

Senior Public Policy Capstone Draft 3

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Question

How does childhood involvement in the Juvenile Court system as a party to an adult case affect likelihood of future juvenile delinquency?

Introduction

The Juvenile Court system encompasses two broad categories of cases: first, juvenile delinquency cases and second, parental cases that involve juveniles but are brought about in no part by the actions of the juveniles themselves. Parental cases involve both Adult (child support, custody, and parentage cases, etc.) and Neglect and Dependency (educational neglect, abuse, etc.) cases in which unmarried parents are brought before the Court upon a petition filed by the State or by a private party. While these cases occur through no voluntary action by a juvenile, a child who is the subject of the case is considered to be a party to any Court action and are listed as such in the court's record system, even if they never appear in court. This is because these cases directly impact the juvenile's home life and familial stability, which contribute to a child's ability to develop and succeed. The juveniles are often appointed a Guardian Ad Litem, which is an attorney appointed to represent the best interests of the juvenile, and may be asked to testify in Court or participate in other related proceedings, such as forensic interviews, as appropriate as determined by the age of the juvenile.

Juvenile delinquency cases are those brought about when a juvenile is arrested or a private warrant is filed against a juvenile. Generally, the court can either dispose of these cases entirely, send them through informal diversion tracts, or file a formal petition charging a juvenile with an offense. In both of the latter two cases, Juvenile Courts have direct contact with the juveniles, and can decide to put in place services, such as mentoring, tutoring, and mental health counseling, as an attempt to address the causes of the juvenile's behavior so that the juvenile is less likely to commit the same offenses again.

In Nashville, Tennessee, Juvenile Court magistrates and others involved with the proceedings have observed a correlation between those involved as party to Adult cases and those who appear years later in the same court due to juvenile delinquency cases. This study tests this observed correlation across three types of early involvement. While Adult court involvement in these three subcategories of Adult cases within the Juvenile Court system is both an effect of underlying instability and familial issues and can itself contribute to developmental and behavioral problems for the juvenile further on in the child's life. However, since these same factors may cause both the primary and secondary juvenile court involvement, this paper is not primarily an exploration of the root causes of juvenile court contact in either case. Rather, this paper seeks to inform policy debates about early intervention in juveniles by 1) establishing the correlation between adult and juvenile court contact, which has not been formally done, and 2) establishing which subset of adult cases is more likely to benefit from early intervention. As the Juvenile Court's main goal is to reduce delinquency and recidivism, particularly

among at-risk youth, one way in which it can strive to do this is to intervene with batteries of services and programs at many different stages in the course of a juvenile's life and progression through the court system.

Thus, I decided to study the impact of a juvenile's involvement in an adult court case on future juvenile delinquency to help elucidate the exact relationship between these two variables and the likely mechanisms by which this progression occurs. I chose this question for two major reasons. First, because the idea that children are often seen by the court system as parties to adult cases only to return several years later on delinquency charges is an oft-cited parable among Juvenile Court personnel, but has not been studied deeply through numerical data analysis. And second, because the results have the potential to be very significant in influencing juvenile court policy and helping individuals who work within the juvenile justice system to better understand the needs of the juvenile court population.

Juvenile Court judges and magistrates here in Nashville and across the nation are tasked with trying to figure out how to best distribute scarce resources to make a large impact in reducing juvenile crime and recidivism among juvenile offenders. I believe that data of this type may help the Juvenile Court to figure out whether the young children that first enter the court system as a party to an adult case are at increased risk of reentering the system in the future, and if so, how the Court can use its resources to address this problem in an attempt to reduce this likelihood for subsequent generations of juveniles. Broadly speaking, I am hoping that my research will spark discussion among Juvenile Court leaders to bring attention to a

population that is often overlooked within the Juvenile Court system, those children who are a party to a court case in which they have no personal responsibility. I also hope to contribute hard data and an accompanying analysis to depict the magnitude of this relationship, if it exists. I also hope to further delineate this correlation according to the three subtypes of adult case involvement: custody, child support, and neglect/dependency, which will help identify differences in behavior among the groups and isolate the areas in which early intervention is likely to be the most helpful. Moreover, I am hoping to address the implications of my research findings within the conclusion, as well as to present some possible strategies for addressing this problem, based on my experience as a Juvenile Court intern and my discussions with Juvenile Court staff and community leaders.

