

Resource Guide for Mental Health Professionals Working with Youth Involved in the Juvenile Justice System

MODULE 2

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Module 2

NAVIGATING THE JUVENILE JUSTICE SYSTEM

This module and its contents are intended for educational purposes.

“I will admit though, I've gotten the lucky hand every single time I've been in here. They let me out normally my first or second court date, but my second court date is coming up. Hopefully I will get released, but I'm not sure, but I'm just asking to get released on unsuccessful probation. And that means that I can't get in trouble until I'm 19 or my juvenile charges turn into adult charges.”

–Youth in Detention

The goal of this module is to provide an overview of the juvenile justice continuum and the most common ways that youth move through the system.

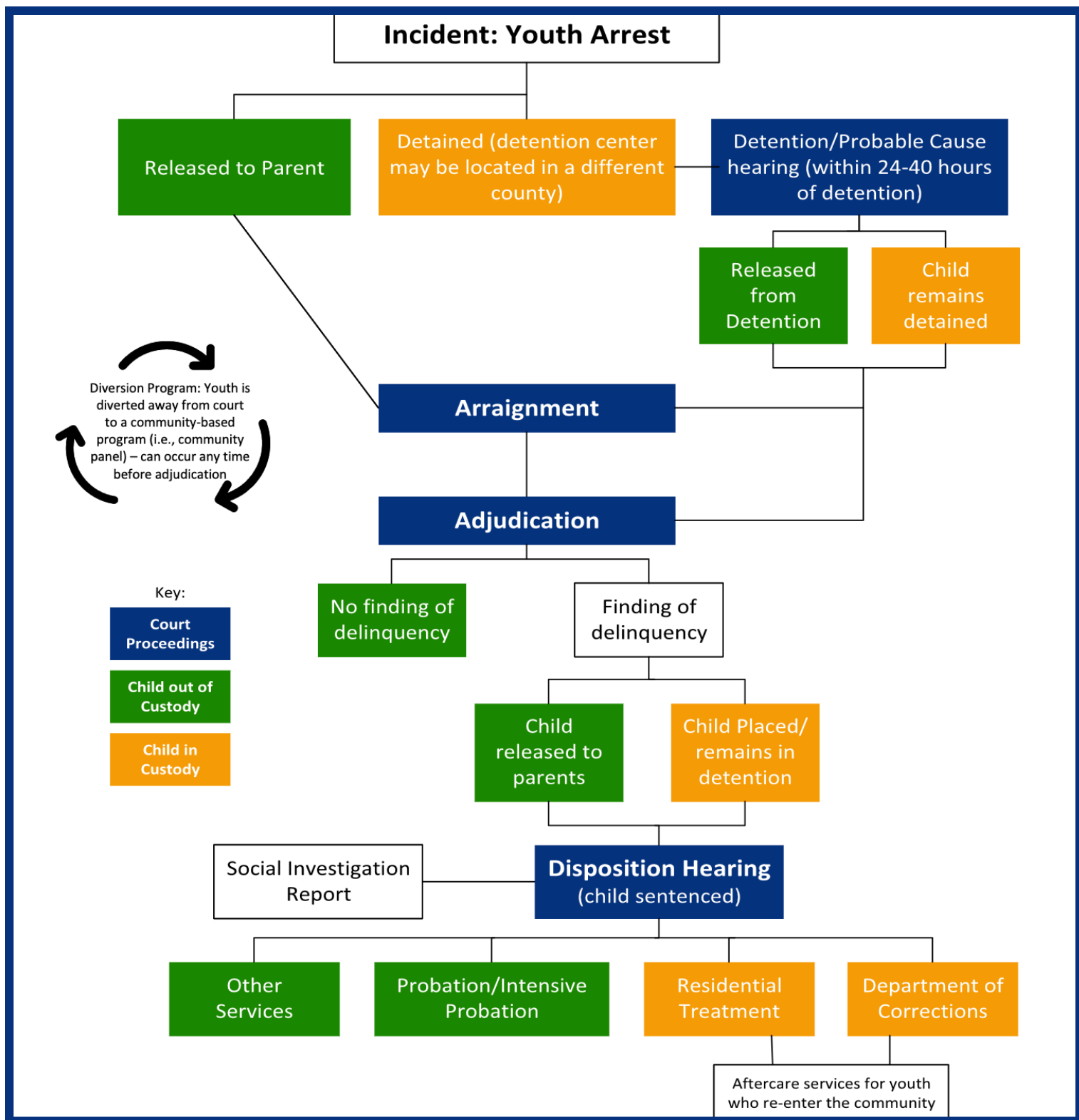
The Juvenile Justice Continuum

The juvenile justice system is a multifaceted and complex system with a variety of different entry points and settings that vary by jurisdiction. However, most youth come to the attention of the juvenile justice system when they are accused of committing a delinquent act, or an act that would be charged as a crime if committed by an adult. This typically begins with an arrest by law enforcement, which is the most common point of initial contact.



