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Mental Health Focus as a Deterrent for Justice Involved Youth

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Abstract

Tough-on-crime policies regarding youthful offending have resulted in a pendulum swing in which the juvenile justice system has shifted from a rehabilitative focus to one of punishment. The current paper evaluates different mental health program alternatives, as an option to return to a rehabilitative focus for juveniles, with a major focus on the Juvenile Treatment and Support Court in Kent County, Michigan. Through a qualitative analysis, there were findings of initial success with the youthful offenders presented in the court. Recommendations and limitations from the study are presented to aid further policy change and research.

Introduction

As the COVID-19 pandemic has run rampant throughout the nation, it has unveiled to our society the darker side of our humanity, the issues that arise due to mental health. As more individuals were isolated at home due to state and local stay-at-home orders, an increasing number of citizens faced deteriorating mental health. Arguably, juveniles were hit the hardest from the unintended consequence of stay-at-home orders due in part to the lack of socialization that led to increased stress, anxiety, and depressive thoughts. The increase in mental health disorders within juveniles has the potential to increase the number of youth engaged in delinquent behavior as they do not understand how to express their emotions in a healthy way. Thus, early detection of mental health disorders and proper treatment have the potential to decrease the delinquent behaviors in youth and ultimately to reduce the reliance on the juvenile justice system.

Since the establishment of the juvenile justice system, there has been a large regard for the importance of rehabilitation and treatment of justice involved youth. The therapeutic focus was largely due to the realization that juveniles are different from adults in terms of cognitive and moral development. The age at which youthful offenders are committing these acts opens the door for the influence of treatment and rehabilitation. However, due to the substantial increase of juvenile violence in the 1980's and 1990's, there was pressure on governmental actors to enforce more tough on crime laws against youthful offenders. In turn, these tough on crime laws caused the rise of youthful offenders within detention centers. Moreover, with the exceptionally high rates of mental health disorders throughout the youth, specifically delinquent juveniles, juvenile detention centers have begun to act as mental health hospitals (White, 2016).

Consequently, with the influx of juveniles held in detention centers there has not been a sufficient increase in treatment, resources, or employees. In recent years, there has been more focus on juvenile mental health. However, a lack of standardization is escalating the issue that many juveniles are not receiving the mental health care they require to live as functioning members of society.

As well, with the shift towards an even more individualistic society, adolescents are experiencing much more autonomy within their lives. While this autonomy has the potential to send these adolescents down an independent and successful life course, it also can lead to detrimental effects. Autonomy can lead to coping with a feeling of loneliness as they shift from the dependency of their parents and feel out of place within the world. Even more, the loneliness can lead to many delinquent behaviors, including running away, truancy, and substance abuse. With the support of the community, parents, and trusted adults, a larger focus on mental health early on has the potential to deter children from delinquent acts that could propel them into the criminal justice system.

This paper will take a deeper look at the effect focusing on mental health treatment for youth offenders has on deterring youth from the formal criminal justice system and as a methodology for lowering recidivism rate. The Juvenile Treatment and Support Court (JTASC) in Kent County, Michigan is analyzed as an example of an alternative court action with a focus on mental health treatment and wellness, while at the same time reducing delinquent behaviors. This review is specifically important as the effectiveness of a mental health court could lead to policy changes across jurisdictions which could lead to less criminalized behavior by individuals with mental health problems that are typically swept into the criminal justice system. Thus, the

analysis of mental health in juvenile justice is important to provide informed knowledge on the effectiveness of focusing on mental health when it comes to juvenile delinquency.

Literature Review

Mental Health Orientation

Mental health has been a focus of juvenile justice for a majority of the time that the juvenile justice system has been around. Specifically, the mental health focus revolves around the usage of treatment and therapy after a delinquent act has been committed. Moreover, the majority of the youth referred to the juvenile justice system could benefit from these services (Breda, 2001) but many of them will not receive them, or to the level necessary to impact their ability to cope with their feelings. Breda (2001) revealed that in Tennessee only approximately three percent of referrals of youthful offenders are to formal services that have the ability to positively impact their treatment and overall mental health. Furthermore, less than seventy percent of judge's dispositions coincide with the recommendations of clinicians certified in establishing the mental capacity of these individuals (White, 2015).

