

FAMILY COURT PREDISPOSITION PANEL

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ABSTRACT

The Family Court Predisposition Panel (FCPP) was developed by the Office of Probation in the Bronx and the Neighborhood Youth Diversion Program to provide family and community input into the dispositional process of youthful offenses and to develop alternatives to court supervision for adjudicated teenagers.

During its two years of operation (from October 1973 to August 1975) FCPP mediators worked with 47 youths and families to identify and find the special services or informal arrangements that would meet the youths' needs. Through "Forums" in which a probation officer, the youth, his or her family, mediators, and a coordinator met together, a disposition for the youth's case was mediated and recommended to the Court. Community participation and a sense of involvement by the youth and his or her family gave a Family Court judge more information on which to base his decision. Over three-quarters of the dispositions recommended by FCPP were accepted by the Court.

Through the identification and use of alternatives to court supervision, fewer FCPP clients were retained for court supervision by the Office of Probation than were a comparison group of similar adolescents.

The overall rate of dismissals for FCPP clients was not significantly different from that of the comparison group, but dispositions were received by FCPP clients in a mean time of 2.8 months in contrast to the time required for the comparison group of slightly more than four months.

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Introduction: Family Court Predisposition Panel and Neighborhood Youth Diversion Program

The Family Court Predisposition Panel (FCPP) is a program designed to provide resources and alternatives that are not readily available to the probation office in conducting an investigation and recommending a disposition of a youth's case in Family Court. The program gives a youth, his or her family, and the community an opportunity to participate in the court disposition of the young person's offense. Through the efforts of FCPP to provide alternatives to court supervision, a dismissal of the case may be obtained.

The FCPP program was developed by the Neighborhood Youth Diversion Program (NYDP) in conjunction with the Tremont branch of the Bronx Office of Probation. NYDP started in 1970 as an alternative to the traditional Family Court and probation processes.* After a youth is charged with an offense, and before a petition is filed to request the young person's appearance in court, NYDP works to divert the youth to its program for at least 90 days. NYDP offers services such as counseling, family mediation, tutoring, and recreation to youngsters along

* NYDP was designed jointly by the Vera Institute of Justice and Fordham University and was funded in 1970 as a three-year demonstration program by the New York State Division of Criminal Justice Services and the Criminal Justice Coordinating Council of the City of New York under a federal grant from the Law Enforcement Assistance Administration. Funds are presently provided by the Bureau of Special Services for Children under the Human Resources Administration of the City of New York.

with coordination of social services for youths and their families.

The NYDP and FCPP programs are both designed to offer other avenues to resolve the youthful offender cases in the juvenile justice system. Diversion into NYDP takes place after the youth is charged with an offense, but before a petition is filed requiring his or her appearance in court. At this point a youth can be diverted into the NYDP program if the probation intake officer, with the consent of the arresting officer, the complainant, the youth, and his or her parent(s) agree to a referral to NYDP. Then the young person and his family go directly to NYDP where the program is explained and the youth and family are asked to participate in the services offered by NYDP that are appropriate to the young person's needs.

In some cases, diversion to NYDP is not permitted and a petition is filed--the complainant against the youth may insist upon court settlement of the case or the seriousness of the act warrants court referral. In either of these cases the FCPP program helps the young person and family participate in the disposition of the youth's case.

When a petition is filed, and the youngster appears in court, the judge asks the youth to admit or deny the charges and sets a date for the fact-finding hearing. The fact-finding hearing is similar to trial proceedings in a criminal case in that the youth is entitled to due process of law and all allegations made must be proved beyond reasonable doubt. If they

are not so proved, the petition is dismissed. If the allegations are proved, the petition is sustained and the judge may request an "I&R"--an investigation of the youth's background by the Office of Probation and a recommendation for disposition of the case.