According to the Office of Juvenile Justice and Delinquency Prevention, 84% of referrals made to juvenile courts in 2020 originated with law enforcement¹. Other referral sources include victims, probation officers, schools and parents. Status offenses, which are non-criminal acts that are only violations due to a youth being a minor, may also bring adolescents to the attention of the system.

The following flow chart provides an example of the typical juvenile court process, beginning with an arrest and ending with the dispositional (i.e., sentencing) stage. **Please note that there are many “off ramps” throughout this process, and not all cases move through all stages of the system.**



Adapted from the Gault Center's [Flowchart of the Juvenile Court Process](#)².

Additional information about each stage of the juvenile court process is provided in the following pages. However, it is important to note that the structure of the system, as well as the governing policies, procedures and laws, varies widely from state to state. This guide provides an overview of the juvenile justice system with a focus on concepts that span across jurisdictions, but jurisdiction specific information can be obtained by accessing local and state resources.

Arrest

If an arrest is made, a youth may be released by law enforcement with no further action, referred to juvenile court or diverted away from the juvenile justice system to an alternative program.



If the youth's case is sent to juvenile court, an intake is conducted (often by the probation department and/or prosecutor's office) to determine whether to dismiss the case, handle the case informally outside of court or prosecute the case in court. Informal processing of a case typically involves an agreement with the youth to adhere to things such as payment of restitution to the victim, school attendance, curfews, and/or community service. If the youth complies, the case is dismissed. If not, the youth's case is typically referred for formal court prosecution.

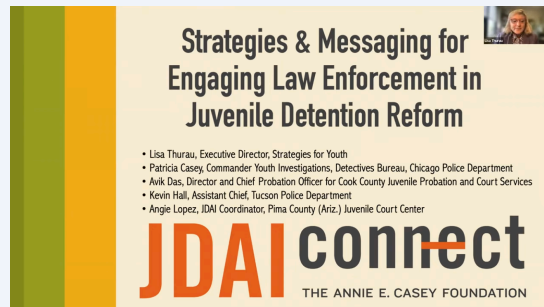
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- In 2020, the most recent publicly available arrest data, law enforcement agencies in the United States made 434,000 arrests of persons younger than 18³.
- Arrests by law enforcement primarily involve patrol officers and school resource officers (see Module 7 for more information about school resource officers).
- Law enforcement personnel have the discretion to divert youth instead of arresting them (e.g., give a warning, return to home/parents, require attendance in community or social service programs)
- Being arrested can be frightening and traumatic for any youth, especially if the arrest involves weapons or use of force. Between 2015–2020, 4,000 youth aged 17 and younger experienced the use of force by law enforcement⁴. This was found to be particularly salient for Black girls, who represented 20% of the victims of use-of-force victim (vs. White girls who represented 3%) during that time period.
- Many jurisdictions now provide additional training for law enforcement, with the goal of reducing the use of violence during youth arrests.



- Training programs developed by the Annie E. Casey Foundation provide for law enforcement personnel with new strategies for engaging youth to prevent violent encounters⁵.

RESOURCES



This [report](#)⁶ and corresponding [webinar](#)⁷ were created to help Juvenile Detention Alternatives Initiative (JDAI) sites join together more effectively with law enforcement to reduce the use of detention and increase opportunities for diversion.

Formal Court Prosecution

If a youth's case is formally prosecuted in juvenile court, the prosecutor files a petition detailing the allegations and requesting that the youth be adjudicated delinquent, which results in the youth becoming "a ward of the court." In some jurisdictions, for more serious charges, the prosecutor may also file a waiver petition requesting that the youth be "waived up" and prosecuted in adult court. In other jurisdictions, the prosecutor may directly file a criminal case against a youth in adult court.



As shown in the diagram above, formal prosecution typically begins with an arraignment (or first appearance) in front of a judge. At the arraignment, the judge makes an initial determination about whether the youth will be detained or will be allowed to remain in the community pending the case outcome. If there is a finding of guilt after a fact-finding (i.e., trial) or the youth pleads guilty, the youth is "adjudicated as a delinquent" and the case proceeds to disposition (i.e., sentencing).

Disposition



If a youth is adjudicated delinquent in a juvenile court case, the next step is for the judge to determine the outcome, or disposition, of the case. At this stage, a judge may order a psychological evaluation to assist with tailoring a dispositional plan in line with the youth's needs.

