

A RECLAIMING FUTURES  
NATIONAL FELLOWSHIP REPORT

# A Model for Judicial Leadership

COMMUNITY RESPONSES TO JUVENILE SUBSTANCE ABUSE

by

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SANTA CRUZ SUPERIOR COURT

**Hon. Janel Sulley**

ROSEBUD SIOUX TRIBAL COURT

**Hon. Elizabeth Welch**

MULTNOMAH COUNTY FAMILY COURT



**RECLAIMING FUTURES**

Communities helping teens  
overcome drugs, alcohol and crime

Reclaiming Futures is a National Program of the Robert Wood Johnson Foundation®

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# Foreword

The juvenile court is a unique institution providing a legal framework to address the most serious problems facing our society's children. The creators of the juvenile court recognized the fundamental differences between children and adults and constructed a court of law that can provide both legal and social interventions designed to address multiple goals for delinquent youth. Those goals are (1) to provide for community safety through effective prevention strategies as well as interventions that are appropriate for each individual youth, (2) to hold juvenile offenders accountable both to their victims and to the community, and (3) to help develop competent and productive citizens by the use of interventions and services offered within the context of the juvenile justice system.

These goals are not achievable in a courtroom. Traditional court interventions such as court orders and warnings provide only a part of the solution. To be effective, the juvenile court needs to collaborate with other elements of the juvenile justice system including public agencies, schools, professionals, and service providers, all of which play an important role in reaching these goals. Unfortunately, agencies, professionals, schools, and service providers do not naturally work together in a coordinated and cooperative fashion. Leadership is needed to convene them, to organize their efforts, and to ensure that they are working together toward these common goals. In the juvenile justice system, the person best positioned to provide that leadership is the juvenile court judge. The juvenile court judge is charged by law with attaining these same goals for each youth who appears in court. The judge hears the facts of each case and makes orders designed to achieve these goals. The legal system

and the community have placed the juvenile court judge at the apex of the juvenile justice system and expect the judge to make certain that the system works well.

In the United States, the juvenile court has been in existence for more than 100 years. While all juvenile courts share similar characteristics, practices, policies, and procedures vary greatly from one community to the next and from one state to another. Judges have found that they can learn a great deal about how to operate their own juvenile justice systems by exchanging ideas with colleagues around the country. Indeed, one of the founding principles of the National Council of Juvenile and Family Court Judges was the idea that by bringing judges together from different jurisdictions, best practices can be identified, ideas can be discussed, and judges can learn how to be more effective in their own courts.

Understanding the value of identifying best practices and exchanging ideas, the Robert Wood Johnson Foundation in 2002 expanded these concepts to new heights by bringing together ten different jurisdictions from across the country in an effort to improve practice and thereby improve outcomes for delinquent youth. Entitled *Reclaiming Futures*, this project was carefully planned to utilize the best practices currently available including what we know about problem-solving courts, systems of care, and coordinated community responses to delinquency. The project also identified one particular problem—juvenile substance abuse—as the focus of the efforts in the ten jurisdictions.

Juvenile substance abuse was a good choice. Substance abuse among youth is pervasive. The use of legal and illegal substances (from alcohol to street drugs) is a part of youthful life in the

United States today. The age of initiation has a direct effect on the impact that substance abuse will have on a person's use in later life. Judges are finding that youth start using alcohol and other drugs at an earlier and earlier stage in their lives.

It is of great concern to the community whether a youth starts a life that will lead to lifetime addiction or is able to control his or her use so that he or she can become a productive member of society.

Reclaiming Futures identified as its starting point the leadership of the local juvenile court judge. This strategy is well known in communities across the country. The first task for the juvenile court judge in each of these communities was to convene the important participants in the system, outline the vision, and then manage the efforts of the members so that they were coordinated. This requires some skill, but can be accomplished even with differing leadership styles.

Although the project is not finished, it can be declared a success. And will it ever be "finished"? Hardly. This four-year effort should lead to the creation of a better way of doing business in each of these jurisdictions, but the work in the different communities should go on indefinitely. We hope that the experiences here will be useful to other jurisdictions across the country. That will take another planning process involving some or all of the jurisdictions and other communities that have the interest to learn about what has been accomplished. We know from past experience that the planning and implementation for expansion will have to be carefully planned and managed.

We owe a debt of thanks to the Robert Wood Johnson Foundation and to our colleagues in these communities. We hope that their experience will result in successful outcomes for the youth in

their communities and will provide us all with guidance on how to make positive changes for the high-risk youth in our own jurisdictions.