Additionally, there are initial findings that the way individuals view the correlation between mental health and delinquency can influence how they view youthful offenders within the juvenile justice system (White, 2015). Particularly, individuals who view the mental health of being the responsibility of the juvenile are more likely to recommend harsher sentences. For example, individuals labeled as "mentally ill" rather than an individual with a mental health condition are treated harsher and perceived as more dangerous (White, 2015). There are major differences in utilization of psychiatric services for youthful offenders when looking at the role of gender and race. Females and White offenders are much more likely for referral to a mental health service than males and Black delinquents (Herz, 2001).

The unequal and potential disregard for proper services used for youthful offenders is troubling, specifically due to the caring nature that the system is set up to convey. There is a claim by the juvenile justice system that it is set up for the rehabilitation and nurturing of youthful offenders, but the realities convey that proper treatment is only provided to a minimal number of juveniles. The reality as presented through research reveal that unless an individual is in a proper jurisdiction, White, or female, they are unlikely to receive this treatment. Specifically, findings from a national survey completed by community supervision agencies and behavioral health providers show that only about thirteen percent of community supervision agencies utilize mental health treatments (Scott et al., 2019) Furthermore, the study revealed that one fifth of agencies revealed that mental health services were not available within their jurisdiction. The entire society should be concerned that there is a rising number of juveniles facing mental health disorders shuttled into a system that is not set up to treat them.

Relevancy of Mental Health

Many argue that the mental health focus of juvenile justice is too lax and does not support the realities of today. The fostering of the idea that a therapeutic focus is too lax is part in due to the large misunderstanding that is present between adults and adolescents on the basis of mental health. Individuals within Generation X (those born between 1965 to 1980) grew up during a time with a lack of communication about mental health leading to a reduced understanding. As their children have grown, parents are facing the realities of assisting them in their path to ensure a positive mental health. But often times there is lacking an open dialogue which leaves children to face these challenges alone. While many adults disregard the impact of mental health today, there is empirical evidence that mental health disorders are prevalent at higher rates within the

youthful offender population compared to the larger community of adolescents (Scott et al., 2019).

Mental health disorders are separated into externalizing and internalizing behavioral problems. Externalizing problems are those maladaptive behaviors that are outrightly expressed through juvenile's actions. The most common externalizing behaviors are those that manifest anger at the core, such as conduct disorders. On the other hand, internalizing behaviors are behaviors focused on the juvenile themselves. Disorders such as anxiety and depression are major examples. When looking at the relationship between these subsections of mental health and delinquency, there are clear differences. However, as revealed by a study done by Armistead et al. (1992), there are higher rates of prevalence of externalizing and internalizing behavioral problems in incarcerated justice involved youth. Therefore, the understanding of higher behavioral problems in incarcerated youthful offenders reveals that mental health is a major concern within the system. The type of mental health disorder can affect the perception that juveniles have when it comes to their treatment. Juveniles with more externalized problems are more likely to have negative outcomes when they view themselves as happy compared to when they are anxious or worried (Swenson & Kennedy, 1995). On the other hand, when facing their failures in relation to personal responsibility and how others view them, they are more likely to have poor outcomes in treatment (Swenson & Kennedy, 1995).

Community-based and Family-focused Alternatives and Treatment Outcomes

Many jurisdictions are beginning to implement alternatives to traditional services that are focused on the treatment of mental health disorders. In 2015, the Florida Department of Juvenile Justice implemented the Parenting with Love and Limits (PLL) program (Ryon et al., 2017). The program consists of six weeks of group parent education as well as twelve or more family

therapy sessions. The focus of the program is on the emphasis of healing the wounds caused by delinquency and poor family relations by specifically focusing on trauma. These traumas often caused by families can lead into mental health disorders that have the potential to lead to delinquency. A study of this program revealed that individuals involved in the PLL program were less likely to recidivate with a difference between the two groups being at six percent. While this is not a statistically significant amount, it does provide a real-life indication that the program is on the right track by focusing on the mental health of these offenders. Evident of this is that felony conviction rates dropped by eleven percent for those that completed the PLL program. The cost effectiveness of this mental health alternative is significant for the justice system as on average it costs \$30,000 dollars less to implement than to detain juveniles.