Although specific options vary by jurisdiction, common dispositional outcomes include:

Probation

A dispositional option available to the court as an alternative to commitment, in which an adjudicated youth remains in the community under certain conditions and under the supervision of a probation officer for a specified period of time⁸. While on probation, the youth may have to abide by certain requirements, such as meeting regularly with the probation officer, attending school consistently, and/or engaging with mental health treatment. If a youth is placed on probation, they must complete the entire term of probation, or the case will be referred back to court. As of 2019, probation was the most likely sanction imposed by juvenile courts, with probation being the most restrictive outcome in 65% of adjudicated cases⁹.

Placement (also known as Commitment)

This dispositional option involves placing a youth away from home for a specified period of time determined by the judge. Depending upon the jurisdiction, placement options may include post-adjudication residential facilities (i.e., juvenile prisons) as well as non-secure residential facilities (i.e., group homes). If residential placement is the disposition, then a period of aftercare will usually be ordered after release from placement.

Residential Facilities

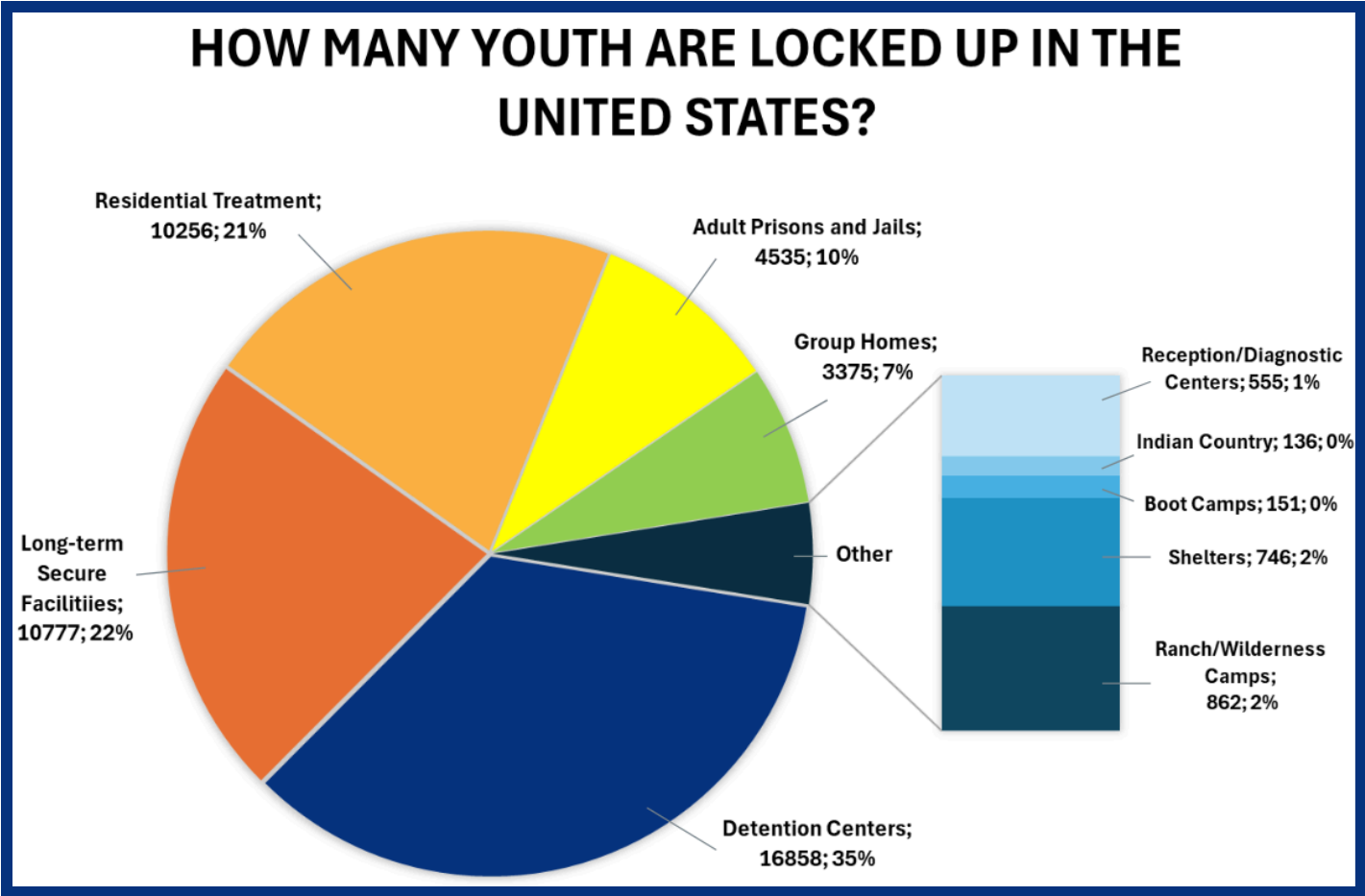
“When I wake up I just see all these bricks everywhere and I am like damn like this is not what I’m used to waking up to an it’s never going to be what I’m used to waking up to”