— HONORABLE LEONARD P. EDWARDS  
Judge, Santa Clara County Superior Court

## SECTION ONE:

# Introduction

In 2002, the Robert Wood Johnson Foundation launched Reclaiming Futures, a five-year initiative that brings problem-solving courts<sup>1</sup> and systems of care<sup>2</sup> together on behalf of substance-abusing youth in the juvenile justice system. The project is being conducted at demonstration sites within nine states—Alaska, California, Illinois, Kentucky, Michigan, New Hampshire, Ohio, Oregon, and Washington—and the tribal nation of Sicangu Lakota in the state of South Dakota.

At these sites, judges and project staff are in their fourth year of working with local leaders to re-frame the way law enforcement, courts, probation, detention facilities, treatment providers, families, schools, and the community work together. Under judicial guidance, the initiative pulls together leaders and resources in a collaborative effort to mobilize the community and to help troubled young people succeed.

Reclaiming Futures is intended as a model for this approach, enabling the national juvenile justice community to draw upon the collective knowledge of these ten varied sites.

Our present system is often ill-prepared to deal with substance-abusing youth and the problems they present. The services it delivers are often fragmented and uncoordinated. Publicly supported programs are chronically short of funding. All too frequently, substance abuse and mental health issues go hand in hand. The juvenile courts of our country have become the leading service delivery system for children and youth with substance abuse problems, not by choice, but by necessity.

Substance abuse in the young leads to crime, but it also leads to much more. Costs to society

include property damage, the consequences of drunk driving, violent behavior, and other public safety issues. Collateral effects include poor school performance, truancy, disciplinary actions, and a general erosion of the educational development of these youth, making them less employable, less productive as future employees and adult citizens. As parents of a new generation, they will pass their habits of abuse to their children, infecting them with the potential for the same disease.

Many juvenile substance abusers go without treatment. Substance abuse among our young is not only a juvenile justice issue, nor is it only a public health issue. Substance abuse and the issues associated with it strike at the underpinnings of our society.

Drawing on the collective experience of Reclaiming Futures, this paper provides information and guidance on the following points:

- The evolving nature of the judicial role in systemic and community responses to juveniles involved with drugs, alcohol, and crime
- The role of the judge as a convenor and collaborator in system change

- Adapting the principles of problem-solving courts to the creation of an integrated system of care for juveniles involved with substance abuse in the juvenile justice system.

This guide, written by the judges who are engaged in this project, is intended for use by other judges, court administrators, government entities, community leaders, and interested citizens. Its purpose is to share the knowledge and experience we have gained from the nationwide Reclaiming Futures initiative. Our goal is to encourage and motivate others to launch similar projects in their communities, and to provide a blueprint for judges and others striving to undertake this level of collaboration. This guide concludes with ten recommendations for judges who undertake similar projects.

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- 1 “Over the past decade, hundreds of experimental courts have sprung up across the country, testing new solutions to problems like addiction, domestic violence, child neglect and quality-of-life crime. These ‘problem-solving courts’ include specialized drug courts, domestic violence courts, community courts, family treatment courts, mental health courts, gun courts and others. While each of these initiatives targets a different problem, they all seek to use the authority of courts to improve outcomes for victims, communities and defendants. And, in the process, they all seek to shift the focus of courts from simply processing cases to achieving tangible results like safer streets and stronger families.” *A Problem-Solving Revolution: Making Change Happen in State Courts*. Center for Court Innovation ([www.courtinnovation.org](http://www.courtinnovation.org))
  - 2 “A system of care is child centered, family focused, and family driven. It is community based and culturally competent and responsive. A system of care provides for service coordination or case management; prevention and early identification and intervention; smooth transitions among agencies, providers, and to the adult system; a comprehensive array of services; individualized service planning, and integrated services with coordinated planning across the child serving systems.” *Family Guide to Systems of Care for Children with Mental Health Needs*. Substance Abuse and Mental Health Services Administration ([www.mentalhealth.samhsa.gov](http://www.mentalhealth.samhsa.gov))

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## SECTION TWO:

# The Need for Judicial Leadership

The Reclaiming Futures model has been built around the belief that judicial leadership is crucial to the creation of an effective system of care for juveniles with substance abuse and mental health issues who come into the justice system. Why is this?

