

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

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## MODULE 7

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## Module 7

# OVERARCHING CONSIDERATIONS

This module and its contents are intended for educational purposes.

“We're still juveniles. We're developing life, and our traumas are a big thing that they don't understand. And yeah, coping mechanisms or coping mechanisms, but they don't give us the resources like we have to go out and find our own therapist. Some of our parents can't pay the \$150 every week to go see a therapist and then we get thrown in here for a probation violation because we didn't go see our therapist.”

–Youth in Detention

The goal of this module is to provide information on the various overlapping personal, social and political realities that may impact a given youth's interaction with the juvenile justice system.

**NOTE:** We recognize that there are many additional layers and realities that may impact youth beyond what is noted here. When working with youth in the juvenile justice system, we recommend asking the youth to share their perspectives on the factors that have impacted their journey.

## Individual-Level Considerations

### Girls in the Juvenile Justice System



Over the past 25 years, there has been a rise in juvenile justice involvement by girls<sup>1,2,3</sup>. While girls make up a smaller percentage of the overall juvenile justice population as compared to males, they account for 33–50% of the “crossover” population, or group of youth who have had contact with both the juvenile justice and child welfare systems<sup>4</sup>. Girls’ experiences of family violence frequently influence their pathways into the juvenile justice system<sup>5</sup>.



Girls tend to be detained or incarcerated for less serious offenses than boys, including technical probation violations and status offenses, often as a result of self-protective behavior such as running away from violence in the home. Similarly, to the extent that girls are arrested for violent crimes, their offenses disproportionately involve family members or others with whom they have relationships, often when witnesses or victims of domestic violence<sup>6</sup>. Thus, reactive aggression in defense of self or others may be a substantial problem legally and interpersonally for girls affected by trauma. Self-directed aggression (i.e., self-harm) is also more common among girls affected by trauma than boys.

Girls are at higher risk for sexual abuse in detention or incarceration settings as compared to their male peers.<sup>7</sup> Programs operating in juvenile justice facilities may not have been validated for use with girls or may not be available to girls because of the smaller population size<sup>8</sup>. More limited program options may also result in girls being sent farther away from their communities and for longer periods of time as compared to males.<sup>9</sup>



## RESOURCES

[Spotlight on Girls in the Juvenile Justice System](#)<sup>10</sup> highlights trends and characteristics of girls at various stages in the juvenile justice system.

[Trauma and Posttraumatic Stress Among Girls in the Juvenile Justice System](#)<sup>10</sup><sup>11</sup> part of trauma exposure on girls both before and during involvement in juvenile justice systems

[Making Detention Reform Work for Girls](#)<sup>12</sup> provides detailed practical guidelines for JJ facilities in which girls are detained.

## Youth of Color in the Juvenile Justice System



Youth of color are disproportionately represented across the juvenile justice continuum. For example, although Black youth represented 13.8% of the United States population in 2021<sup>13</sup>, they represented 24.2% of all petitioned juvenile justice cases and 31% of youth in detention<sup>14</sup>. Research has also demonstrated that Black and Latinx youth are more likely to be formally processed<sup>15</sup>, incarcerated<sup>16</sup>, and detained<sup>17</sup> as compared to their White counterparts.

Moreover, for these youths and their families, there are often limited community-based options available for rehabilitation and positive development<sup>18</sup>.

## RESOURCES

In her book [Rage of Innocence](#)<sup>19</sup>, Kristin Henning highlights the practices that have contributed to Black youths' perceptions of law enforcement, as well as the long-term consequences of Black youths' experiences in the system.

[Repairing the Breach](#)<sup>20</sup> presents the history of the American juvenile justice system from the point of view of children of color.

The [UN Report on Racial Disparities in Youth Commitments and Arrests](#)<sup>21</sup> presents data on the racial disparities in the juvenile justice system.

In [Race and the Juvenile Justice System](#)<sup>22</sup> Alisa Rachelle Blair discusses racial disparities in the juvenile justice system.

[Seeing RED](#)<sup>23</sup> outlines the steps taken by one state to address the systemic racial and ethnic disparities in the juvenile justice system.

## LGBTQ+ Youth in the Juvenile Justice System

Youth who identify as LGBTQ+ (lesbian, gay, bisexual, transgender or questioning) represent approximately 10% of the nation's population and 20% of youth in the juvenile justice system<sup>24</sup>. They are more likely than their peers who identify as straight to experience rejection or abuse by their families (both biological and foster), victimization at school, homelessness, and certain types of criminal charges, such as prostitution<sup>25</sup>. While youth who identify as LGBTQ+ enter the justice system for a variety of reasons, many become involved for reasons relating to their gender identities or sexual orientation, such as chronic truancy because of fear of harassment at school, running away because of harassment or abuse at home, and "survival crimes," such as sexual exploitation<sup>26,27</sup>.



