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# The Familial Union between Caregivers and the Juvenile Justice System

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The detention or arrest of a juvenile family member certainly unsettles families and can provoke a family crisis (Church, MacNeil, Martin, & Nelson-Gardell, 2009). Family systems theories describe in great detail the interconnectedness of family members and how the actions of one member of the group influence the system as a whole (Howes & Cicchetti, 1993; McGoldrick & Carter, 2005). Parental responses to receiving “bad news” have the potential to send the system on an unexpected trajectory, and families vary widely in their individual and group responses (Franklin, DiNitto, & McNeese, 1997; Robbins & Szapocznik, 2000). Because of the strong influence of parental response, the manner in which caregivers react to critical events like criminal detention or arrest of an offspring may have important implications for the future trajectory of both family system and individual child well-being.

Interaction with the criminal justice system creates a disequilibrium in the family system. This crisis requires family members to attend to tasks that may fall outside of the normal range of family functioning. Crisis intervention theories suggest that when systems experience disequilibrium, there is a greater likelihood that they will be willing to try out new behaviors or strategies for seeking resolution to the crisis and re-establishing equilibrium in the system (McCubbin, Constance, Cauble, Comeau, Patterson, & Needle, 1980). As a result of such opportunities, the initial response of caregivers to notification of offspring detention can either contribute to the perpetuation of unhealthy relationships and communication patterns - potentially making a bad situation even worse - or lead to an overall improvement of interactions among family members, generating new avenues of communication and in-roads to reestablishment of equilibrium (Church et al., 2009). Although the review of literature is sparse when addressing this phenomenon specifically, we believe that the way caregivers initially respond to their child’s detention has implications for the long term health and functioning of the family as a whole. Understanding the differential ways in which caregivers react to this event may allow us to develop interventions that provide greater opportunity for beneficial outcomes in these families.

While there is limited literature about parental notification, there is an abundant body of literature addressing the influence of families on juvenile misbehavior (see reviews in Petrucci & Roberts, 2004; McWhirter, McWhirter, McWhirter, & McWhirter, 2007). Particular attention has been devoted to the individual and family risk, as well as the protective factors that influence adolescent delinquency (Church, Wharton, & Taylor, 2009; McWhirter et al., 2007; Williams, Ayers, Van Dorn, & Arthur, 2004). Some of these factors are not easily influenced, such as a child’s age, but

others, such as the amount of parental oversight, the number of delinquent peers with whom an individual interacts, and styles of parental discipline, can serve as the foci of prevention and intervention efforts targeted at youth who are likely to engage in illegal acts (Petrucci & Roberts, 2004).

In reviewing literature on strengthening families and preventing delinquency, Kumpfer (1999) noted that family management competency and the amount of family stressors are strong risk factors for juvenile problem behaviors, including delinquency (Church, Wharton, & Taylor, 2009). In addition to identifying risk and protective factors related to the likelihood of a youth's engaging in delinquent behaviors, a number of programs have been developed to address the consequences of these acts after-the-fact. While the most immediate response is with the youth individually, i.e. arrest and/or detention, some intervention programs focus on the entire family, rather than the delinquent individual. (McWhirter, McWhirter, McWhirter, & McWhirter, 2007; Williams, Ayers, Van Dorn, & Arthur, 2004).

There are, currently, prevention and treatment programs that consider family relationships relative to juvenile delinquency (Office of Juvenile Justice Delinquency and Prevention, 1995; Kumpfer & Alvarado, 1998; Petrucci & Roberts, 2004). Unfortunately, the time gap between a youth's detention and the initiation of intervention programs may range from days to weeks. This temporal window is particularly important, as it encompasses the initial interactions between family members as they respond to unsettling news. The review of literature concerning this population indicates that nothing has been examined about family dynamics during this crucial time period, and therefore no interventions to facilitate successful negotiations between family members undergoing this experience have been developed.

Although literature about caregivers' initial responses to their child's arrest is limited (Church, et al., 2009), some scholars have explored a similar experience: caregivers discovering that a child is using or is addicted to drugs. These studies focused on outcomes specific to caregivers, rather than on the quality of the relationships between caregivers and their children (Butler & Bauld, 2005; Tournbourou, 2001). Butler and Bauld (2005) found that providing support services to caregivers of an addicted youth could yield positive results in a family system, helping to restore a sense of overall balance. Most respondents in the study felt that they were better able to support the youth after accessing support services for themselves.