- Judges occupy a unique position, one that allows them to speak to the growing problems associated with substance abuse in the juvenile justice system.
- Judges hold an ethical obligation to ensure the effective administration of justice. They must require that their orders are carried out and that effective treatment will be provided to the youth they find delinquent.
- Judges serve as convenors and facilitators, bringing together diverse parties and interests to forge solutions to seemingly intransigent problems.
- Judges bridge gaps between stakeholders in the juvenile justice system, enabling communities to craft true collaborations.
- Judges represent a respected and venerable institution, one by which our society holds itself accountable for its actions.
- Judges promote effective citizen involvement in the administration of justice.



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## SECTION THREE:

# The Foundation of the Problem-Solving Approach

The first juvenile court, established in Cook County (Chicago), Illinois in 1899, was built on the philosophy that children were the responsibility of all, that few youths were beyond reform, and that the young, being developmentally different from adults, should not be held to adult legal standards.

Today's problem-solving courts reach back to the rehabilitative ideal of the early juvenile courts and build upon a century-old approach.

For the first time in its history, the William H. Rehnquist Award for 2004 was awarded to a state juvenile court judge when the Honorable Leonard P. Edwards received the Rehnquist Award for Judicial Excellence from the National Center for State Courts. In his acceptance speech, Judge Edwards spoke to the special role of the juvenile court judge.

*When parenting fails, when informal community responses are inadequate, our juvenile and family courts provide the state's official intervention in the most serious cases involving children and families. We are the legal equivalent to an emergency room in the medical profession. We intervene in crises and figure out the best response on a case-by-case, individualized basis. In addition, we have to get off the bench and work in the community. We have to convene child and family serving agencies, school, and the community around the problems facing our most vulnerable and troubled children. We have to ask these agencies and the community to work together to support our efforts so that the orders we make on the bench can be fulfilled. We have to be the champions of collaboration.*

—JUDGE LEONARD P. EDWARDS, "The Role of the Juvenile Court Judge Revisited," *Juvenile and Family Court Journal*, Winter 2005

The public increasingly turns to the courts for solutions to a variety of social problems, none of which can be solved by the courts alone. Courts must act in concert with the public agencies that provide services to at-risk youth, with treatment providers, and with the community as a whole. The response must be collaborative and collective.

Recognizing the need for judicial leadership of this kind, the Conference of Chief Justices and the Conference of State Court Administrators in 2000 and 2004 passed resolutions endorsing the concepts of what came to be known as "problem-solving courts."<sup>3</sup>

The resolutions also found that the principles and methods commonly used in problem-solving courts have demonstrated great success in addressing complex social problems and have resulted in lowering recidivism in many courts. Much of this success can be attributed to the fact that these courts address the underlying causes at the root of criminal or delinquent behavior rather than addressing only the apparent symptoms of that behavior.

All elements of the juvenile justice system and community stakeholders must develop a concerted strategy to confront, take in hand, and reclaim our youth from the effects of substance abuse. Juvenile substance abuse is, first and foremost, a public health problem.

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## The Foundation of the Problem Solving Approach

It is most often a symptom, not the cause, of deep-rooted problems experienced by the youth and his or her family.

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- 3** CCJ Resolution 22 and COSCA Resolution 4, issued jointly in 2000 and 2004, says in part: “There is evidence of broad support for the principles and methods commonly used in problem-solving courts, including ongoing judicial leadership, integration of treatment services with judicial case processing, close monitoring and immediate response to behavior, multidisciplinary involvement, and collaboration with community-based and government organizations.”

CCJ and COSCA also urged court administrators to support education of judicial staff on the principles and methods of problem solving. They encouraged court systems to advocate for funding to support treatment and other necessary services.

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## SECTION FOUR:

# The Reclaiming Futures Integrated System of Care Model

Problem-solving courts are most effective when combined with integrated care systems. This combination capitalizes on the strengths and successes of both techniques.

The goal of the Reclaiming Futures approach is to restore the youth to a drug-free and crime-free life. This is only possible through partnerships among justice agencies, the treatment community, and the community as a whole.

The premise for an integrated system of care, as advocated by Reclaiming Futures, is that successful recovery is complex and occurs within a vigilant network of community and family support. It does not occur as the result of an isolated event or a series of court mandates. Reclaiming Futures recognizes recovery as something to be managed, not simply ordered.