Once in the system, youth who identify as LGBTQ+ are especially vulnerable to experiencing rejection, harassment, and victimization, as well as mental health problems<sup>28</sup>. Youth in placement who identify as gender non-conforming may also be placed in solitary housing with limited access to services. In addition, youth who identify as LGBTQ+ who have been victimized are at increased risk for self-harm and suicidality<sup>29</sup>.

## RESOURCES

[LGBTQ Youth in the Juvenile Justice System](#)<sup>30</sup> presents an introductory discussion about the challenges faced by LGBTQ youth in the juvenile justice system.



[Practice Guide: LGBT Youth in the Juvenile Justice System](#)<sup>31</sup> presents information about LGBTQ youth in the system and guidance on best policies and practices.

[Model Policy: Transgender, Gender Nonconforming, and Intersex Youth in Confinement Facilities](#)<sup>32</sup> provides operational practices that promote the safety, dignity, and well-being of TGNCI youth in confinement facilities.

[LGBTQ Youth Incarcerated in the Juvenile Justice System](#)<sup>33</sup> provides an overview of LGBTQ youth experience in the Juvenile Justice system.

This [document](#)<sup>34</sup> examines the treatment of LGBTQ youth in the juvenile justice system.

## System-Level Considerations

### Commercial Sexual Exploitation of Children (CSEC)

The terms commercial sexual exploitation of children (CSEC) and child sex trafficking refer to activities that involve the exploitation and/or sexual abuse of children and adolescents for monetary or non-monetary gain<sup>35</sup>. Examples include exploitation of a child for purposes of pornography, prostitution, or “survival sex” in exchange for money, housing, or other necessities<sup>36</sup>. Although many states now prohibit youth from being charged with prostitution, some states still allow this practice even though minors cannot legally consent to a commercial sexual act<sup>37</sup>.

### RESOURCES

[The Commercial Sexual Exploitation of Children: CSEC 101](#)<sup>38</sup> is a training video designed to help identify victims of CSEC and addresses many of the challenges youth face.

[Commercial Sexual Exploitation of Children](#)<sup>39</sup> is a 4-page guide described implications for policy and clinical practice of screening, assessment, and services designed to meet the needs of sexually exploited youth.

### Crossover Youth

A subset of youth in the juvenile justice system have also experienced child maltreatment and may or may not have past or present involvement with the child welfare system. This is important to keep in mind for several reasons. First, youths’ experiences of maltreatment and even placement in out of home settings, such as foster care, can have a significant impact on their mental health, including high rates of posttraumatic stress symptoms<sup>40</sup>. Second, when youth are dually-involved in both the child welfare and juvenile justice systems, they may have multiple service providers and legal advocates within each system.

Third, youth with more formal involvement in the child welfare system may have an ongoing court case associated with their child protective case, which is typically separate and distinct from any court involvement on a pending juvenile justice case. Formal child protective cases may also include judicial orders related to parental and/or sibling visitation that are important to keep in mind.



- **Crossover Youth:** A broad term that encompasses youth who have experienced child maltreatment and juvenile offending, with or without formal system involvement<sup>41</sup>.
- **Dually-Involved Youth:** Youth who have had some level of system contact with the child welfare and juvenile justice systems.
- **Dually-Adjudicated Youth:** Encompasses only those youth who are court-involved in both the child welfare and juvenile justice systems<sup>42</sup>

## RESOURCES

[How to Improve Outcomes for Youth Caught Between the Juvenile Justice and Child Welfare Systems?](#)<sup>43</sup>, provides an introduction to the crossover youth program and explains how it affects positive outcomes for youth.

[Crossover Youth Practice Model](#)<sup>44</sup> provides an introduction to the model and technical assistance for implementing the model.

**Lived Experience:** This video, [Seeing All of Me: A Multi-System Approach For Foster Care Youth Who Get Arrested](#)<sup>45</sup> presents the firsthand experiences of youth in the crossover youth practice model.

The [Trauma Focused Practice Supplement for the Crossover Youth Practice Model](#)<sup>46</sup> is “designed to improve multi-system collaboration on behalf of crossover youth and their families and inspire practice and policy changes aimed at better meeting their needs.”

