvenile court administration and the responsibilities of a presiding juvenile court judge. The topics included the inspection of facilities, appointment of the chief probation officer, the use of stakeholder meetings, and the recruitment of juvenile court judges. Both broadcasts are posted on the Serranus Web site and also are available on DVD to judges and court staff.

### **Juvenile mental health and competency**

Chief Justice Ronald M. George created the Task Force for Criminal Justice Collaboration on Mental Health Issues in July 2007. The task force organized its work into subcommittees, including a juvenile subcommittee, which incorporated JDCA recommendations into its own examination of mental health issues and draft recommendations as appropriate. Specifically, the juvenile subcommittee’s work is focusing on JDCA report recommendation 26, which addresses

the need for a thorough examination of the needs of youth with mental health issues who are involved in the delinquency system, and recommendation 27, which emphasizes the importance of dealing with juvenile competency issues adequately and effectively.

The task force and its subcommittees are in the final stages of writing a report including recommendations that address mental health issues of adults and juveniles in the court system. The recommendations of the juvenile subcommittee focus on court responses, competence to stand trial, juvenile reentry, collaboration, education and training, and research. The recommendations are being vetted by various stakeholders and address areas such as mental health screening and assessments, psychotropic medications, aftercare services, collaboration among key stakeholders in delinquency matters, education on juvenile development and mental health issues for stakeholders, and data collection and evaluation of current processes and programs. The recommendations also address the feasibility of legislation that defines competence to stand trial for juveniles in delinquency matters. Public comment on the report and recommendations will be sought in late 2010.

### **Tribal courts and ICWA**

Historically, not all delinquency courts in California have applied the provisions of the Indian Child Welfare Act (ICWA) in their proceedings. However, during the course of conducting the JDCA, Senate Bill 678 (Stats. 2006, ch. 838) became effective. This bill amended provisions of the California Welfare and Institutions Code governing delinquency proceedings and clarified the responsibility of probation departments and the courts in delinquency matters involving Indian children. Judicial Council rules and forms implementing the requirements of SB 678 were made effective on January 1, 2008. These changes created a need for education and information to help delinquency courts and probation departments meet the compliance requirements in ICWA cases.<sup>5</sup>

In November 2009, the AOC established, as part of the Center for Families, Children & the Courts, a Tribal Projects/Child Welfare Act unit. The unit's purpose is to serve as liaison to tribal communities in California and to assist the judicial branch in the development of policies, positions, and programs to ensure the highest quality of justice and services for California's Native American communities in cases relating to the Indian Child Welfare Act, domestic violence, dating violence, sexual assault, and stalking.

Part of the unit's focus is to provide services to help improve compliance with ICWA. The ICWA initiative was established in 2005 to improve ICWA compliance across all case types, including delinquency cases. To help achieve that goal, the unit has created a multifaceted approach, as described below.

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<sup>5</sup> The applicability of ICWA in delinquency cases continues to be fraught with confusion. After the 2009 holding by the Court of Appeal, Third Appellate District that ICWA does apply in delinquency cases (*R.R. v. Superior Court* (2009) 180 Cal.App.4th 185), the Fourth Appellate District found that it did not (*In re W.B., Jr.* (2010) 182 Cal.App.4th 126). The CFCC's Tribal Projects/Child Welfare Act unit continues to monitor the cases and work with the delinquency courts to help clarify their ICWA compliance requirements.

- *Educational offerings:* A broad-based group of subject matter experts have conducted educational workshops on a statewide, regional, and local basis;
- *Curriculum development:* The ICWA initiative has developed presentations that serve as the basis for an ICWA 101 (basic course) and ICWA 102 (advanced course) curriculum that focuses on active efforts and case planning in ICWA cases;
- *Technical assistance:* Project staff provide technical assistance to all stakeholders and field questions relating to the federal requirements under the ICWA and the related state legislation and rules;
- *Guidance:* Staff, with council approval, have developed rules, forms, and job aids related to ICWA; and
- *Resources:* The ICWA Initiative's statewide online clearinghouse of Native American resources went live this past year and includes an index in which users can search services by type and region in California ([www.courtinfo.ca.gov/programs/cfcc/programs/description/ICWA/index.cfm](http://www.courtinfo.ca.gov/programs/cfcc/programs/description/ICWA/index.cfm)). These services are available to judicial officers, clerks, attorneys, and probation officers. Services are tailored to meet the needs of stakeholder groups, individual local court systems, or regions.

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## **Next Steps**

Although the Judicial Council commissioned the resource group only until June 2010, the Family and Juvenile Law Advisory Committee and AOC staff are committed to furthering the work that the group has begun. Guided by the recommendation of the JDCA and vision of the working group, the Family and Juvenile Law Advisory Committee and AOC staff will continue to build on these efforts while also devoting resources to additional areas that were identified by the group as priorities. These include:

- Creating and distributing written materials for court users to help them navigate the juvenile delinquency court process;
- Continuing to identify topics and issues that would benefit from additional educational efforts, such as memoranda, broadcasts, and policy briefs;
- Exploring additional ways to support efforts to reduce disproportionate minority contact;
- Developing additional ICWA materials, including a curriculum on ICWA subject areas such as inquiry and notice, jurisdictional and procedural issues, and unique evidentiary issues;
- Working with the Violence Against Women Education Project (VAWEP) in its development of restraining order protocols for the juvenile justice court and support VAWEP's efforts to hold educational events addressing teen dating violence; and
- Support the efforts of the Judicial Workload Assessment Project to assess the caseload and work demands of juvenile court officers and related performance issues.





Trial Court Quarterly Investment  
Report for the Period Ending  
December 31, 2009

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Trial Court Quarterly Investment  
Report for the Period Ending  
March 31, 2010

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