The treatment of a youngster in Family Court differs in some respects from criminal court procedures for an older person. An adult can be judged guilty of a specific offense and sentenced on a charge. In contrast, a youth can only be judged a delinquent or a "PINS"--a person in need of supervision. The Preface to the Family Court Act states:

. . . a child may not be found a juvenile delinquent unless he "requires supervision, treatment, or confinement" /nor/ found to be a person in need of supervision /PINS/ unless he requires "supervision or treatment." Conduct that does not evidence a need for court action should be dealt with in the community.

Hence the case against a youth will be dismissed if adequate family and/or community resources can be found that fill the youngster's needs, and if court supervision of the youth is not deemed necessary.

Immediately after the fact-finding hearing, all cases within the geographic area served by FCPP which require an I&R are referred to FCPP. A visit is made by FCPP personnel to the youth and his or her family in order to acquaint them with FCPP and to obtain their consent to participate in the program.

F CPP Clients

Forty-seven youths, judged to be delinquent (DC) or PINS, were served by F CPP from its inception in October 1973 to August 1975.*

Between 1 August 1974 and 22 May 1975, 21 youths were accepted by F CPP.** These youngsters were similar in demographic characteristics to the 26 F CPP participants of the previous year. A typical youth was a black or Spanish surnamed male, 13 to 16 years old, living with one parent, receiving public assistance, likely to be attending school, and had previously been involved in the juvenile justice system (see Table 1).

* The First Year Status Report covers the period from October 1973 to August 1974.

** Thirty-four youths were referred to F CPP from the Tremont branch of the Bronx Office of Probation; however 13 did not enter F CPP. The reasons were: four families refused to participate, one family moved, one youth was remanded by Family Court, two youths were involved in other programs, four could not be reached, and for one the reason for nonparticipation was not recorded in the youth's file. No youths were accepted into F CPP after 22 May 1975.

Table I
Characteristics of Participants in FCPP at Intake
1973-1975

	<u>1973-1974</u> <u>(N=26)</u> %	<u>1974-1975</u> <u>(N=21)</u> %
A. <u>Ethnicity</u>		
1. Black	46	48
2. Spanish surname	42	52
3. White	12	0
B. <u>Age</u>		
1. 12 and under	8	0
2. 13-15 years	73	86
3. 16-18 years	19	14
C. <u>Sex</u>		
1. Male	85	76
2. Female	15	24
D. <u>Education</u>		
1. In school	42	81
a. Regularly	27	48
b. Occasionally	15	24
c. Suspension	10	9
2. Not attending school	50	19
3. Don't know	8	0
E. <u>Living Arrangements</u>		
1. One parent	50	81
2. Both parents	39	19
3. Relatives	8	0
4. Don't know	4	0
F. <u>Public Assistance Family</u>	82	71
G. <u>Social Service Agency</u> <u>Already Involved with Youth</u>	19	38
H. <u>Past Involvement in</u> <u>Juvenile Justice System</u>	54	62
I. <u>Current Adjudication</u>		
1. PINS	31	33
2. Delinquent (DC)	69	66

F CPP Services

F CPP provides services to its clients that are not readily available through the probation office. The probation officer and F CPP are part of a team reaching out to social service and community resources to find alternatives to court supervision that are appropriate to the youngster's needs and perhaps not already familiar to the court.

Two weeks following the fact-finding hearing, a "Forum" meeting for each youth and family who have consented to participate in F CPP is scheduled. Unlike the institutional atmosphere of a probation office or a courtroom, the NYDP lounge where the Forum meets is informal, with couches and easy chairs. There the probation officer, a coordinator, two mediators, the youth, and his family try to work out a plan for the young person.

The F CPP coordinator describes the status of the case in the judicial process and tries to develop an agreement about the needs of the youth. Family involvement is encouraged through a plan delineating the family's specific responsibilities in meeting the youth's needs. The mediator's investigation and services are outlined in an Investigation Plan and a follow-up Forum is scheduled for three to four weeks later.

After the Forum meeting, the mediator visits with the youth and family to investigate factors such as neighborhood gang and social pressures, health and school problems. The mediator attempts to gain the family's confidence and is available for consultation 24 hours per day should a crisis arise.