It appears that most programs that are currently active and demonstrate strong efficacy are initiated not only after detention, but also upon referral from some authority; these referrals are separate from the initial disclosure of the detention to the parent (Petrucci & Roberts, 2004). We believe that the initial interaction between parent and child subsequent to the detention is not only an important one, but also one that may have important implications for the youth's future. This parental interaction can both provide the youth with support and prompt a desire to redress their wrong, or it can serve as a mechanism to demean, isolate, and antagonize the child.

The current study was an initial exploration of the phenomenon of caregivers' learning of their child's detention. We wanted to explore the experience of caregivers as they were informed of the arrest, how they responded to this information, and how they subsequently interacted with their child who had been detained. We also explored the dynamics of interactions with the authorities, and caregivers' emotional reactions as they processed this information. While we were not witness to any initial responses, we believe that the emotions of caregivers who participated in this study were still quite raw and that they were largely unsettled about their feelings concerning both their child's misbehavior and the interaction with the juvenile justice system.

### **Design and Methods**

A qualitative phenomenological approach was used in this study. In-depth interviews were conducted by our research team with 11 primary caregivers of juveniles who were being adjudicated in the juvenile justice system. This is an appropriate sample size, given the method used in this exploratory study (Creswell, 1999). Participants were identified using purposive sampling. (Patton, 1990). The study was conducted in a juvenile justice facility in a medium-sized city in the southeastern United States. Rich descriptions intended to help inform future interventions that could lead to more positive outcomes between the children and their families were gathered.

The interview protocol was adapted from one developed by Frabutt, Arbuckle, MacKinnon-Lewis, and Kousaleos (2000). The interview protocol consisted of 22 questions, focusing on the parents' initial and delayed reactions to being notified of their child's detention (e.g., feelings about facing a judge, financial hardships, parenting, siblings, and feelings about the juvenile justice system), and their interactions with the child following the notification. Finally, the respondents were asked about the

long-term outcomes they envisioned as a result of the detention. The interview protocol is available upon request from the first author.

### **Procedures**

The juvenile court referee granted initial contact with potential study participants. The research team was notified of the scheduled hearings by the court and, in a private setting, a member of the research team solicited participation in the study after the primary hearing. Informed consent information (i.e., the purpose of the study, risks and benefits, voluntary nature of participation, the right to withdraw from participation without penalty, confidentiality, etc.) was described in detail to the parents. Upon obtaining consent, interviews with the participants were scheduled.

Interviews were conducted at times and locations convenient to the participants. Eight interviews were conducted at the participants' homes and three were conducted at alternate locations. Interviews lasted approximately one to one and one-half hours. Two research assistants, with formal training in qualitative data collection and training for the specific protocol of this project, conducted the interviews. The interviewers took field notes in order to capture non-verbal impressions for assistance with the data analysis. The interviews were audio-recorded with the participants' consent. Participants were given a gift certificate to a local discount department store as compensation for their time and participation.

### **Data Analysis**

Transcripts of the audiotapes were generated. Additional material regarding the tone of voice and comments from the interviewer's field notes were added to these transcripts where appropriate. The data analysis team consisted of three PhD social work researchers with expertise in juvenile justice, adolescent mental health, and qualitative research methods. Each researcher independently reviewed the data. After this initial review, the researchers met and through consensus identified the themes they saw as emerging from the data. In the process of continued interaction with the data, additional themes, and thus codes, were identified. The codes were then consensually reviewed at project meetings, and iteratively applied to the data through, between, and within case contrast and comparison. The team engaged in this process until no new categories and codes emerged and thematic saturation was reached (Creswell, 1999).

Throughout the data analysis the verbal data as well as the notes on non-verbal information were used in theme identification. The goal of

this data analysis was to attempt to capture the emotion experienced by parents as they interacted with the juvenile justice system and include commentary on this content in association with some quotations to report study findings.