To build a vigilant network of community and family support, Reclaiming Futures promotes new opportunities and standards of care in juvenile justice. Key elements of the Reclaiming Futures model include the following:

- Comprehensive assessment of juvenile offenders for physical, psychological, and social issues, including drug and alcohol use or abuse, emotional or mental health issues, family or school dysfunction, physical problems, and history of abuse and neglect.
- An expanded system of care that coordinates its efforts to serve juvenile offenders.
- Treatment and services that help youth and their families identify and build upon their strengths.
- A strength-based system of graduated responses that acknowledges the success of youth who successfully complete treatment.

## SECTION FIVE:

# Practical Steps to Building a Multisystemic Collaborative

The problem-solving approach requires the judge to be a leader in a team effort to bring resources and solutions to bear on a problem. The following strategies and methods have been employed in our ten project sites. They represent the collective wisdom of the participants and are offered as guides for building an effective collaborative model for systemic change.

## INVITE AND CONVENE

The role of the judge in launching this first step is a potentially powerful one. Judges are uniquely able to bring people to the table. The court provides a neutral environment in which key stakeholders can work together. As a practical matter, juvenile judges can begin this process by finding supporters from outside the judicial system who share the view that the court should convene all the players and encourage collaboration.

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*As one of the founders of the Anchorage Juvenile Justice Working Group, a community coalition representing a cross section of juvenile justice and youth-serving agencies, I had a natural interest in the development of a proposal for the Reclaiming Futures project. By capitalizing on the experience of the working group and using the ability of the court to bring people to the table, we were able to plan together to respond to the Reclaiming Futures RFP. This time, community interests with no previous history of collaborating on juvenile justice matters came together with us. United Way of Anchorage was attracted by the neutral ground court leadership provided and agreed to partner in developing the grant proposal. Because juvenile justice policy is state driven in Alaska, it was also necessary to engage policy-*

*makers on that level. Once again, the court played a pivotal role in making that happen.*

—MASTER WILLIAM HITCHCOCK, Anchorage, Alaska

## ENSURE BROAD REPRESENTATION OF ALL INTERESTS

In assembling any collaborative to improve the administration of justice, it is imperative to ensure balance in representation among law enforcement, prosecution, and defense interests. If a key player is missing or uncommitted to the project's goals, we risk project failure. The collaborative must also include a broad array of treatment agencies, youth serving agencies, family support services, and a whole host of community resources that can provide positive activities for youth in trouble.

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*There were two important steps necessary to mobilize and maintain the collaborative that became Reclaiming Futures Anchorage. The first was to hammer out a comprehensive Memorandum of Agreement (MOA) that would formalize the commitment of all key partners to the goal of creating a seamless community system of care for substance-abusing youth. The MOA detailed specific agreements on information sharing, joint planning, case management, and*

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staff support. Signatories included the commissioner of the Department of Health and Social Services; each of the youth-serving state agency directors; the court system; the Department of Law; Public Defender Agency; Office of Public Advocacy; Anchorage Police; Anchorage School District; and the key treatment provider agencies.

The second step was to create a governance structure to oversee the initiative. Membership in this executive committee includes local representatives of all the agencies listed above. Project development work is handled by a variety of sub-committees which focus on operations, communications, and project evaluation. Over the past three years we have continued to meet on a regular basis and have truly forged a coalition that can be sustained well beyond the time frame of the initiative.

—MASTER WILLIAM HITCHCOCK, Anchorage, Alaska

## IDENTIFY NEEDS

Most planning initiatives start with an honest assessment of the problem and an inventory of existing resources, needs, and gaps in service. It will be very hard to tell whether goals have been met if you don't know where you started. Keeping information current is just as important as gathering it in the first place. It is also important to maintain and routinely update a database that identifies current services, gaps in services, and unmet needs. Here, the expertise of the judge as a fact-finder and leader in the courtroom can carry over to the planning table.

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*When Reclaiming Futures started in Seattle, drug court was already part of the King County court system. However, strong data collected from youth in detention, in addition to anecdotal experience, demonstrated a population of young people with both substance abuse and mental health disorders whose needs were not being met. As a result, additional services have been created by:*

- *Assessing kids entering the juvenile justice system for mental health problems as well as substance abuse problems*
- *Assessing the resources, or lack of them, available for youth with co-occurring disorders*

- *Adding a mentoring component for youth referred to Reclaiming Futures; increased communication through weekly meetings of the Reclaiming Futures team—the judge, probation counselor, treatment program, school and other participants*
- *Instituting community-based advocacy teams to help identify people who can act as a team advocate for the youth. The advocate team helps youths determine what they need to succeed, whether it is saxophone lessons, academic tutoring, transportation to treatment, or an after-school job*
- *Developing a treatment court for youth simultaneously suffering from mental health disorders and substance abuse. This court recognizes that it must have different expectations of a substance-abusing adolescent who has mental illness than it has for a youth who is only abusing drugs.*