As the Investigation Plan dictates, the mediator may visit the young person's school, talk with teachers and administrators, and schedule and accompany the youth to appointments for special psychological testing or medical examinations. Special school placement or a plan to enlist collateral relatives for discipline and after school supervision for the youth (which the immediate family may be unable to provide) might be explored. The mediator is often able to find resources to meet the special needs of a youngster that were unknown to the family prior to their involvement with FCPP.

Following are two case studies which illustrate how FCPP functions.*

Darrell is a 14 year old referred on a delinquent charge for petit larceny and for giving false information to the police. He had attempted to steal goods from a department store and gave a false name and address when stopped by a police officer. Darrell had a previous case (graffitti) which had been dismissed. After several visits to Darrell's school and home, the mediator found the youth had been previously diagnosed as hyperactive, seldom attended school, did poor work, and was a disciplinary problem to his teacher.

Darrell's family were not able to provide him with the support he needed and the Board of Education had no special services available for him. At his first dispositional hearing, the judge agreed with the Panel's recommendation to reduce the delinquent charge to PINS and to seek voluntary placement for Darrell. The mediator investigated educational resources and found a residential facility about 60 miles outside New York City which Darrell visited and decided he wanted to attend. Previously Darrell and his family had not been

* The names of the two youths have been changed.

aware of the possibility of such a placement. Darrell was accepted by the school which seems to provide him with the services he needs and the mediator continues to receive letters from Darrell about how happy he is.

Another case illustrates less successful intervention by FCPP:

Marie, a 15 year old, was referred on a PINS petition brought by her mother, charging that she was a truant, keeping late hours, and absconding from home for three or four days at a time. Even after volunteering to be involved in the project, Marie and her mother were repeatedly late to some appointments and neglected to attend others. In spite of the disinterest that Marie exhibited, the mediator was instrumental in re-registering and returning Marie to school after a lapse of two years. Although cooperation with the project had been minimal, Marie's behavior at home and in school are reported to have shown improvement. The Panel recommended a six month probation, which Marie received at her dispositional hearing. Marie's mother agreed to the Probation instead of her original request for Court Placement.

After the mediator has worked with the adolescent and family, and has identified suitable social service resources, the follow-up Forum is held. The mediator's efforts generally result in an agreement among the youth, family, coordinator, mediators, and probation officer on a plan which the probation officer will then submit as his recommendation to the judge for disposition of the case.

Table II presents the community resources used and informal arrangements made for FCPP clients, both youths and their families. More participants were placed in specialized school programs and/or tutored, and fewer received psychological or psychiatric testing or family therapy in the second year than in the first. Part-time jobs were obtained for nearly a quarter

of the youths in both years although informal arrangements were agreed to less often during the second year.

Table II

FCPP Use of Social Services and Alternatives to Court Supervision*
1973-1975

	<u>1973-1974</u>	<u>1974-1975</u>
	<u>%</u>	<u>%</u>
1. <u>Community Resources (other than placement)</u>		
a. Specialized school program	19	43
b. Part-time job	23	24
c. Housing change or improvement	4	5
d. Psychiatric/psychological testing	31	14
e. Supplementary tutoring	4	19
f. Family therapy	12	0
g. Other (welfare, legal, etc.)	8	14
1. <u>Informal Arrangements (Forum agreements)</u>		
a. Strengthened supervision by immediate family	23	9
b. Supervision by collateral family	19	0
c. Supervision by NYDP	46	19

Dispositions of the FCPP Clients' Cases

The aim of FCPP is to provide alternatives to court supervision of a youth. If the Court is satisfied that FCPP has arranged the necessary services for a youthful offender, it will order a dismissal of the case. If, however, the Court decides family and community resources are not adequate to meet the needs of a youngster it will order either court supervision of the youngster by the Office of Probation, placement in

* For many youths more than one resource or service was utilized; hence the percents total more than 100.

a voluntary agency,* or confinement of the youth in a juvenile institution.