There are numerous programs that have been implemented across jurisdictions that focus their energy on targeting the mental health of juveniles (Ford et al.,2016). The first of these is the Trauma Affect Regulation: Guide for Education and Therapy (TARGET). Four to twelve structured sessions for youth who are coping with trauma set the basis of the program. When tailoring the program, the specific needs of males and females are considered to determine if a one-on-one or group setting is more appropriate. The program uses the acronym FREEDOM, standing for focusing, recognizing, emotions, evaluative, deliberate, options, and making, to teach skills to youthful offenders. Studies of this program reveal that there was a reduction in violent incidents and an increase in hope and engagement in rehabilitation.

Another program is the Trauma and Grief Components Therapy for Adolescents (TGCTA). The program consists of four modules taught through eight to twenty-four group sessions. The main focus is the psychosocial intervention to teach youth the necessary inter- and intrapersonal skills needed to succeed in society. They accomplish this goal through the

utilization of processing memories related to their trauma to decrease the distress connected to them. Trial research studies of the program in the United States revealed that there was a reduction in posttraumatic stress disorder, depression, and maladaptive grieving behaviors.

The last program reviewed by Ford et al. (2016) is the Trauma-Adapted Multidimensional Treatment Foster Care (TA-MTFC). The program is an alternative to residential care that instills necessary skills within foster parents, including active monitoring, fair and consistent discipline, a positive relationship, and redirection towards prosocial behaviors. A study of this program revealed that this program reduced levels of trauma-related mental health problems and delinquent behaviors within juvenile females (Harold et al., 2013). The program is specifically effective as it provides these juveniles with a healthy home life that they often were missing within their biological family. Provided to the juveniles is a sense of autonomy while also being strictly monitored and pushed down a prosocial path with the support of a family-centered intervention.

The Neighborhood Enrichment with Vision Involving Services, Treatment, and Supervision (NEW VISTAS) implemented in Santa Barbara County utilizes interventions in numerous areas of juvenile's lives to reinforce change (Mayworm & Sharkey, 2013). These areas of interest for the program consist of family-focused, drug and alcohol abuse, mental and physical health, and recreational and peer-related interventions. Mayworm and Sharkey (2013) found that this intervention significantly reduced the mental health problems of both boys and girls. Additionally, the program remarkably reduced the recidivism rates of the juveniles who participated (19% for males and 3% for females compared to 39% within the general population)

Throughout the treatment of juveniles, a sense of control and personal agency within the youthful offender are imperative in their motivation to work towards developing adaptive

behaviors. Swenson and Kennedy (1995) found that when juveniles feel as though they have a piece of control within their treatment, they have a higher level of success. Therefore, by further removing power away from the juvenile, the less likely these individuals will feel inclined to be cooperative within their treatment. The treatment alternatives presented above all manifest this control and personal agency through their working which has led to a higher overall level of success.

Juvenile Treatment and Support Court in Kent County, Michigan

In September of 2020, Kent County Board of Commissioners approved the establishment of a mental health court for juveniles, more formally known as the Juvenile Treatment and Support Court (JTASC). The purpose of JTASC is to improve the support provided to juveniles experiencing mental health issues entering the juvenile justice system. The team-based approach to justice works towards the overall well-being of the youthful offender to improve their likelihood of succeeding within society. To ensure maximum participation and cooperation, the program is entirely voluntary. Additionally, the court works to portray the compassion these juveniles need while also holding them accountable and to a higher standard. The key components of this program are court hearings, intensive probation, clinical support, intensive treatment, four phases (participate, invest, connect, and accomplish), and weekly drug testing. The program relies heavily on the participation of the family as they must continue the focus that the court has had on the juvenile once they complete. The team conducting the program consist of a judge, court coordinator, prosecutor and defense counsel, a probation officer, a clinician, and community mental health providers.