—JUDGE LAURA INVEEN, Seattle, Washington

## ENCOURAGE PARTICIPATION AND KEEP PARTICIPANTS INVOLVED

The judge must lead without dominating the decision-making process. The judge should help stakeholders see that, unlike in the courtroom, the role of the judge is not to provide answers and make all the decisions. They can—and must—come up with ideas and solutions themselves. Managing judicial leadership in such a way that the judge does not dominate the process can be a challenge.

Attrition occurs in the process of building a collaborative. Keeping participants involved, interested, and committed to the process is an ongoing problem and another challenge for the judge. At the planning table, the judge should ensure that all players are heard and feel comfortable voicing their ideas, issues, and concerns. From time to time, judges may need to use the subtle influence of the bench to rein in wandering participants.

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*One of our project goals was to allow substance abuse treatment to be moved to the front end of the juvenile court process, allowing it to take*

place even before adjudication. I realized this would raise due process and confidentiality issues in cases involving contested adjudications. I asked the local bar association to find some volunteers from the juvenile defense bar and asked the prosecutor to assign an assistant to what we now call the Attorney Advisory Committee. I attended the first meeting, but now attend only when invited—so they can talk about me when I'm not there. This committee has now been meeting for three years. It has addressed the original due process concerns, developed waiver forms, and sponsored a workshop on confidentiality issues. The Attorney Advisory Committee has become a major asset to our effort to improve the system.

—JUDGE MICHAEL ANDEREGG, Marquette, Michigan

#### **ACHIEVING CONSENSUS WHILE SAFEGUARDING NEUTRALITY (WALKING THE TIGHTROPE)**

Throughout the course of managing a collaborative venture, issues emerge and interests align themselves on one side or another of a question. For the judge, this can be a challenging time. It is critical that the judge not align closely with one side of an issue. The appropriate role for the judge is that of facilitator or, if necessary, mediator. Using problem-solving techniques and dispute resolution expertise, a judge can be a powerful steering mechanism to move the collaborative to a consensus and keep the initiative moving forward.

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*While our court is excited about implementing the Reclaiming Futures model that calls for community engagement, we must balance that community involvement with community safety.*

*We were faced with a difficult task when we began to screen volunteers who applied to be Natural Helpers—caring community volunteer mentors. The Natural Helpers were screened through a four-level process: (1) application, (2) interview, (3) background check, and (4) a reference check. As we screened applicants, we came across individuals who had criminal backgrounds. Judge Capizzi and I called an Executive Committee meeting to reach a consensus on how to respond to*

*this issue. During the meeting we opened the floor for dialogue and examined how other systems dealt with volunteers and employees with criminal records. Many points of view were aired, but none that seemed to satisfy our obligation to protect these vulnerable children.*

*One Natural Helper helped us to come to consensus. This individual had been incarcerated on several occasions, and the last offense had been within the last five years. Despite these facts, several members of the Executive Committee felt the individual had been rehabilitated and sincerely desired to serve youth who were both drug and crime involved. We made the decision that individuals with complicated criminal records would be reviewed on a case-by-case basis. Those receiving approval from the judge would be permitted to interact with youth in a group-supervised setting. This allowed the volunteer to serve without having direct access to children.*

—JUDGE NICK KUNTZ, Dayton, Ohio

#### **FOCUS ON PERFORMANCE, OUTCOME MEASURES, AND EVALUATION**

For an initiative to produce good outcomes, there must be a concerted effort to access and manage data. To achieve system integration, it will be necessary to share data across systems. This is an area where the support and leadership of court administration becomes essential.

Evaluation is critical. Feel-good stories, anecdotes, or wishful thinking are no substitute for impartial, unbiased data collection and interpretation. If funding is a factor, contact nearby college or university graduate programs. Doctoral candidates can conduct an evaluation of your endeavor, at little or no cost to you, for the opportunity to conduct original research.

