

Altering the Path to Delinquent Behaviors: A Guide for GALs

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Why Are We Talking About Delinquency?

- **Systemic Racism**
- **Criminal Justice Reform**
- **Crime Trends In Our Communities**
- **Better Understand How Some of the Children We Serve Ended Up in “The System”**
- **Better Understand How to Help the Children We Serve Avoid Dual System Involvement**

Agenda

Welcome & Agenda

Why Are We Talking About Delinquency?

Objectives

What is Delinquency?

Statistics & Information

Protective Factors

Risk Factors

Juvenile Detention Alternatives Initiative (“JDAI”)

Youth Education & Intervention Services

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Objectives

- **Identify at least three risk factors that tend to lead to future delinquent behavior.**
- **Identify specific services available to the GAL to help children avoid future delinquent behavior.**

What is Delinquency?

DELINQUENT ACT – An offense committed by a juvenile that would be classified as a crime if committed by an adult.

ADJUDICATION [OF DELINQUENCY] – Analogous to an adult “conviction,” it is a formal finding by the juvenile court, after an adjudicatory hearing or the entering of a guilty plea/admission, that the juvenile has committed the act for which he or she is charged.

What is Delinquency?

STATUS OFFENSE – An offense that would not be a crime if it were committed by an adult. Examples of these non-criminal offenses that are only applicable to children include: truancy, curfew violations, running away from home, incorrigibility, and ungovernability.

What is Delinquency?

COMPETENCE TO STAND TRIAL – Competence, or fitness, to stand trial requires that the client have both “sufficient present ability to consult with his lawyer with a reasonable degree of rational understanding” and a “rational as well as factual understanding of the proceedings against him.”[2] Counsel must be able to recognize when a juvenile client’s ability to participate in his or her own defense or to understand the nature and purpose of proceedings may be compromised due to developmental immaturity, mental health disorders, or disabilities.

What is Delinquency?

YOUTHFUL OFFENDER – In 2002, the Ohio legislature enacted the serious youthful offender or "SYO" sentencing law. Under the SYO sentencing law, juvenile offenders who are designated serious youthful offenders are not bound over to adult court. Rather, juvenile offenders designated serious youthful offenders are subject to blended sentences where both a juvenile disposition and an adult sentence are imposed.

To be designated as an SYO, one or more of the following factors must apply:

- **The juvenile offender must be 10 years old or older;**
- **The act charged against the juvenile offender is an offense of violence;**
- **The juvenile offender used, displayed or brandished a firearm during the commission of the act charged;**
- **The juvenile offender was previously committed to a Department of Youth Service's facility.**

Ohio Revised Code §2152.10

- (A) A child who is alleged to be a delinquent child is eligible for mandatory transfer and shall be transferred as provided in section [2152.12](#) of the Revised Code in any of the following circumstances:
- (1) The child is charged with a category one offense and either of the following apply:
 - (a) The child was sixteen years of age or older at the time of the act charged.
 - (b) The child was fourteen or fifteen years of age at the time of the act charged and previously was adjudicated a delinquent child for committing an act that is a category one or category two offense and was committed to the legal custody of the department of youth services upon the basis of that adjudication.
- (2) The child is charged with a category two offense, other than a violation of section [2905.01](#) of the Revised Code, the child was sixteen years of age or older at the time of the commission of the act charged, and either or both of the following apply:
 - (a) The child previously was adjudicated a delinquent child for committing an act that is a category one or a category two offense and was committed to the legal custody of the department of youth services on the basis of that adjudication.
 - (b) The child is alleged to have had a firearm on or about the child's person or under the child's control while committing the act charged and to have displayed the firearm, brandished the firearm, indicated possession of the firearm, or used the firearm to facilitate the commission of the act charged.
- (3) Division (A)(2) of section [2152.12](#) of the Revised Code applies.
 - (B) Unless the child is subject to mandatory transfer, if a child is fourteen years of age or older at the time of the act charged and if the child is charged with an act that would be a felony if committed by an adult, the child is eligible for discretionary transfer to the appropriate court for criminal prosecution. In determining whether to transfer the child for criminal prosecution, the juvenile court shall follow the procedures in section [2152.12](#) of the Revised Code. If the court does not transfer the child and if the court adjudicates the child to be a delinquent child for the act charged, the court shall issue an order of disposition in accordance with section [2152.11](#) of the Revised Code.