### **Trustworthiness**

Bracketing and peer review techniques were used in order to mitigate researchers' biases and enhance the trustworthiness of the study. Bracketing was completed through an analytical and reflexive review of the researchers' emotions, perceptions, and reactions to the data (Sandelowski, 1986). During coding, researchers noted in their journaling any personal history or perceptions that may have affected their assignment of codes. The personal histories and perceptions of the first two authors are discussed in the following paragraphs (the third author was not involved in the data collection or data analysis). This bracketed material was then discussed at project meetings and peer review of the coding undertaken. The research team systematically reviewed their interpretations as a group and their conclusions drawn from the data engaging in systematic discussions to achieve consensus.

The first author had no specific prior experience working with the juvenile justice system. However, he did work for the local public defender's office for a total of five years. In this position he worked directly with adult inmates at the local county jail. In some instances, he worked directly with the inmates' family members. During team meetings with the research team, it was discussed that the first author had a pre-conceived notion that both family members and the adjudicated juveniles would not trust "the system." In addition, the first author believed that the caregivers would report that their interactions with the juvenile justice system were negative and not helpful.

The second author has over 10 years of experience in working within the criminal/juvenile justice field. He has worked as a Corrections Officer, Case Manager, and Crisis Worker within the system. However, in the last 10 years his focus has been on research within the criminal and juvenile justice system. He has worked directly with community leaders to lower rates of detention as well as improve mental health treatment with detained youth. During meetings with the research team, it was discussed that he had pre-conceived notions that the families had a lack of trust of authority figures. He felt this lack of trust was from participants' prior experiences with law enforcement. In addition, he felt that there would be a lack of information provided to the families and that the families would

not feel it was within their purview to seek out need information about the detention of their child.

### **About the Participants**

Of the 11 participants, seven of the households represented were of African-American heritage; the remaining households were Caucasian. Single females headed eight households. Two of the households included both mother and father, and one was comprised of a set of maternal grandparents raising the child. In one of the families a stepfather was co-parenting with the child's birth mother.

In addition to who headed the household, demographic information was collected on the age of the primary parent, as there was abundant literature suggesting that parental age can have an important influence on children (Brooks-Gunn & Duncan, 1997; Geronimus, Korenman, Hillemeier, 1994, and Philliber & Graham, 1981). Parental respondents ranged in age from 31 to 62 years of age. The 62-year-old was the custodial grandparent of the child whose mother was incarcerated for substance abuse issues. Of the 11 families, four had children in the household who had previously been arrested or detained or had experienced other negative contact with law enforcement authorities. This important factor is discussed in the discussion section. One of the families in the sample had two children involved in the current legal case.

Eight of the 11 parents interviewed were employed for pay outside the home, one was a self-described homemaker, and two were unemployed. One of the unemployed parents was participating in classes to obtain her GED and the other was looking for employment. Respondents' paid employment included both blue and white-collar occupations. Most of the single female parents held jobs commonly associated with relatively low pay, although respondents did not address specific questions about their income. Although they were not asked about their specific working hours, it was clear that most respondents worked during the day and were home in the evenings.

### **Results**

Throughout the coding of these transcripts, two overarching or centralizing themes emerged from the data: 1) the system, and 2) the family. Together, these two themes present a picture not only of how the juvenile in question got to the point of committing a crime, but also how the youth and family interacted with the juvenile justice system after an arrest. These themes divided into sub-themes, providing both a textural and

structural description of the phenomenon, rendering what we feel to be a three dimensional picture of what occurred for these families.

### **The System**

The system, as it was discussed in these interviews, refers to the juvenile justice system. Each parent interviewed for this study was asked to describe their interactions with the juvenile justice system as they related to the arrest of their child. During the coding process, several sub-themes emerged from within the overarching theme of the system. First, the system was discussed in terms of communication between the parent(s) and the juvenile justice system. Specifically, caregivers were asked about how and when they were informed of their child's arrest, how they were treated, and the clarity of the directions they received. The caregivers who were contacted by the police described their initial contact in a positive manner. One parent offered this example:

A lady officer came by here and told me that they had them [children] over there. I said [noise indicating no], I took them to school. I walked them to school, I mean I watched them walk into school this morning. They're at school. [And the officer said], "No ma'am, they're not."

However, there were also caregivers who had to hear about their child's arrest from the child or from another source, such as with this family:

*Interviewer:* Can you tell me who contacted you about your child's latest incident?