[A Trauma Informed Guide for Working with Youth Involved in Multiple Systems](#)<sup>47</sup> “is to help those working with youth involved in multiple systems (YIMS) and their families to use a traumatic stress perspective and provide trauma-informed care.”

## Socioeconomic Status

Socioeconomic status (SES), which includes a family’s income level and other factors such as occupational and educational attainment, has been linked to adolescent mental health and well-being. For example, research has found that youth living in poverty are at increased risk for negative mental health and other outcomes<sup>48</sup>, including juvenile offending<sup>49</sup>. Youth from

more impoverished communities are also disproportionately represented in the juvenile justice system<sup>50</sup> and often have limited access to community-based mental health, medical, and other protective resources that could help to ameliorate these risks.



It is also important to keep in mind that there may be financial implications for families with children in the juvenile justice system, as some jurisdictions impose court fees and may even charge a daily rate for every day a youth is remanded to juvenile detention (see [Florida Cost of Care](#) for an example). Such costs disproportionately impact families in lower SES brackets who are already struggling to make ends meet.

## RESOURCES

This video [Blueprint Webinar Series–Juvenile Justice & Homelessness: The Role of Poverty in Youth Incarceration](#)<sup>51</sup> discusses youth centered practice and preventing criminalization of poverty.

This report [Dreams Deferred](#) by the Juvenile Law Center<sup>52</sup> discusses the impact of imposing fees on families with children in the juvenile justice system.

## Caregivers

“I come about twice a month, which from what I hear is a lot to be traveling you know so far, but I would like to come you know more often, but with the distance I mean you know I still have to work and things like that and the visitation is only on Sunday, you know it gets a little tough.”

–Marques Jackson’s mother, parent of youth in detention<sup>53</sup>

The term caregiver can refer to many different types of adult relationships for youth with juvenile justice involvement, including biological parents, foster parents, adoptive parents, family members and friends. Within the context of the juvenile justice system, support from a caregiver can positively impact a variety of important outcomes, including reentry success<sup>54</sup>, completion of mandated programs<sup>55,56</sup>, and improved mental health symptoms<sup>57</sup>.







However, caregivers of youth in juvenile justice settings are often left out of treatment planning and decision-making about their children<sup>58</sup> and report feeling overwhelmed, judged, and blamed at various stages of the juvenile justice process<sup>59</sup>. A survey of juvenile justice professionals further highlights the challenges that parents face when interacting with the juvenile justice system, including shame and a lack of resources<sup>60</sup>.

It is important to note that caregivers of youth in the juvenile justice system face barriers that impact their engagement, including involvement in multiple systems, transportation and child care barriers, and barriers to culturally sensitive and responsive service delivery<sup>61,62</sup>. Many are also facing enormous stressors of their own that may interfere with their bandwidth to support and meaningfully participate in the treatment and rehabilitation of their children at the level expected by the system<sup>63</sup>. These stressors may include trauma exposure, poverty, and mental health symptoms<sup>64,65,66,67</sup>).

Despite the stressors they face, caregivers report wanting to be more involved in their children's treatment within the system<sup>68</sup> and family engagement is a key component of a trauma-informed juvenile justice system<sup>69</sup>. Keeping all of the aforementioned challenges in mind, juvenile justice professionals have recommended changes to the system that would support more family involvement, including increased opportunities for caregivers to connect with each other, emphasizing families' mental health needs, shifting power to families, and extending family care beyond juvenile justice settings<sup>70</sup>.



## RESOURCES

[Family Engagement in Juvenile Justice Systems: Building a Strategy and Shifting the Culture](#)<sup>71</sup> and its corresponding [webinar](#)<sup>72</sup> provides a new framework for family engagement and guidance for implementing new practices and policies.

This [video](#)<sup>73</sup> provides family perspectives as well as answers to some common questions about the system. This is a great resource to provide to caregivers of youth with juvenile justice involvement.

This [CTRJJ webpage](#) provides resources specifically geared toward caregivers.

Listen to this [CTRJJ Roadmap for Change](#) podcast episode to hear more about supporting caregivers and siblings of youth in the juvenile justice system.