Ohio Bindover Factsheet FY 2015

- **Children's Law Center, Inc.**
 - **In FY15 87% of the youth boundover in Ohio were black.**
 - **Cuyahoga County Largest Number of Children boundover in FY15**

Travis Hirschi: Causes of Delinquency

- **1969 Book**
- **Focuses on Understanding the Cause of Delinquency**
- **Four Factors**
 - **Attachment**
 - **Commitment**
 - **Involvement**
 - **Belief**

“The lack of relationships and attachments is a significant cause of juvenile delinquency.”

Travis Hirschi: Causes of Delinquency

- **Over 70% of California State Inmates Spent Time in Foster Care.**
- **75% of Connecticut's Children in the Juvenile Justice System Were Once in Foster Care.**
- **80% of Prisoners in Illinois Spent Time in Foster Care.**
- **44% of Children Placed in Foster Care Are Arrested at Least Once, compared to 14% of Children Who Stayed with Their Biological Families.**
- **Two Critical Factors: School & Placement Stability**

Consider Kinship Placements.

Foster Care to Prison Pipeline

- **According to the Juvenile Law Center, May 26, 2018**
 - **90% of Children with 5 or more Foster Placements will enter the Justice System.**
 - **Children placed in Group Homes are 2.5 times more likely to get involved in the Justice System.**
 - **Particularly Affects Children of Color, Children who identify as LGBTQ and Children with Mental Illness.**

Consider the difference between how a family would handle a child's behavior and how a foster home or group home would handle the same behavior.

Foster Care & Justice System Involved Children

- **Schubert Center for Child Studies, November 2015**
 - **“Youth who first encounter child welfare systems later in childhood/adolescence are more likely to become involved with the juvenile justice system.”**
 - **30% of children placed in foster care for the first time after age 9 had a juvenile delinquency filing.**
 - **Children with Dual System Involvement in New York Used \$65,424.**
 - **Children Involved with Only Foster Care Used \$46,670.**
 - **Children Involved with Only the Justice System Used \$47,854**

Notes:

1. **“Keeping Children Out of the Juvenile Justice and Foster Care Systems when feasible is key to Successful Adult Outcomes.”**
2. **“For Children who are in Foster Care, Programs that Encourage Permanent Placements and Adoption Rather than Aging Out of the System are Important to Long Term Success.”**

**Striking Back in Anger:
Delinquency & Crime in Foster Children**

**“Delay and Multiple Moves May Well
Amplify the Initial Anger”**

Protective Factors

- **Continuity**
 - Placement, Schools, Case Workers, Therapists etc.
- **Connectedness**
 - Foster Parents, Mentors, Teachers, GAL, Siblings

Risk Factors

- **Multiple Placements/Threat of Abandonment**
- **Neighborhood Characteristics**
- **Poverty**
- **Deviant Peer Associations**
- **Ineffective Parenting**
- **Removal from Parents**
- **Psychiatric Diagnoses**
- **Cognitive Challenges/Academic Challenges**

Juvenile Detention Alternatives Initiative

Eight Core Strategies

- **Collaboration.**
- **Use of accurate data.**
- **Objective detention admissions.**
- **Alternatives to detention.**
- **Case processing reforms.**
- **Reducing the use of unnecessary confinements.**
- **Deliberate commitment to reducing racial disparity.**
- **Improving conditions of confinement.**

Youth Education & Intervention Services

- **Research-informed and evidence-based programs**
- **Designed to address unruly/delinquent behavior through Court managed and contracted programming which include:**
 - **The Diversion Program**
 - **Unruly/Incorrigible Youth Services Program**
 - **Forum Misdemeanor Diversion Program**
 - **Restorative Justice Circles Program**
 - **Teen Court Program**
 - **Misdemeanor Services**
 - **Truancy Diversion Program and Truancy Intervention & Prevention Program.**

Resources

Juvenile Law Center

<https://jlc.org/>

Ohio Department of Education, Special Education

<http://education.ohio.gov/Topics/Special-Education>

Ohio Department of Youth Services

<https://www.dys.ohio.gov/>

US Department of Justice, Office of Juvenile Justice & Delinquency Prevention

<https://www.ojjdp.gov/>

Nationwide Children's Hospital, Big Lots Behavioral Health Services

<https://www.nationwidechildrens.org/specialties/behavioral-health>



Resources

Burning Down the House: The End of Juvenile Prison
by [Nell Bernstein](#)

**The War on Kids: How American Juvenile Justice Lost
Its Way**
by [Cara H. Drinan](#)

**The Evolution of the Juvenile Court: Race, Politics, and
the Criminalizing of Juvenile Justice**
by [Barry C. Feld](#)

Questions & Comments

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