*Parent:* My daughter.

*Interviewer:* So, she was the first person that contacted you?

*Parent:* Right.

*Interviewer:* You said your daughter called you and told you about your son's incident. Did anyone else contact you, the police, the court? Did you have a conversation with anyone else about the situation . . . court date, lawyer?

*Parent:* No.



*Interviewer:* You didn't get any contact?

*Parent:* I didn't get any contact, except for my daughter, and the paper that he got from the police station saying what day the court date had been set for.

Overall, while some of the caregivers were contacted and spoke to the police, others related that they were not contacted at all. Those who did speak to the police reported that their conversations took place on the day of the arrest.

When asked about the clarity of the instructions they were given, the caregivers discussed feelings of confusion, frustration, and anger. These feelings stemmed both from the initial instructions they received concerning the whereabouts of their child and when they would be allowed to see them, as well as from discussions they had with detention center staff during their child's detention.

Yes, the detention staff was very uptight whenever I called them about [my] concerns, [and they were] very short with me. I think if the probation officer would have been a little more . . . I didn't really try to call her, but I think it would have been better if we had some kind of meeting the Monday or Tuesday after he went into detention, after just a few days, you know, like a 72 hour hearing, and said, 'Look, this is what's going on with your child, and this is how he is behaving, and this is what we're looking at doing. We're working with him on this type of behavior.' I mean, any of that, it was just, smack him in a jail cell and leave him there, basically is what it was.

Another family related this story:

I do need to tell you this. The first phone call that was made to juvenile detention, I talked to this one particular worker, and I don't know her name. She knows [my child]. She was his worker as a teenager. She knew who I was, and she told me point blank. We were talking and I told her something about us having seven kids, and she said, "Well if I had seven kids, I'd wanna kill myself." I threw the phone at [my child] and said, "you're gonna have to talk to this bitch, she's not listening to me." I was mad. I was so mad.

One parent described the frustration this way:

Yeah, it was when you find out [about the arrest] that they just tell you 'this is it.' And at the time when the officer called there was no 'you wanna come down and talk about this' or anything. It was like, this is it and he'll be held until a 72-hour hearing. And so, you know, we had to pursue that.

Some caregivers never received any notification or contact from the system at all, such as this family:

A child from the school called on my cell phone. . . No one to this day have called me from the school system. . . So, I found out they was been arrested that way.

A second sub-theme that emerged under the larger theme about the system was that of fairness within the system. This sub-theme elaborates on the thoughts and feelings of the caregivers about the treatment of their child. Generally, the caregivers discussed this aspect of the system in a positive manner. They elaborated about how they thought that being involved in the juvenile justice system had done their child some good. Additionally, they relayed stories about how their child's experience with the system has opened doors to resources that were previously hidden or unavailable to them (e.g., drug and alcohol assistance and mental health treatment).

We wanted to make sure that when we talked to her [probation officer], we really talked about treatment and not just sort of going through the motions of just . . . instead of just doing whatever the sentence was that we had to do, making sure that whatever was done was done with a treatment . . . find the source of the problem. And she was very . . . she [probation officer] had him interviewed by two different drug treatment programs, and told us about each. She offered another alternative which was a really a longer term program that really we didn't feel was real appropriate. The second drug treatment person who interviewed him also didn't feel that it was appropriate. But, she did come back with the working in the family therapy, and the outpatient, and all the kinds of consequences that have to go with it, and explained about the losing his driver's license for six months and the terms of probation and all that. I felt like we had a really good plan. I think my husband felt like that. I think she felt like that. I think my son felt like that was going to be okay.

Another parent explained:

I mean other than the fact of missing my baby, but everybody else there was very nice. The counselor that Sean was seeing was very nice. His parole officer was very nice.

If there was one consistent complaint, it was that, at times, some of the caregivers believed that the system could have actually been “harder” on their kids.

Now, it could have been a little bit harder than what they was. They gotta go through some programs . . . [but] I was wanting to see [my child] get scared real bad.

The final sub-theme related to the system is really a branch of the previous two sub themes, in that it discusses how the caregivers seem to view the system as a sort of surrogate parent. At times, they discussed this phenomenon in terms of them [parent] being at a loss and allowing the system to take a type of parental control, albeit temporarily, over their children.

