

How Courts Can Best Support Post-Dispositional Success for Challenging Delinquency Cases

Judges play a key role in improving public safety not only through their adjudication, detention, and dispositional decisions but also by making research-based decisions about youth delinquency cases post-disposition. Sometimes, judges feel as though nothing is working, or that they have no good choices available to them when youth are not participating in services and not complying with probation conditions. When this happens, how should judges respond? How can the court help keep youth on track? This bench card provides research-based guidance on how courts can appropriately measure and support youth's progress post-disposition and hold youth, families, and public systems accountable for results.

- **Assessing Case Progress**
- **Strengthening Supervision and Services**
- **Holding Youth Accountable**

Assessing Case Progress

DO

- ✓ Focus more on service engagement and progress toward treatment **goals tied to youth's individualized risk factors** than on compliance with conditions.
- ✓ **Expect initial progress to be slow**, especially for high-risk youth.
- ✓ **Ask for input** from multiple sources including the youth themselves, probation officers, caregivers, and other peer or community supports.
- ✓ Ask probation officers to **reassess case plans and the service approach** before sanctions are imposed.
- ✓ Encourage the use of **mental health screening tools** and ensure youth's mental health has been assessed and is not a barrier to treatment engagement.
- ✓ **Convene multidisciplinary team meetings** and/or use specialized care coordinators to assess case plans and services for youth involved in multiple systems (and their families).

DON'T

- ✗ Don't assess youth's case progress or condition compliance against a single standard or treat all youth the same; each youth has different strengths and risks.
- ✗ Don't expect progress to be linear; it's developmentally appropriate for youth to make mistakes and test boundaries.
- ✗ Don't overwhelm youth, families, or probation officers with too many review hearings or required reports.
- ✗ Don't focus only on risk/deficit reduction and ignore or discount youth (and family/community) strengths.

Strengthening Supervision and Services

DO

- ✓ Ensure case plans are **tailored to youth's individualized risks and needs**.
- ✓ Ensure youth (and their families) are **engaged** in services and identify any logistical, safety, cultural, financial, or other barriers to their participation.
- ✓ **Reduce barriers** to service engagement such as through transportation assistance.
- ✓ Ensure that services and supports **account for any special treatment needs** (e.g., mental health); educational supports; and youth, community, and family strengths.
- ✓ Support the use of **credible messengers, violence interrupters, family navigators, and other peer supports** to help with service navigation and engagement.
- ✓ Hold youth and family team meetings to **revisit and adjust** case plans and conditions.
- ✓ **Request data** on services, including use and outcomes, to ensure youth aren't referred to ineffective providers or services.
- ✓ **Limit overall time on supervision** to 6–12 months unless public safety is at continued risk

DON'T

- ✗ Don't default to standardized probation conditions or services that don't address youth's individualized risk factors.
- ✗ Don't require services that aren't directly connected to youth's priority risk factors or behavioral health needs or assume that more services are better than the right services.
- ✗ Don't focus on increasing supervision and surveillance-based responses to address the underlying needs driving youth's behavior.
- ✗ Don't assume youth's case challenges stem solely from the youth or their family rather than from issues with supervision or services.
- ✗ Don't extend probation beyond 12 months in most cases just to ensure youth keep receiving services

Holding Youth Accountable

DO

- ✓ Impose the **minimum level of intervention** necessary to protect public safety and promote youth's behavior change.
- ✓ Use **restorative practices** such as victim mediation to repair harm caused to victims or communities.
- ✓ **Implement incentives** and timely, developmentally appropriate, graduated responses tailored to youth's risk level and the severity or frequency of their noncompliance.
- ✓ Increase the **intensity and specificity** of services and interventions to hold youth accountable for addressing and changing their behaviors.

- ✓ **Tie case closure to progress** toward treatment goals.
- ✓ Consider the possibility of **early discharge from probation** as an incentive for meeting case plan goals.
- ✓ Consider whether restitution is restorative or punitive, and if you must consider restitution, take into account the child's ability to pay and any non-financial alternatives.
- ✓ If transfer to adult court is necessary to consider, ensure that **decision is made by a juvenile court judge**.

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Holding Youth Accountable *(continued)*

DON'T

- ✗ Don't impose long sentences, indefinite time on probation, or deferred detention or incarceration.
- ✗ Don't increase time on probation unless tied to specific treatment goals, risk reduction, or services.
- ✗ Don't impose technical violations or revocations unless public safety is at risk.
- ✗ Don't use detention as a sanction.
- ✗ Don't impose fines and fees to try to change behavior or improve victim satisfaction.
- ✗ Don't implement inflexible, time-bound probation durations.
- ✗ Don't use extreme restitution orders that are unrealistic for a child to pay and that can keep cases open for years despite all other case plan goals being accomplished.
- ✗ Don't incarcerate youth unless necessary for public safety and don't extend the length of placement purely for behavior reasons.



Additional Information and Support

For additional information, research sources, and training support, see this research summary and contact **Christina Gilbert** (cgilbert@csj.org) at **The Council of State Governments Justice Center** and **Hunter Hurst** (hhurst@ncjfcj.org) at the **National Council of Juvenile and Family Court Judges**.

This bench card is supported by State Justice Institute Award #24P034. Opinions are those of the authors and do not necessarily represent the funder's views.