The Court may decide on a 60 Day Stay on Disposition or a Suspended Judgment--which are in effect, postponements of the decision and may result in a subsequent dismissal if the youth's needs are being fulfilled by community resources.

F CPP recommended dismissal as the appropriate disposition for 43 percent of the cases in the first year and 38 percent in the second year. In a few cases F CPP requested a postponement of the decision.

The Panel did not recommend dismissal as an appropriate disposition for the remaining 57 percent of the cases in the first year and for 62 percent of the cases in the second year. F CPP felt that closer supervision--by NYDP, by a voluntary agency, or by the court--was necessary for these youths.

In most cases the Court accepted the dispositions recommended by F CPP and the probation officer. Eighty percent of the recommended dispositions in the first year and 76 percent in the second year were accepted by the Court (see Figure I).**

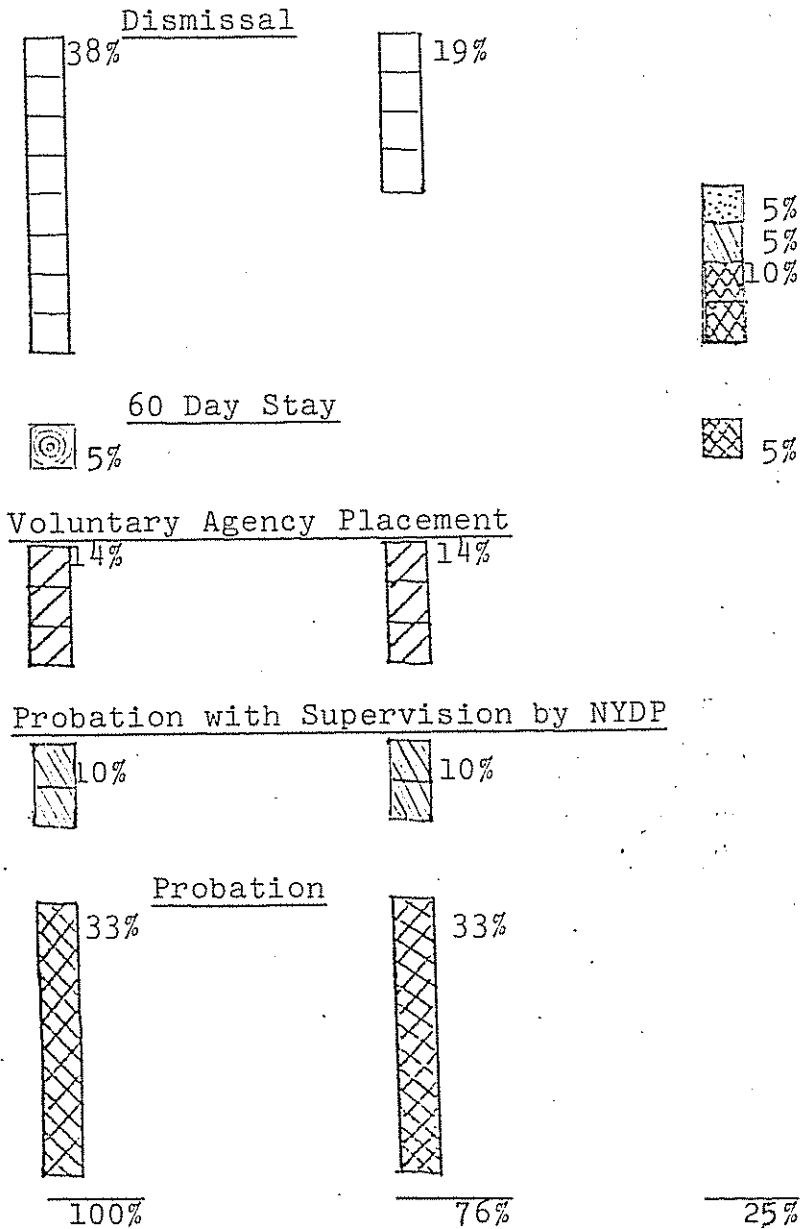
* The Court usually requests the placement of the youth in a voluntary agency if such a placement will best serve the needs of the youth, but a youth must be accepted by the agency; in practice the Court does not order a voluntary agency to accept a youth.