In 2020, the board presented Amy Hollern with the opportunity to apply for her current position, which was a lateral move from her standing as a juvenile community probation officer.

When the position arose, many individuals were skeptical of it as juveniles with challenging mental health issues are some of the more demanding youthful offenders to work with. However, with her background in psychology at Grand Valley State University and also a Master of Social Work degree from Western Michigan University, Hollern saw this role as a perfect match for her. After accepting the role, Hollern has been working alongside the rest of the program team to establish the policies and workings of the court. I was provided the opportunity to discuss with Hollern about her experience with the program, attend a weekly court hearing, and a few one-on-one meetings to fully understand the impact and importance of JTASC for Kent County, Michigan.

Referrals to the court are provided to youthful offenders that are presenting challenging and life altering mental health issues. If the team deems the program to be fit for the juvenile, they will be added to the caseload of the team's probation officer, Amy Hollern. From there Hollern will have weekly one-on-one meetings with them in which they will discuss their progress and opportunities for improvement. Additionally, all of the participants are required to be in therapy, albeit be provided by the system or one they have been previously seeing. Furthermore, weekly drug testing is a core aspect of the program to ensure that the juveniles are not relying on substances to cope with their surroundings and emotions. One of the drawbacks that Hollern discusses is the lack of alcohol testing that is available to the program as many of the individuals are turning to alcohol after they lose their accessibility to other substances. While the court does have a SCRAM device, which from first appearances presents as a tether, for detecting alcohol, it is not widely used. A distinct factor of the intensive probation is the required tether; therefore, the utilization of the SCRAM device is strictly for participants who request the use of one for accountability or those that have extensive alcohol usage.

The Juvenile Treatment and Support Court follows a cognitive behavioral modification approach. Thus, the team's goal is to change the presenting behaviors of the youthful offenders through the usage of positive and negative reinforcements. Delays in programming and stricter probation requirements are negative reinforcements utilized to increase the occurrence of desired behaviors. On the other hand, there is a wide usage of positive reinforcements, such as bin draws and tokens which can be used to purchase items. During court proceedings, juveniles can be awarded with a bin draw from one of three separate bins that have small, medium, and large sized prizes. Due to the COVID-19 pandemic and the usage of Zoom for court, there is not the immediate gratification that is often necessary for behavior modification with these bin drawings as the adolescents will not be able to choose their prize until their next one-on-one meeting with Hollern. Furthermore, the court follows a psychological approach by requiring the participation in counseling as well as a therapeutic standpoint by all the members of the team. Specifically, while many judges will provide sanctions immediately when a failed drug test is presented but the judge that presides over this court instead attempts to discover the root problem that caused the behavior. Furthermore, Hollern utilizes a therapeutic approach to understand the individuals on her caseload rather than a typical cut and dry demeanor that most probation officers have.

During the establishment of the program, the team conducting the research to build this alternative court action had extensive communication with the juvenile mental health court in Kalamazoo. Despite the close observance of this court, the team adopted a model based on Problem-Solving Courts and data and experience provided by the Adult Treatment and Support Court (TASC) within the county. Problem-solving courts are a national model with the establishment of the first mental health court in Broward County, Florida in 1997 (Casey & Rottman, 2005). The passage of the America's Law Enforcement and Mental Health Project Act

has allowed for the vast increase of mental health courts around the country. While the courts vary significantly across these jurisdictions there are eleven prominent elements throughout them. These elements include:

- Voluntary participation,
- Early identification and intervention,
- Therapeutic emphasis within the environment for trauma reduction,
- Reduction of stigma through implementation of practices,
- Active participation of individuals,
- Interdisciplinary team approach including court actors and treatment professionals,
- Less formal court process,
- Coordination of treatment and high reliance on case management,
- Individualized treatment,
- Regular status hearings, and
- Consideration of public safety (Casey & Rottman, 2005).

Many of these elements are dominant features within the court established in Kent County. Specifically, less formality, individualization, and an interdisciplinary team approach are prominent elements in the Juvenile Treatment and Support Court. On the whole, the courts that the Juvenile Treatment and Support Court was based on have a goal to ensure that individuals do not fall through the cracks and are actively working to combat the effect deinstitutionalization is having on the major levels of mental health disorders in the criminal justice system.