Using data from Davidson County's Juvenile Court records from between January 2003 and October 2017, I find a statistically significant difference between the likelihood of any juvenile being brought up on delinquency charges and the likelihood that a child who has previously been a party to an adult case within the Juvenile Court system will be brought up on delinquency charges. Furthermore, I find a statistically significant difference between rates of delinquency for juveniles who were parties to child support or custody cases and those who were parties to neglect or dependency cases, with the latter category representing a greater likelihood.

Literature Review

While few studies have researched any direct link between childhood court involvement and future juvenile delinquency, many researchers have spent

considerable effort explaining familial correlates that likely underlie both of these effects (Shields, Glenn, and Clark 1995). Rejection of children by one or both parents, marital disharmony between parents, and low levels of family cohesion are strong predictors of future juvenile delinquency, and are also likely to be indicative of problems that can lead to adult involvement within the juvenile court system (Shields, Glenn, and Clark 1995). Further, exposure to unsafe environments and maltreatment has a markedly positive propensity to lead to future juvenile delinquency, and also often leads to child involvement in a dependency and neglect case (Mersky, Topitzes, and Reynolds 2012). While these factors have a direct and clearly delineated effect on court involvement at multiple stages, there are also many indirect social factors and patterns that likely underlie increased court involvement.

Specifically, low socioeconomic status and residential instability are both significant predictors of poor behavioral and educational outcomes, including juvenile delinquency (Leventhal & Brooks-Gunn 2000). These factors function both on the individual level and also pertain to collective groups such as families, communities, and schools, where they can impact large numbers of juveniles (Leventhal & Brooks-Gunn 2000). These factors are indicative of larger trends and likely have a complicated effect on parental court engagement, as they cause court involvement in some cases and can be caused by court involvement or criminal history in other circumstances (Shields, Glenn, and Clark 1995). Thus, a general lack of institutional and familial resources is likely to increase an individual juvenile's likelihood of becoming a party to an adult case early in life and also to be charged

with a juvenile delinquency offense in the future. These factors strongly indicate that there is likely to be a positive correlation between juveniles who are involved in adult court cases as young children and juveniles who engage in delinquent behavior, but are nonspecific to predicting which types of cases are likely to lead to the highest likelihoods of exhibiting future delinquent behavior. These factors can be present at varying levels in any of the three subcategories of cases that juveniles can be party to within the Juvenile Court system.

Because of this qualification, another factor that is critical to describing the likely differences in rates of juvenile delinquency between the children who were parties to each of the three subcategories of cases is the presence of trauma and the impact that traumatic life experiences can have on a juvenile's development and future behavior. Trauma, as discussed in this context, can be reasonably defined utilizing Herman's description, as follows, "Traumatic events... overwhelm the ordinary human adaptations to life. Unlike commonplace misfortunes, traumatic events generally involve threats to life or bodily integrity, or a close personal encounter with violence and death. They confront human beings with the extremities of helplessness and terror, and evoke the responses of catastrophe" (Herman 1992).

The impact of trauma on juvenile delinquency is well established (Buckingham 2016). In one recent study conducted at a Juvenile Detention Center in an urban center, it was determined that over 93% of the incarcerated juveniles within the center had experienced at least one traumatic experience within the previous year alone (Buckingham 2016). Buckingham writes, "The stakes are high:

untreated trauma can turn people into ticking time bombs bound to respond to triggers and misinterpret events, sometimes responding violently, even to mundane events in their daily lives” (Buckingham 2016, 1). Trauma can impact individuals in different ways and individuals can have different definition for what classifies as a traumatic event. This indicates that children who are parties to any type of case or even children who have not been a party to a case could have experienced traumatic events (Buckingham 2016). However, children who are parties to neglect and dependency cases almost certainly experienced events that classify as traumatic under the Herman (1992) definition. Thus, it is likely that these individuals will exhibit greater rates of juvenile delinquency than those who were parties to custody or child support cases, because, while it is possible that those children experienced similarly traumatic events, a larger proportion of the neglect and dependency children definitely did.

Studies have shown that there are multiple paths to juvenile delinquency, with an amalgamation of several different risk factors of varying severities being the most likely cause (Leventhal & Brooks-Gunn 2000). Yet there are undoubtedly thousands of juveniles who pick up delinquent charges who had few or no risk factors present (Shader 2001). This indicates that the establishment of correlational and contributory factors is a significant, but partial, indicator of the causes of delinquent involvement, and cannot be identified and utilized to prevent delinquency in all cases (Shader 2001).