** The dispositional pattern for the first year is illustrated in the First Year Status Report.

Figure 1

Dispositions Recommended and Received by FCPP Clients
1974-1975

Disposition Recommended by FCPP to Court <u>(N=21)</u>	Disposition Accepted by Court <u>(N=16)</u>	Other Disposition Ordered by Court <u>(N=5)</u>
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Key:

- Dismissal
- 60 Day Stay on Disposition
- Suspended Judgment
- Voluntary Agency Placement
- Probation with Supervision by NYDP
- Probation

Of the dispositions ordered by the Court for FCPP clients, the proportion of dismissals decreased from 36 percent of all cases in the first year to 19 percent in the second year. Probation Supervision rose from 18 percent in the first year to 63 percent in the second year, and voluntary agency placements from nine percent to 14 percent in the same respective years. Supervision by NYDP was sometimes added by the Court as a stipulation of Probation in the second year. In the first year, 46 percent of the youths participated in NYDP as a part of their Forum agreements, but none were referred there by the Court. In the second year, 19 percent participated in NYDP because of Forum agreements, and an additional 10 percent were referred to NYDP by the Court as a condition of Probation. The Court recognizes NYDP as an alternative to its supervision, but still places NYDP within the Court's jurisdiction by making NYDP placement part of a Probation disposition.

During 1974-1975, the Bronx Department of Probation underwent cutbacks in staffing and turnover in probation officers. Some of the probation officers who had been involved in setting up FCPP and who had participated in its first year were no longer with the Department. Smaller staff in the Probation Office meant that less time could be spent attending FCPP Forums and, in addition, that the probation officer presenting the disposition recommendation to the judge was not always the officer who had been involved with FCPP and the youth. Therefore, the advocacy role performed by probation officers in the first year was often not possible during the second year.

By midwinter of 1974-1975, FCPP staff knew that the project would not be refunded and hence probably applied less effort to seeking alternatives for their clients. The mean amount of time that elapsed between fact-finding and dispositions was higher in 1974-1975--three and one-half months--compared to the two months mean time of the first year of the project. FCPP was less successful in its second year in obtaining dismissals and in providing alternative plans to Probation Supervision and required more time to obtain any disposition.

Clients, Services, and Disposition of Cases in FCPP and a Comparison Group

Since all cases for which I&R was ordered in the Tremont Branch of the Office of Probation were referred to FCPP, and because the total number referred was not large enough to provide a sample for a controlled experiment, another branch of the Bronx Office of Probation, serving a similar population of youths, was chosen as a site for a comparison group.

A sample of 41 youths* was selected from the records of the Carroll Place branch of the Bronx Department of Probation. These were cases of youths, not in detention, and for whom an

* Fifty-one cases were randomly selected from court intake records; however ten were eliminated from the sample for the following reasons: seven were transferred to another probation office because they were outside the geographical area served; one was a neglect petition; one was a custody petition; and one was improperly entered in the record book at intake.

I&R was ordered between 1 October 1973 and 31 December 1974.

The FCPP* and comparison groups were similar in many intake variables. For each group, the typical youth was a black or Spanish surnamed male, judged a Delinquent, previously involved in the juvenile justice system, and living with one parent. The comparison group youngster was less likely than the FCPP client to be on public assistance. The comparison group youths were more likely to have been previously involved in the juvenile justice system (70%) than the FCPP clients (58%) (see Table III).

This difference in prior involvement with the juvenile justice system may, in part, be due to age differences between the two groups. Eighty percent of the FCPP youths and 32 percent of the comparison group were 13-15 years old. Sixty-eight percent of the comparison group and 16 percent of the FCPP youths were in the 16 to 18 years of age group.