Preliminary findings from the court are promising with their first two individuals just weeks away from graduating from the program. When it comes to a treatment program of this

nature, much of the indications of success are subjective. Specifically, behavioral changes of the individuals that have participated is an immense indicator for program success. Of the first two participants that will be graduating from this program, there is indication of program success. Specifically, one individual entered the program at a time that they were not attending school and socialized with the wrong people. However, they now attend school regularly, hold a part-time job, and participate in soccer at their school. Hollern indicates that this individual particularly has shown major behavioral changes since when they were beginning their journey in the program. The individual has gained a new understanding of what it is like to become a functioning member of society and is displaying adaptive behaviors. As the program is still in its first year, a recidivism rate is not available to attest to the success. Despite this, a substantial amount of the participants have refrained from receiving new law violations after completing the first phase. The law violations being seen early on are developmentally appropriate for this age group as they are testing the limits to explore their diminished autonomy from strict probation.

To follow accordance with laws on due process for those involved with the criminal justice system, the weekly court hearings for the participants are live-streamed to the general public due to COVID-19 procedures. Thus, as a researcher I was able to observe the workings of the weekly hearings. From this experience, numerous themes were evident throughout the entirety of the session. These themes include but are not limited to a focus on personal responsibility, encouragement, accountability, and incentives. The team routinely asks the participants to reflect on how they could assist in their own behavioral development. For example, one member of the team asked a juvenile what they could have done instead of staying out past curfew without contacting their guardian. Thus, the process of personal responsibility is used to ensure that the youthful offenders will be able to problem-solve and assist within their

own growth. Accountability is a significant behavior required for personal responsibility. All of the youthful offenders are required to be accountable for their actions and learn to recognize that their behaviors stem from their personal choices. These juveniles are encouraged to analyze that their behaviors are their own-doing and they must live with the consequences rather than blaming others. Upon completion of the customary questions asked to each youthful offender, members of the team would interject their personal words of encouragement and wisdom. These statements often focused on the aspects of positive development with a slight focus on the existing maladaptive behaviors focusing on their belief that the juvenile can make the positive changes necessary of them. Finally, incentives are substantially present throughout the hearings. Current participants are in special incentive programs that involve earning money for adaptive behaviors or receiving chips for differing behaviors. Specifically, the chip process currently employed grants specific-colored chips for different maladaptive behaviors and another for proper actions. These chips are then used to determine rewards or consequences that will be handed to the specific juvenile. The special programs are utilized to increase proper behaviors through rewards and diminish negative actions through consequences.

Compared to other court hearings, the hearings at this specific court hold a lighter demeanor. Laughing and casual conversation are common to hear throughout the timespan of court. Even more, the word choice is more thoughtful, including the usage of poor rather than bad. The specific word choice is crucial within this court as they have the potential to show compassion and dedication for these juveniles which will have profound effects on their development. Parental support is also highly valued within these hearings as an avenue for continual growth. The major agents of change are the juvenile's guardian as they reserve substantial more time with the youthful offenders. Thus, if the parents are not complying with

the requirements of the program, there is little external accountability which can lead to the preservation of the maladaptive behaviors.

In compliance with the court, meeting with Hollern weekly is required of each participant. These meetings focus on the court orders presented by the judge throughout the duration of time that the court handles these youthful offenders. Responsibility, accountability, and encouragement are major themes in the meetings. While attending a meeting, the youthful offender was cited for alcohol within their system. Thus, throughout the meeting Hollern sought for this individual to be open about the positive reports provided to her by the SCRAM detector. However, this individual failed to recount these instances while Hollern lightly pushed the juvenile to take accountability. Rather than forcing the manner, Hollern compromised with requiring a phone call from the youth recounting the manners prior to the weekly court hearing just a few days later. This instance provided the juvenile an opportunity to take accountability when ready as they had experienced numerous moments in the previous weeks that triggered their usage. Thus, Hollern utilized her compassion and understanding to allow the lenience that the youth desired. Furthermore, another unique aspect of these meetings is the presence of the juvenile's caregiver. Guardian support is a prominent feature of the court as shown through the requirement of their appearance at these meetings. Strictly encouraged of the youth's guardians is to take an active role in the treatment of the individual and are utilized in these meetings for their own understanding of the experiences of their juvenile. As well, these meetings provide them with the necessary knowledge to assist their juvenile and to keep them accountable. The demeanor of these meetings is drastically different than the strict nature of traditional probation officer meetings which allows the nurturing of growth within the youthful offender.