“One of the good things I can say here is reassurance that you know what you know what you gonna be doing in the next 2 hours. You know when your meals coming, you know when you gonna go to sleep, you know when you gonna wake up.”

–Marques, youth in detention on his experience¹⁵

Although the terminology may differ by jurisdiction, there are two main types of residential facilities available in juvenile justice cases. These types of facilities are frequently called detention facilities and correctional facilities. In both types of facilities, front line staff provide around the clock care to youth. In some jurisdictions, front line staff in detention facilities are known as corrections officers, whereas in others they are more akin to youth counselors. In general, residential facilities are required to provide educational programming, medical and mental health services to youth, as well as recreational programming. However, there is significant variability in the services provided to youth across jurisdictions and settings.

The figure below provides an estimate of the number of youth in different types of out of home placements in any given year.



Adapted from: <https://www.prisonpolicy.org/reports/youth2019.html>

Detention Facilities

Youth who are awaiting the outcome of a delinquency case may be held away from home in a juvenile detention facility. Juvenile detention facilities may be designated as secure (i.e., locked) or non-secure, which is more akin to a group home setting. A judge may order a youth to be detained in a juvenile detention facility at any point throughout the juvenile court case. In 2023, 13,285 youth in the United States were residing in pre-adjudication detention facilities¹⁰.



Correctional Facilities

Following a delinquency adjudication, youth who are sentenced to placement away from home may be placed in a juvenile correctional facility for a specified period of time. Although the options vary by jurisdiction, correctional facilities tend to be secure settings where youth reside for longer periods of time as compared to detention settings. In many jurisdictions, correctional facilities are located in more rural environments, far from the youths' home communities. Some states, such as New York, have made efforts to include placement options that are more integrated within youths' communities, thereby making it easier for families to be incorporated into treatment and dispositional planning¹¹.

Discipline and Crisis Management

In some residential settings, staff are trained to use verbal de-escalation strategies when youth become dysregulated, relying on holds and other physical restraints only when necessary. Commonly used restraint techniques include Safe Crisis Management (SCM), which emphasizes relationship building and the use of restraints and holds as a last resort¹². However, this varies greatly by jurisdiction and setting, with some settings using physical restraints and even abusive tactics more frequently than others. In more extreme cases, youth may be handcuffed, shackled, pepper sprayed or confined to restraint chairs¹³.

Solitary Confinement

Solitary confinement refers to the practice of involuntarily isolating youth in detention or correctional facilities to one area for a period of time. Although solitary confinement has been shown to be extremely detrimental to youths' mental health, this practice is still used in juvenile detention and correctional facilities across the country. It is sometimes referred to by other terms, such as room confinement or seclusion.

Reform efforts:



State reforms: Some states have taken steps to significantly reduce or ban the use of this practice.

In 2017, the Juvenile Law Center filed a federal lawsuit alleging the harmful use of solitary confinement and other harsh practices in two residential facilities in Wisconsin. As a result of the settlement in that case, the state of Wisconsin agreed to stop the use of solitary confinement and pepper spray, limit the use of mechanical restraints, and use strip searches only when necessary.¹⁴

“It’s just the way we do things everything is about security here, making sure everything is accounted for. Getting searched every day to and from school. I don’t really feel any way towards it that’s just what it is.”

“It makes me happy visualizing what I could be doing if I was home. Me having the freedom to go wherever I want to go talking to my family.”

–Marques, youth in detention on his experience¹⁵

Community Reentry

Community reentry (also known as juvenile reentry or aftercare) consists of programs and services to help youth make the transition from out-of-home placement to the community. Services may include, but are not limited to, assistance with housing, school enrollment, employment, and medical and mental health care. The extent to which a youth receives such supports depends upon the jurisdiction and placement facility from which they are being released. The overall goal of reentry programs is to reduce recidivism and prevent youth from returning to the system after their release.