Juvenile charges can be brought to Family Court only up to a youth's sixteenth birthday, after which time the case must be initiated in Criminal Court. Any youth 16 years of age and older could have a case pending in Family Court only if the petition was filed prior to his sixteenth birthday. Compared to FCPP the comparison group has four times the number of 16 to 18 year olds--youths who have cases that have

* The FCPP statistics are those for all youths entering the program from October 1973 through 22 May 1975.

Table III

Characteristics of FCPP and Comparison Group Youths at Intake

	<u>FCPP Cases</u> (N=47) [#] %	<u>Comparison Group</u> (N=41) ^{**} %
<u>A. Ethnicity***</u>		
1. Black	47	
2. Spanish surnamed	47	
3. White	6	
<u>B. Age</u>		
1. 12 and under	4	0
2. 13-15 years	80	32
3. 16-18 years	16	68
<u>C. Sex</u>		
1. Male	80	83
2. Female	20	17
<u>D. Education</u>		
1. In school	62	68
a. Regularly	38	28
b. Occasionally	20	40
c. Suspension	4	0
2. Not attending school	35	32
3. Don't know	4	0
<u>E. Living Arrangements</u>		
1. One parent	66	85
2. Both parents	28	12
3. Relatives	4	2
4. Don't know	2	0
<u>F. Public Assistance Family</u>		
	77	41
<u>G. Social Service Agency</u>		
<u>Already Involved with Youth</u>	29	29
<u>H. Past Involvement in</u>		
<u>Juvenile Justice System</u>	58	70
<u>I. Current Adjudication</u>		
1. PINS	32	39
2. Delinquent (DC)	68	61

The FCPP cases listed are the 47 youths served from October 1973 to May 1975.

** The Comparison Group cases listed are a sample selected randomly from October 1973 to December 1974.

*** Ethnicity for the youths in the Comparison Group is not available.

been pending in the juvenile justice system since their sixteenth birthday awaiting adjudication.

In contrast to the comparison group, the smaller number of 16 to 18 year olds referred to FCPP suggests that the Tremont Office of Probation may be speeding up the processing of cases between the time the youth is charged with an offense and a petition is filed, which if sustained, leads to an I&R. The services of NYDP and FCPP to the Tremont Office of Probation may contribute to this expedition of juvenile cases.

FCPP clients and the comparison group were compared to determine the extent to which community resources were utilized by each group. The comparison group youths were referred for psychological or psychiatric testing more often (39%) than FCPP clients (24%), but the Carroll Place Probation Office seldom used other resources in the community for the comparison group adolescents. For FCPP clients specialized school programs were offered to 30 percent, jobs to 24 percent, tutoring to 11 percent, and informal arrangements among family members were agreed upon for 17 percent. For the comparison group only a few jobs (7%), a few school programs (2%), and a few collateral family arrangements (2%), were arranged. Without the resources of FCPP, fewer social services were provided for the comparison group and informal arrangements for the youths were difficult to make (see Table IV).

Table IV

Referrals to Community Resources and Informal Arrangements
Made for FCPP Clients and Comparison Group
1973-1975

	<u>FCPP</u> %	<u>Comparison Group</u> %
1. <u>Community Resources</u> (other than placement)		
a. Specialized school program	30	2
b. Part-time job	24	5
c. Full-time job	0	2
d. Housing change or improvement	4	0
e. Psychiatric-psychological testing	24	39
f. Supplementary tutoring	11	0
g. Family therapy	6	0
h. Other (welfare, legal, etc.)	11	0
2. <u>Informal Arrangements</u> (Forum agreements)		
a. Immediate family supervision (changes in family routine)	17	0
b. Collateral family	11	2
c. Participation in NYDP	35	0
d. Return to school	7	0

The youths who participated in the second year of FCPP received less favorable dispositions than did those in the first year. If all youths served by FCPP from October 1973 to May 1975 are compared to similar cases entering the comparison group's court from October 1973 to December 1974 (see Table V), the dismissal rate for FCPP youths (28%) is slightly higher than that of the comparison group (22%).* Fewer FCPP cases (39%) were placed under court supervision of the Probation Office than those of the comparison group (56%).