As the court is just beginning their second year of working with these juveniles, they have not quite established a plan for growth. However, Hollern expressed that this program is committed to adapting to the needs of the juveniles within the community. Therefore, if a greater number of juveniles are fit for this program, they will look into growing the team, specifically hiring another probation officer to lessen the load put on Hollern. Additionally, as the program is largely family-oriented, they are looking to establish a parent support program. The proposed program would pair parents new to the juvenile justice system with more experienced guardians. Hollern stressed the importance of this program as many parents can encounter high stress levels and misunderstanding of court actions. Therefore, the experienced guardian would provide support and knowledgebase to assist these parents in navigating the new experience presented to them. By decreasing the overall family-support stress level has the potential to significantly assist the juveniles by placing them in a more supportive environment for them to grow and learn. Additionally, the program would assist these parents in developing proper parenting skills through the advice given to them which would provide the stability and structure that these youthful offenders desire.

Recommendations

The findings conveyed here are vital for further research and the implementation of mental health services throughout the adolescent years to deter youth from offending. Due to the high degree of time spent within institutions of education, there is a vast, largely untapped potential to reach youth. Therefore, more research should be done on how a better mental health focus within schools can act as a deterrent for juveniles. However, within the juvenile justice system, jurisdictions should shift towards a greater mental health orientation. Courts such as the Juvenile Treatment and Support Court in Kent County, Michigan are just the beginning of the

right direction for juvenile justice. More jurisdictions should implement a program aligned closely to the mental health courts within Kent County and Kalamazoo County in Michigan as they are leading examples of the impact that this mental health focus can have on juvenile offending. Specifically, there should be a larger focus on family-oriented, therapeutic alternatives, and elevated levels of accountability. Society must stray from its tough-on-crime mentality to bring about positive change within juvenile offending. Until this, juveniles will continue to offend without any major attention to the importance of compassionate care and mental health treatment in the rehabilitation plan. Mental health can affect anyone at any given time, thus programs implemented must reach juveniles of all socioeconomic status, race, sexuality, ethnicity, and age. This ability to address mental health is vital for these programs to ensure effective change. Furthermore, proper training is a necessity for court actors working with juveniles, specifically on mental health mitigation and compassion. Court actors and parents are the core agents of change to assist these individuals who have been failed by society, hence these are the individuals we must educate to help these youth.

Limitations and Conclusions

As a society, we are failing our youth by failing to meet one of the most fundamental goals of the juvenile justice system, which is providing individuals with the resources that are necessary to heal and grow. The Juvenile Treatment and Support Court is a leading example of what juvenile justice should look like, in that it conveys a level of control with personal autonomy and attention to mental health needs. However, a more empirical study of this program should be done later in time. As the program is only at the conclusion of its first year, there is little empirical evidence of the impact that it is having. Despite this, there are early indicators of remarkable success as there has been minimal probation infractions and the juveniles are

showing vast growth as individuals. Furthermore, as this paper looks at only one mental health court, a broader study of courts of this nature should be reviewed to explore the impact that these courts have on their success with recidivism.

In order to help our youth, we must revert back to the original core pillar of the juvenile justice system, which is the focus on rehabilitation. The Juvenile Treatment and Support Court reveals a unique alternative to typical court actions which is showing great promise with rehabilitating youthful offenders. However, until we have a greater focus on the mental health of these youthful offenders, they will continue to manifest the maladaptive and antisocial behaviors that they do now. All youthful offenders have a propensity to be success cases, but current court actions are setting them up to fail as they are not providing them with the proper support, treatments, and growth of their skillsets that mental health courts are equipping them with.

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