It was like he was out of my hands. Ain't nothing I can do. Like I told him, 'Once you out of my hands, ain't nothing I can do. It's all up to the system.' He knows it now.

Another parent described:

To me, by him going to detention, it made him realize that somebody can come get him. If you get out of hand with me [mother], I know somebody [police] who can get you back in line, you know. I let him know that I'm not scared to call them. They ain't gonna hurt you . . . they ain't gonna hurt you. And you know, sometimes, I let them know, 'I'd rather see you in jail than to see you dead.' That's hard to say. Some people say, 'Why you wanna see your child locked up?' Sometimes that's how you have to find your own self, and pull yourself out of all of this other stuff you're involved in and actually find yourself.

Another parent described being scared by the judge, but seeing the result of the court experience:

To tell you the truth, when that judge started talking, she scared me. She was like layin' it on them. She was like, 'if it happens again, I'm gonna lock you up'. You know, the rope was on tight. And she was very bold. To be a woman judge, you know. He [son]

even said that she even scared him. He [son] did not want to see her no more . . . he did not want to see her no more. He let me know then that he was not gonna get in no more trouble.

The system is a solid theme across these interviews. It was clear that caregivers who were interviewed had their first contact with the juvenile justice system after their child was arrested. Although contrary to what the literature posits about parental contact with the system, the participants in the current study felt that their initial contact was positive, they also expressed a great deal of frustration related to the experience of trying to get details about the arrest and subsequent information about visitation. This confusion could be an issue with how the caregivers perceive contact in terms of them being initially called or with contact as in their involvement in the system. The latter tends to be the area of greater negative impact as reported in the literature (see Church, et al., 2009).

Once their child was detained, most of these caregivers described their overall experience with the system as a positive one. They indicated that they viewed their child's arrest and brief detention as a potentially helpful event that could lead to positive change. Specifically, some of the caregivers made note of the resources that they were now able to access as a result of their contact with court staff. These resources had either been hidden or unavailable to them prior to the detention. Finally, most of these caregivers assigned somewhat of a parental role to the juvenile justice system, indicating that it [juvenile justice system] took over their child when they [caregivers] were at a loss as to what to do. It was notable that the general impression of these caregivers, regarding the juvenile justice system, is a positive one.

### **Family**

The second overarching theme that emerged from the data is that of the family. During each of the interviews, participants were asked questions focused on gathering information about the structure of the family unit and how the offending child fit in and was affected by that structure. When discussing the family, the majority of mothers we interviewed stated that they were either single or divorced from the father of the offending child (sometimes they had remarried, but not in every case). Most described themselves as being in a fairly low socio-economic bracket, but perhaps better off than they had been when in the relationship with the father of the offending juvenile. Overall, these mothers clearly believe that they are now better caregivers to their children than they once were. One mother explained:

Because I came from an abusive marriage. Me and his father were married and it was very abusive. So, I wasn't a good mother. I didn't hit him or beat him but I just wasn't there for him because of what I was going through with this father. But to me, things are getting better and I do believe things are going to get a whole lot better before it's over with. Because I'm going to do what I'm supposed to do as a single parent, whether their father is here or not. Long as they've got me and the man up above, they gonna be alright.

In several families, the interviewee was a grandparent who had gained custody when their child had abandoned the grandchildren, as with this individual:

Well, when (my boy) was 5 years old, his mother abandoned him and his little brother and sister. His little sister was 2 and his little brother was 3. She abandoned them. The police went down and raided the house they was in and found drugs. So, they brought the kids out. The judge called me and asked me if I would take them, and I did. The next morning, we had a hearing on it at the juvenile and they gave me custody of all three of the children. They said I should keep a close watch on them.

The connection between the two themes of system and family seems to be that when the family is unstable, there are times when the system has to step in and provide some assistance. As these caregivers describe, when the family unit is not strong, children may be more likely to become involved in illegal activities. This criminal behavior, of course, leads to interaction with the system. It is at this point that the system steps in as a sort of surrogate parent to the offending child. In the best circumstances, the system shoulders some of the parental burden and imposes some much-needed structure, discipline, and guidance on the lives of these youth, and this is, at least in some cases, a welcome support for the parent. One parent explained:

*Parent:* He did like a month, month and a half down at Greensboro. You can't do that much time in Tuscaloosa. He was here for like a night or two and they sent him on down to Greensboro. He was gone almost two months at the most.