* The dismissal rate of 36 percent for the first year of FCPP was over 60 percent higher than the rate of 22 percent for the comparison group.

Table V

Dispositions for FCPP Clients and Comparison Group

	<u>Court Dispositions for FCPP clients</u> (N=46) %	<u>Court Dispositions for Comparison Group</u> (N=41) %
Dismissal	28	22
Suspended Judgement	13	0
Probation Supervision	39	56
Voluntary Agency Placement	11	10
Court Placement (Commitment)	4	5
Parole	0	2
(Absconded) ^a	<u>4</u>	<u>5</u>
	99	100

^a The total includes three cases from 1973-1974 who received dispositions after the First Year Status Report was completed. The dispositional data on one youth from 1973-1974 are missing.

In all other dispositions the two groups were similar: placement in voluntary agencies occurred for about 10 percent of the cases, and court commitments and absconded cases accounted for four to five percent.*

Thirteen percent of the FCPP cases received a suspended judgment, a court decision which was not used for the comparison group.

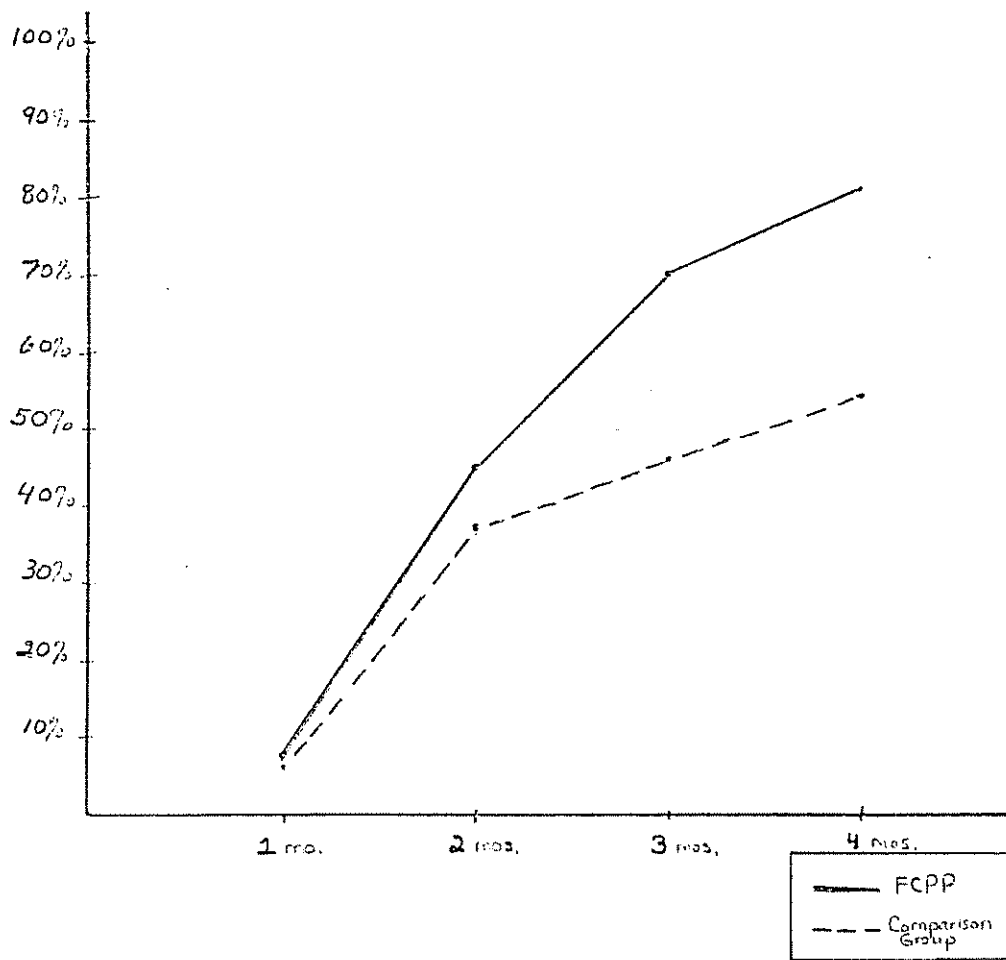
The mean time required to obtain the final disposition