# Juvenile Justice Specific Initiatives and Other Resources

Organization	Initiative	Website/Contact
Center for Youth Justice (CYJ)	Reform Youth in Custody Practice Model	<a href="https://cyj.georgetown.edu/our-work/youth-in-custody-practice-model/">https://cyj.georgetown.edu/our-work/youth-in-custody-practice-model/</a>
	Supporting System-involved LGBTQ Youth Certificate	<a href="https://cyj.georgetown.edu/certificate-programs/supporting-lgbtq-youth/">https://cyj.georgetown.edu/certificate-programs/supporting-lgbtq-youth/</a>
	Reducing Racial and Ethnic Disparities Certificate	<a href="https://cyj.georgetown.edu/certificate-programs/advancing-racial-justice-and-equity/">https://cyj.georgetown.edu/certificate-programs/advancing-racial-justice-and-equity/</a>
National Center for Youth Law (NCYL)	Collaborative Responses to Commercial Sexual Exploitation Initiative	<a href="https://youthlaw.org/focus-areas/commercial-sexual-exploitation">https://youthlaw.org/focus-areas/commercial-sexual-exploitation</a>
	Defending Reproductive and Sexual Health Access for Youth in Foster Care Initiative, Information about Laws Impacting Adolescent Health Care Access	<a href="http://teenhealthlaw.org">http://teenhealthlaw.org</a>
	Protecting the Due Process Rights of Children in Federal Immigration Custody Initiative	<a href="https://youthlaw.org/initiatives/uphold-and-expand-rights-detained-immigrant-youth">https://youthlaw.org/initiatives/uphold-and-expand-rights-detained-immigrant-youth</a>
NCYL and the Center for Trauma Recovery and Juvenile Justice (CTRJJ)	Primer for Juvenile Court Judges: A Trauma-Informed Approach to Judicial Decision-making for Newcomer Immigrant Youth in Juvenile Justice Proceedings	<a href="https://www.nctsn.org/resources/primer-juvenile-court-judges-trauma-informed-approach-judicial-decision-making-newcomer">https://www.nctsn.org/resources/primer-juvenile-court-judges-trauma-informed-approach-judicial-decision-making-newcomer</a>

NCYL and the Center for Trauma Recovery and Juvenile Justice (CTRJJ)	Guidance for Mental Health Professionals Serving Unaccompanied Children Released from Government Custody	<a href="https://youthlaw.org/sites/default/files/attachments/2022-03/2021_Guidance-for-Mental-Health-Professionals-Serving-Unaccompanied-Children-Released-from-Government-Custody.pdf">https://youthlaw.org/sites/default/files/attachments/2022-03/2021_Guidance-for-Mental-Health-Professionals-Serving-Unaccompanied-Children-Released-from-Government-Custody.pdf</a>
National Child Traumatic Stress Network (NCTSN)	Resource Guide for Working with Youth Involved in Multiple Systems	<a href="https://www.nctsn.org">https://www.nctsn.org</a>
Juvenile Law Center (JLC)	National Extended Foster Care Review	<ul style="list-style-type: none"> <li>• <a href="https://jlc.org/resources/national-extended-foster-care-review-50-state-survey-law-and-policy">https://jlc.org/resources/national-extended-foster-care-review-50-state-survey-law-and-policy</a></li> <li>• <a href="https://jlc.org/foster-care#paragraph-863">https://jlc.org/foster-care#paragraph-863</a></li> </ul>
JLC Youth Advocacy Program	Aging Out of Foster Care	<a href="https://jlc.org/youth-fostering-change/aging-out-foster-care">https://jlc.org/youth-fostering-change/aging-out-foster-care</a>
	Engaging Older Youth in Permanency Planning	<a href="https://jlc.org/youth-fostering-change/engaging-older-youth-permanency-planning">https://jlc.org/youth-fostering-change/engaging-older-youth-permanency-planning</a>
	Juvenile Justice Fines & Fees	<a href="https://jlc.org/ATYS">https://jlc.org/ATYS</a>
Vera Institute of Justice (VIJ)	Initiative to End Girls' Incarceration	<a href="https://www.vera.org/projects/the-initiative-to-end-girls-incarceration/learn-more">https://www.vera.org/projects/the-initiative-to-end-girls-incarceration/learn-more</a>
	Girls Matter Project	<a href="https://www.vera.org/girls-matter">https://www.vera.org/girls-matter</a>
Justice Policy Institute (JPI)	Crimmigration Initiative	<a href="https://justicepolicy.org/research/reports-2017-the-cost-of-crimmigration-exploring-the-intersection-between-criminal-justice-and-immigration/">https://justicepolicy.org/research/reports-2017-the-cost-of-crimmigration-exploring-the-intersection-between-criminal-justice-and-immigration/</a>



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