“

“Having the right people, mentors who understand that you know you went in when you were young and so for myself for example, I went in when I was 17 and I was sentenced to life in prison and I did 16 ½ years and when I came home, one of the things I realized and it was mostly like through therapy that like psychologically I was still kinda like 17 years old so for me going out and coming home at 32 and trying to get my life together there were so many things I didn’t learn”

”

— Chris, formerly incarcerated individual, Founder of Second Chances¹⁶

“

“A lot of kids go home and come back multiple times and I personally talked to a few that have and some of them said because they have 3 meals a day they have [clothes] on their back and they don’t have to worry about struggling trying to figure out when the next meal is gonna be or where they’re gonna lay their head”

”

— Zhacori, formerly incarcerated youth¹⁷

RESOURCES

[Youth Returning to the Community from Juvenile Justice Facilities: A Guide for Advocates](#) is a comprehensive guide to youth reentry created by the Youth Law Center¹⁸.

This [guide](#) was developed for youth, to assist them in their reentry back to the community¹⁹.

In this video [Embracing Principles of Effective Practice for Juvenile Reentry](#), Jennifer Pealer, Senior Policy Analyst at the CSG Justice Center provides a framework for developing evidence based juvenile reentry programs and guidelines for best practices²⁰.

This video, [Juvenile Justice ReEntry Transition Tuesday Episode 65 by Ten Sigma](#), discusses ways to help students make the transition back to their home school after being in detention²¹.

Lived Experiences: This video features [Which Reentry Programs Reduce Recidivism?](#) provides an introduction to 3 juvenile re-entry programs that seek to prevent recidivism in young offenders²².

Community-Based Alternatives

In the past decade, there has been a greater emphasis on diverting youth away from the juvenile justice system and towards involvement in alternative programs in the community. This can happen at any stage in the juvenile justice process, including pre-arrest, post-arrest, pre-disposition or post-disposition.



For example, youth can be informally diverted prior to the filing of a petition in a juvenile court, which keeps them out of the system entirely. Diversion can also take place more formally after the filing of a petition but as an alternative to adjudication or incarceration. Diversion is intended to hold youth accountable while providing needed services to assist youth and their families in the community²³. This takes place without resorting to legal sanctions, court oversight or the threat of confinement.

Points of entry for youth diversion include:

- a. Prior to arrest: The first opportunity for diversion is for police officers not to make an arrest or for school officials not to involve police or initiate a court referral when confronting youth involved in minor law-breaking behavior at school.
- b. At juvenile court intake: After an arrest, juvenile court intake officers can assess and determine that the youth does not pose a threat to public safety, and it is not in the interest of the young person to refer the case for formal processing in juvenile court.
- c. At the prosecutorial level: Once youth have been referred to juvenile court-prosecutors or judges could decide that formal processing would neither make the public safer nor benefit the young person.

More detailed information about diversion can be found in Module 5.

Examples of alternatives to detention or incarceration:



Home-based options:

- Home confinement or house arrest
- Day (or evening) treatment
- Intensive Supervision Programs (ISPs)

Residential alternatives to secure confinement:

- Shelter care
- Group home
- Specialized foster care settings

RESOURCES

[Closer to Home: An Analysis of the State and Local Impact of the Texas Juvenile Justice Reforms from The Counsel of State Governments Justice Center \[CSG Justice Center\]](#)

[What Is Juvenile Diversion? – The Annie E. Casey Foundation](#)

Juvenile Justice Specific Initiatives

Organization	Initiative	Website
JLC Youth Advocacy Program	Conditions in Youth Prisons	https://jlc.org/juveniles-justice/conditions-youth-prisons
Johnson et al. (2025)	Youth Detention and Incarceration Facilities in the United States (2010 to February 2023): Mapping Closure Intents and Implementation	https://ajph.aphapublications.org/doi/full/10.2105/AJPH.H.2025.308118
Annie E. Casey Foundation	Reducing Youth Incarceration	https://www.aecf.org/work/juvenile-justice/reducing-youth-incarceration
	Juvenile Detention Alternatives Initiative (JDAI)	https://www.aecf.org/work/juvenile-justice/jdai
The Sentencing Project	System Reforms to Reduce Youth Incarceration	https://www.sentencingproject.org/reports/system-reforms-to-reduce-youth-incarceration-why-we-must-explore-every-option-before-removing-any-young-person-from-home/
National PREA Resource Center	Prison Rape Elimination Act (PREA)	<ul style="list-style-type: none"> • https://bja.ojp.gov/program/prea/overview • https://www.prearesourcecenter.org/ • 34 USC Ch. 303: PRISON RAPE ELIMINATION
Youth First Justice Collaboration	No Kids in Prison Initiative	https://www.nokidsinprison.org
Council of Juvenile Correctional Administrators (CJCA)	Medicaid Opportunities to Support Youth Leaving Incarceration Resources	https://cjja.net/resources/

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