* Two youths absconded in the first year of FCPP, none in the second year.

of cases was 2.8 months for FCPP clients* and slightly over four months for the comparison group. As Figure 2 illustrates, 81 percent of the FCPP cases had received a disposition by the end of four months; whereas only 54 percent of the comparison group had obtained a disposition by that time. At the end of two months, 45 percent of FCPP clients and 37 percent of the comparison group had received dispositions.

Figure 2

LENGTH OF TIME REQUIRED FOR DISPOSITIONS
FOR FCPP CLIENTS/COMPARISON GROUP



* For the 45 cases for which time between fact-finding hearing and disposition is known.

Conclusion

FCPP was designed to meet four goals which are described in the initial proposal for funding of the project.* The first of the original objectives was to:

increase the capacity of the Office of Probation to meet the needs of juveniles in trouble with the law by providing community input into the investigation process.

Involving the community in the investigatory process was achieved through Forum meetings of the probation officer, the youth, his or her family, and individuals from the community, such as NYDP staff and the youth's teachers. Involvement of individuals from a variety of aspects of the youth's environment contributed important input into the court process. In cases where disposition was not a dismissal, that action was based on greater information, family involvement, and communal judgment than would ordinarily be available to the court.

The second goal of FCPP was to:

provide a mediation service useful in the resolution of parent-juvenile problems and available immediately after the fact-finding hearing.

In the First Year Status Report it was noted that providing a mediation service for parent-child problems was a realistic goal only if a substantial number of PINS cases were referred. FCPP hoped to increase the number of PINS referrals

* A Proposal: Family Court Predisposition Panel, Neighborhood Youth Diversion Program: New York, January, 1973, p. 9.

during its second year of operations; however two-thirds of the cases referred to FCPP were ones in which parent-child problems were not paramount. Since PINS cases constituted only one-third of all cases in the first year, in the second year, and in the comparison group, it is not reasonable to expect that the hope of FCPP for significantly higher numbers of PINS cases could be realized. As only a few cases were appropriate for family mediation, the potential value of this kind of treatment for youthful offenders and their families could not be determined.

The third objective was to:

provide Family Court judges with a wider range of possibilities than is presently /1973/ available in deciding the disposition of a case.

During the second year, the number of tutoring and specialized school programs available to FCPP clients increased and the Court made participation in NYDP a stipulation of probation in the disposition of three cases. Through the utilization of community and NYDP resources, informal arrangements, and existing social services, FCPP enabled more cases to be "dealt with in the community" as stipulated by the Preface to the Family Court Act. Fewer FCPP clients (39%) remained under the supervision of the Court (Office of Probation) while more comparison group youths (56%) were placed on Probation.

The fourth of the original objectives was to:

determine whether the impact of community resources upon a family during the investigatory process affects disposition patterns, particularly as they related to dismissals.

Although FCPP obtained a slightly higher percentage of dismissals for its clients in its two years of operation, it did so for a younger group of youths with less previous involvement in the juvenile justice system than those in the comparison group. FCPP did speed up the I&R process and obtained dispositions for its clients in less time than was achieved for the comparison group.

In its two years of operation FCPP showed that additional alternatives to court supervision of juveniles can be provided to youngsters through the teamwork of the Office of Probation and community mediators. The effectiveness of this program for youths, however, depends on the extent to which the Office of Probation has adequate personnel, and on the aggressiveness and dedication of the FCPP staff in finding and arranging for alternatives to court supervision for their clients.

FCPP demonstrated that when the mediators and probation officers were taking the initiative, the dismissal rate could be 60 percent higher for FCPP clients than for a comparison group of older youths with more previous involvement in the juvenile justice system.