*Interviewer:* How was it having him away that long? What did that feel like?

*Parent:* Well, it really felt kind of good (laugh) cause I didn't have to worry about him (laugh) . . . Yeah, I knew where he was 24 hours a day. He called, I talked to him. He wrote letters. But I think it did him good, cause he ain't been in no trouble since then. And he been doin' good in school . . . It was like he was out of my hands. Ain't nothing I can do. Like I told him, "Once you out of my hands, ain't nothing I can do. It's all up to the system."

### **Discussion**

The investigation of caregivers whose children are involved in the criminal justice system produced some very interesting results. More importantly these exploratory data begin to fill a gap in the literature that may be a critical and completely overlooked juncture point for intervention. No previously written articles addressing the experiences that families in this situation face were located, despite ongoing searches throughout our study process.

We believe that the overarching themes presented here, of 1) the system and 2) the family, add something valuable to the literature on family relationships, parenting, and the role of social workers who work as juvenile caseworkers in the criminal justice system. While there is no literature background specifically in parental experience of youth detention, there is substantial literature supporting the link between ineffective parenting and illegal activities engaged in by juveniles from those families, as a direct result of limited supervision and structure within the family systems (McWhirter et al., 2007; Williams, Ayers, Van Dorn, & Arthur, 2004). Caregivers, who face substantial psychosocial issues of their own, may not have the time or energy to provide appropriate support for juveniles at a time of key developmental milestones in identity formation (Howes & Cicchetti, 1993; McGoldrick & Carter, 2005). In turn, these youth turn to peers for supervision and support, leading to activities that subsequently result in justice system involvement, and the parental orientation of that system.

Stories related by interviewees described feelings of initial trepidation at the thought of their children's involvement with the law, followed by a sense of gratefulness or relief at the parental assistance and support provided by the system. More often than not, these caregivers explained that they had been at a loss for how to effectively parent and protect their children. They viewed the system as a savior, of sorts – albeit a temporary one. In some instances, the system not only provided a temporary respite for these caregivers, but offered therapeutic options (such as substance abuse treatment, family counseling, individual

counseling, parenting classes, etc.) that would enable children to transition successfully back into the family and their communities, while allowing the caregivers to lean on the structure as they improved their ability to take back the reins, as it were.

These findings have important implications for this field of inquiry. As a result, a focus of practice should be on providing assistance for both parent(s) and their children throughout the experience(s) of involvement with the juvenile justice system. In addition, focusing on the family as a whole, as opposed to the youth as an individual, could support the successful reunification of the child with the family. The results indicate this focus is central to the success of the family as they navigate through the court system. Bartanfly (1967) suggests for a major focus on the connections between all aspects of a system – for example, the impact of the community, local organizations, and all ancillary professionals involved with the individual. By expanding attention to the larger segment of the system (as opposed to the individual), there would be a greater likelihood of making a lasting impact in the lives of the client and the family.

Additional research is needed to expand the work presented here, in both exploratory and quantitative ways. Results from this study might be used to assist in the development of a survey addressing this issue on a larger scale. Such an investigation might provide a much-needed level of generalization and objectivity that exploratory studies such as this one are unable, by their nature, to provide. Survey research would be useful not only to further explore parental experience, but child and caseworker experience as well, clarifying whether and how perspective might impact on variables in the unfolding of the family story.

From an exploratory perspective, additional investigation is needed concerning the experiences of youth and families at various stages of the juvenile justice process. Such insight, along with expanded information about the coping mechanisms and pressures on caregivers during the incarceration of their children, could provide unique and valuable windows into opportunities for intervention and support. It is possible that there are several previously unnoticed potential points of intervention with these families, particularly related to coping skills, stress and anger management, or transitional family support.

This study was an informative first effort in viewing the juvenile justice system from a parental perspective, rather than from the traditional view of the juvenile client. We hope that this study can serve as an effective jumping off point for much needed future research efforts in this often overlooked area of social work.

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