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*The culture among the various systems in Santa Cruz, including the judiciary, encourages data and information sharing, and the California confidentiality statutes authorize it. The big challenge was how to collect and maintain good data. In order to capture juvenile justice and juvenile court statistics, the project evaluator enlisted the help of two*

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*recent University of California graduates, who had just completed an internship for the probation department. They received a modest hourly stipend and supervision from the principal investigator, and were set to work collecting and coding data. They soon discovered that to collect all of the data recommended would be excessively labor-intensive. Working independently, the researchers found a method for collecting data that provided more concise information and increased the efficiency of the data collection methods. In addition, the researchers developed a manual for this data collection process, to be used by successor intern/ research assistants.*

—COMMISSIONER STEPHEN SIEGEL, Santa Cruz, California

## **REALIZE THAT CHANGE COMES SLOWLY**

Pay attention to the small steps. Little successes tend to get ignored if you pay too much attention to the big picture. Just as success in substance abuse treatment is incremental, so is the success of your undertaking. Celebrate your successes!

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*To celebrate and to recognize mentors for their dedication and commitment to work with a youth involved in the Reclaiming Futures Project, the 4C Coalition Mentor Program convenes an annual mentor recognition event, held this year at the Casey Family Programs community facilities. Mentors, mentees, their guests, and several King County Superior Court Judges were in attendance, as well as members of the state and county juvenile justice system. They all came together for this community event to honor the volunteer mentors whose hard work, caring commitment, and support to youths in the Reclaiming Futures program make a difference by spending one-on-one-time with a youth.*

—JUDGE LAURA INVEEN, Seattle, Washington

## **EDUCATE THE JUDICIARY AND THE GENERAL PUBLIC**

Develop and maintain ongoing mechanisms for educating the judiciary and the broader community about the evolving role of the

juvenile court and the reality of the lives of court-involved youth. Volunteer to talk to local service clubs, the parent–teacher association, and other community forums.

Inform and involve other judges and administrators about the importance of multi-disciplinary collaboration and the power of problem-solving courts. Collaborate with your state judicial educator’s office to put together a presentation for your state judicial conference. Engage the media to talk about what you’re doing and how it benefits the community.

Make the state’s highest court aware of your activities. You may want to ask the chief justice to convene a conference and invite service providers and people from the legislative and executive branches to explore the possibilities for developing a statewide concerted strategy to reclaim our youth.

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*Systems can change only when the beliefs of people change. To achieve this goal we created a PowerPoint presentation and video that calls for a shared mission: to create new approaches in helping teenagers who are caught in the cycle of drugs, alcohol, and crime.*

*We began the education process in juvenile court. We gave magistrates, probation officers, and key personnel an opportunity to view the presentation and to understand the Reclaiming Futures model. We then took the presentation into the community. We met with the Coalition of Community Stakeholders, which has an interest in helping the court work with youth to overcome drugs and crime. The coalition includes community partners such as schools, treatment providers, faith leaders, the United Way, and other agencies servicing children.*

*These presentations led to meetings that helped our court establish lasting relationships with community partners. The United Way now helps to recruit Natural Helpers and creates pro-social resources for our juvenile court. The faith community is opening their doors to us, giving us the opportunity to present our vision and to request Natural Helpers from their congregations.*

—JUDGE ANTHONY CAPIZZI, Dayton, Ohio



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## **BE OPEN TO MIDCOURSE CORRECTIONS IF NEEDED**

Be prepared to change direction if necessary. Changes in the community structure, financing, political climate, and a variety of other factors may mean that you will need to get creative and innovative very fast.

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*System change is never easy. Among the challenges of the collaborative process are entrenched habits of mind and behavior. Using the inevitable conflicts as a springboard to identify key issues and seek renewed commitment to collaboration worked for New Hampshire's Belknap County site.*

*We are using our drug courts as a starting point for change. The probation officers are key to implementation of change, but they struggled to let go of a retributive justice model. Their approach was to cite kids for every transgression, including minor relapses. Too little time was devoted to strength-based and pro-social interventions. In my role as the judge, I tried to redirect the case toward a less retributive and more health-based model.*

*The officers felt they were not being supported by me. I was not sensitive enough to their concerns. We were not working as a team. Other team members from the schools, treatment providers, and the community noted the tension. They suggested a day-long retreat of all team members. At the retreat we revisited our plan. We recommitted to it. We all had a chance to express our feelings. Hurt feelings were mended. Based on our experience to date, new ideas bubbled up. Continuing consultation was agreed to. We are back on a common course.*

—JUDGE WILLARD “BUD” MARTIN, New Hampshire

## **MEET REGULARLY AS A LARGE GROUP**

In this forum you can identify and solve problems sooner, as well as identify opportunities for youth that otherwise might have been missed. Regular reporting in a large-group setting ensures that vital information gets transmitted to all parties.

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*We have organized monthly County Advisory Council meetings in each of the four counties par-*

*ticipating in Reclaiming Futures. The meetings are held during lunch time on juvenile court days so judges may attend. These meetings are open to the public and we usually have a good turnout.*

*A diverse group of people attend our county council meetings, from judicial staff, juvenile justice staff, school staff, and county citizens to youth, among others. With such varied representation we often share and discuss several ideas and many times end up incorporating them. Having regularly scheduled monthly meetings with large diverse groups helps us research different resources and ideas, as well as keeping one another informed.*

*In addition to the monthly meetings, our Reclaiming Futures staff and partnering fellows also attend a quarterly evaluation meeting. Every three months we meet and exchange ideas or information. These meetings also give us the opportunity to ask for assistance or advice on any obstacles we may come across.*

—JUDGE R.E. MCCLANAHAN II, Kentucky

## **COUNT ON YOUR COMMUNITY**

There is more support for the work you do than you think. If you ask for community support, you will likely get it. Ask for help with specific, clearly delineated tasks and keep them fairly small. Give credit for help you receive loudly, frequently, and publicly.

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*In 2000, I was frustrated with the lack of community participation in the closed juvenile delinquency court in Belknap County over which I presided. I convened 25 Belknap County citizens, secured a support staff grant, and asked the citizens to study juvenile justice in our county. Two years later, the result was a new department of county government which makes use of a citizen's council of nonproviders representing all parts of the county in planning and coordinating services for children and families, including juvenile delinquents with substance issues. The community building goes on. Citizen Council Executive Director Alan Robichaud and I became community and justice fellows for Reclaiming Futures and are*



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*presently working to replicate the process in another New Hampshire county!"*

—JUDGE WILLARD “BUD” MARTIN, New Hampshire

## LISTEN TO YOUTH

Not only do you need to speak on behalf of youth, you also need to hear from them. Seek their counsel. Ask their advice. Be ready to get some very fine ideas from them.

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*The Juvenile Advisory Council (JAC) is a unique collaboration between the Probation Department and the clients it serves or has served in the past. Working together, professional staff and young adults provide a youth viewpoint for the department to consider as it evaluates current service delivery and plans future programming. Youth representatives to the JAC contribute their thoughts and insights in an ongoing examination of the probation experience. They are equal partners and enjoy the same standing, benefits, and rights as adult staff members. The JAC is open to all young men and women who have ever been involved in the juvenile justice system. Once a month, JAC youth representatives conduct two interactive programs for court clients, providing them and parents new to the court system with an introduction to probation in a program designed to help them understand probation's rules, expectations, consequences, and services.*

*Carolyn is one of those young adults. As a teen she was on probation and in the detention center no fewer than eight times before she was committed to the Department of Corrections. After her release she learned about the JAC and became involved in its work. She was instrumental in the development and refinement of the Probation Orientation Curriculum used to help nearly a thousand kids improve their chances for success while on probation. Carolyn completed a bachelor's degree through a scholarship she received as a result of her JAC work and while working part time as a young mother. She has become a respected leader and spokesperson for the JAC, which in turn has been a springboard for Carolyn and many other young people like her.*

—JUDGE CURTIS HEASTON, Chicago, Illinois

## BECOME A STUDENT OF THE DYNAMICS AND ISSUES IN JUVENILE SUBSTANCE ABUSE

Study causes, best practices and treatment modalities, but don't try to take on the role of expert. Until very recently, the treatment field has been dominated by adult treatment programs and research on adult addicts. Too often, the same methods have been applied to youth with little or no consideration for their very different needs.

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*As a judge, it is just as important that I know what I do not know as well as what I do know. Judges are experts at judging. We must rely upon others to be experts in the many disciplines that touch on juvenile substance abuse. We must also understand that children are not “little adults.” What works for adults may not work for children. Accordingly, as we consider our experts' opinions, it is important to determine whether they have experience with and understand adolescents.*

*Finally, I would suggest to all judges that donning the black robe does not imbue us with any greater intelligence or empathy than we had prior to becoming judges. We must continue to listen and to learn.*

—JUDGE THOMAS BAMBERGER, New Hampshire

# 6

## SECTION SIX:

# A Judicial Call to Action

Because Reclaiming Futures is a work in progress, it provides the judiciary with a real-time vehicle for exploring changes to the way we handle at-risk children, seeing the implications of that change, and recommending next steps.

Reclaiming Futures approaches youth substance abuse not solely as a law enforcement issue, but as a major health issue. It promotes new opportunities and standards of care in juvenile justice by bringing communities together to improve drug and alcohol treatment, expand and coordinate services, and match youth with volunteer opportunities, jobs, and caring adults. The ten sites demonstrate how communities, under strong court leadership, can improve the futures of youth who are in trouble with the law.

The notion of the judge as a convenor on behalf of the children and families of the community is the critical lynchpin for this project. Judges have an obligation to speak to the needs of the nation's at-risk children. In ten jurisdictions across the country, judges are speaking out on behalf of children who have no voice, drawing the attention of the community to their needs, and working with the community to secure assistance for them. Out of our judicial experience with the Reclaiming Futures initiative, we offer ten recommendations for judges who undertake similar projects.

Reclaiming Futures will not end when the project ends. The lessons learned as the project proceeds and the experiences of the communities in which the project is taking place will be a valuable resource, allowing those who follow to apply what has been learned in this project to other settings.

The project will be sustained by a Reclaiming Futures curriculum and opportunities for continuing judicial education, with the goal of seeing the Reclaiming Futures model spread as judges and communities across the country take action on behalf of their most at-risk children.

The debate about the improvement of juvenile and family courts is a valuable one and will continue to generate lively conversation in judicial circles. In the ten recommendations that follow, Reclaiming Futures offers judges who are ready for change the practical guidance and basic framework they need to institute an integrated care system appropriate to their communities.

## Ten Recommendations for Judicial Action

### **RECOMMENDATION 1:**

Judges must ensure that all juveniles who come before the court are screened and, if appropriate, assessed for substance abuse and mental health problems. Those who conduct these assessments must use validated instruments with broad acceptance in both the treatment and juvenile justice fields.

### **RECOMMENDATION 2:**

Judges must ensure that such screening and assessment is delivered in a timely manner and is appropriate to the youth's age, ethnicity, gender, and cultural background.

### **RECOMMENDATION 3:**

Judges must encourage substance abuse and mental health treatment providers to work cooperatively to carry out these assessments. Eliminating duplication of effort without sacrificing the need for specific information by each discipline should be a core principle.

### **RECOMMENDATION 4:**

Judges must be educated on the current state of practice in the substance abuse field so they can measure the effectiveness of treatment for juveniles in their courts.

### **RECOMMENDATION 5:**

Judges must be aware of treatment capacity issues and support the efforts of agencies to obtain adequate resources to meet treatment delivery needs. Although court systems in most cases do not have a direct responsibility for providing treatment services, they have an interest and even an obligation to ensure that justice agencies are sufficiently funded to provide or to contract for treatment services. When that is lacking, judges have a legitimate interest in advocating for more services.<sup>4</sup>

### **RECOMMENDATION 6:**

Judges must be aware that the successful implementation of a recovery program relies on the need for prompt access to appropriate

treatment. Waiting lists and delays undermine the effectiveness of a judge's order.

### **RECOMMENDATION 7:**

Judges must be informed about and understand the foundations for the Reclaiming Futures approach, which relies upon a series of graduated responses that not only sanction, but also reward and create incentives for compliance.

### **RECOMMENDATION 8:**

Judges and other key stakeholders in this system must be aware of disincentives for success that are at the root of failure in this kind of system. Barriers can range from the simple—lack of transportation to get a youth to treatment—to the complex—lack of support by parents or adult caregivers.

### **RECOMMENDATION 9:**

Judges must help identify and/or create positive pro-social influences for youth such as relationships with adult role models, jobs, career exploration, and opportunities for volunteer, creative, and recreational activities.

### **RECOMMENDATION 10:**

Judges must be involved in the process of recognizing and rewarding successful completion of treatment.

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<sup>4</sup> Canon 3(D) (2) of the National Council of Juvenile and Family Court Judges' Proposed Revisions to the ABA Model Code of Judicial Conduct: "A judge may publicly or individually endorse project goals concerning the law, the legal system, the provision of services or the administration of justice, in principle, and actively support the need for funding of such an organization or governmental agency." Commentary to this section includes these remarks: "This Canon permits judges to endorse, consistent with other provisions of the canons, the need for funding without personally participating. The public has an interest in hearing the ideas of its judiciary within the public forum on matters considering the administration of justice. Consistent with these provisions, a judge may exercise the constitutional right of free speech and association on such matters."



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