The literature also suggests that there are several potential intervention methods that have been proven to be increasingly successful at mitigating risk

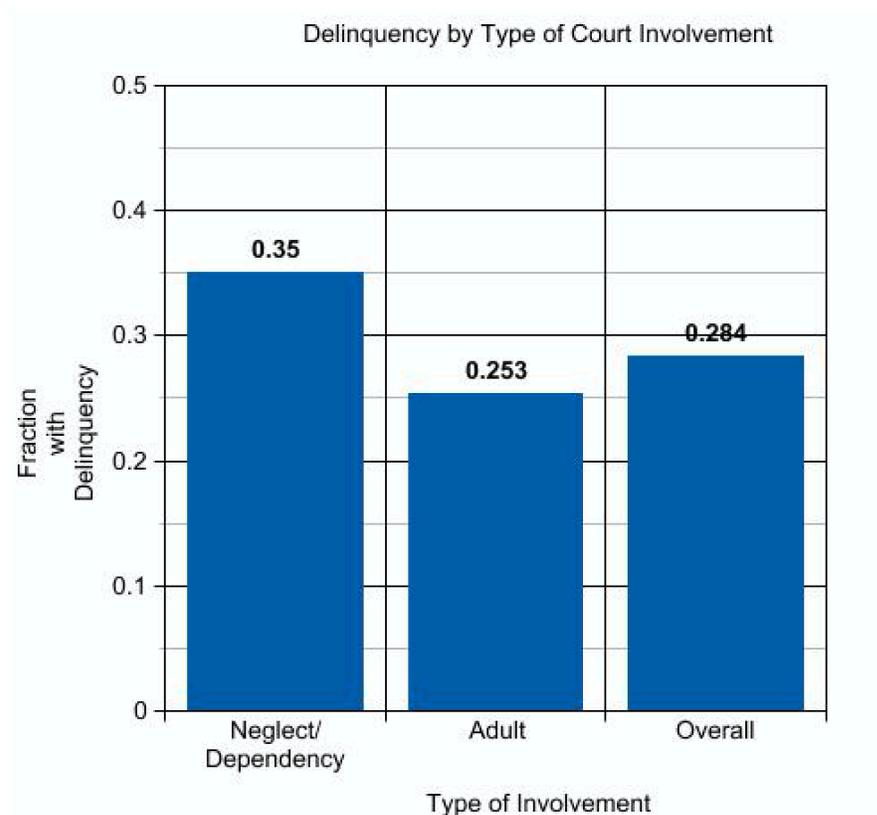
factors and preventing juveniles from engaging in delinquent behavior (Farrington 1994). At the community level, increased participation in extracurricular activities and forming positive relationships with responsible adults through school, mentoring program, and athletic programs can mitigate risk factors arising from limited parental involvement and instability in the home environment (Farrington 1994). In addition, stability, consistency, and accountability, which can be implemented in after-school and extracurricular programs can help juveniles to learn to take responsibility for their behavior, which can help prevent delinquent behavior and reduce recidivism among previous offenders (Brodzinsky 1993). Analyzing the ways in which children with substantial risk factors can be identified and provided with programming and services to counteract risk factors, ideally before delinquent behavior exists, can be used as a model for potential early intervention with vulnerable populations, such as children who are involved in adult court cases.

Data and Methods

For this analysis, I use an original data set pulled from records kept by the Juvenile Court of Davidson County. I was granted special permission to use and publish the data without any identifying information in compliance with the Court's confidentiality policy. The data is a set of records from January 2003 to the present. It is a list of all of the juveniles who were a party to an adult case in the year 2003, and has demographic information, juvenile charges, and informal adjustments listed for each child that occurred between their time of initial contact in 2003 to the date that the juvenile turned 18, if that has already occurred.

I conducted my analysis using Excel and JMP, software packages used to analyze and visually depict results, to compare the juveniles across the two categories of paternal cases (Adult and Neglect/Dependency), and several subtypes within each category. Resulting graphs show the magnitude of difference in juvenile delinquency rates between the groups, and between the juveniles with prior court involvement as a whole compared to the general population of American youth. Appendix 1 provides a scrubbed version of my raw data, so that my results could be independently reviewed and verified. In the final section of the paper I discuss specific causes for the links between adult court contact and juvenile court contact and offer policy recommendations based on my findings.

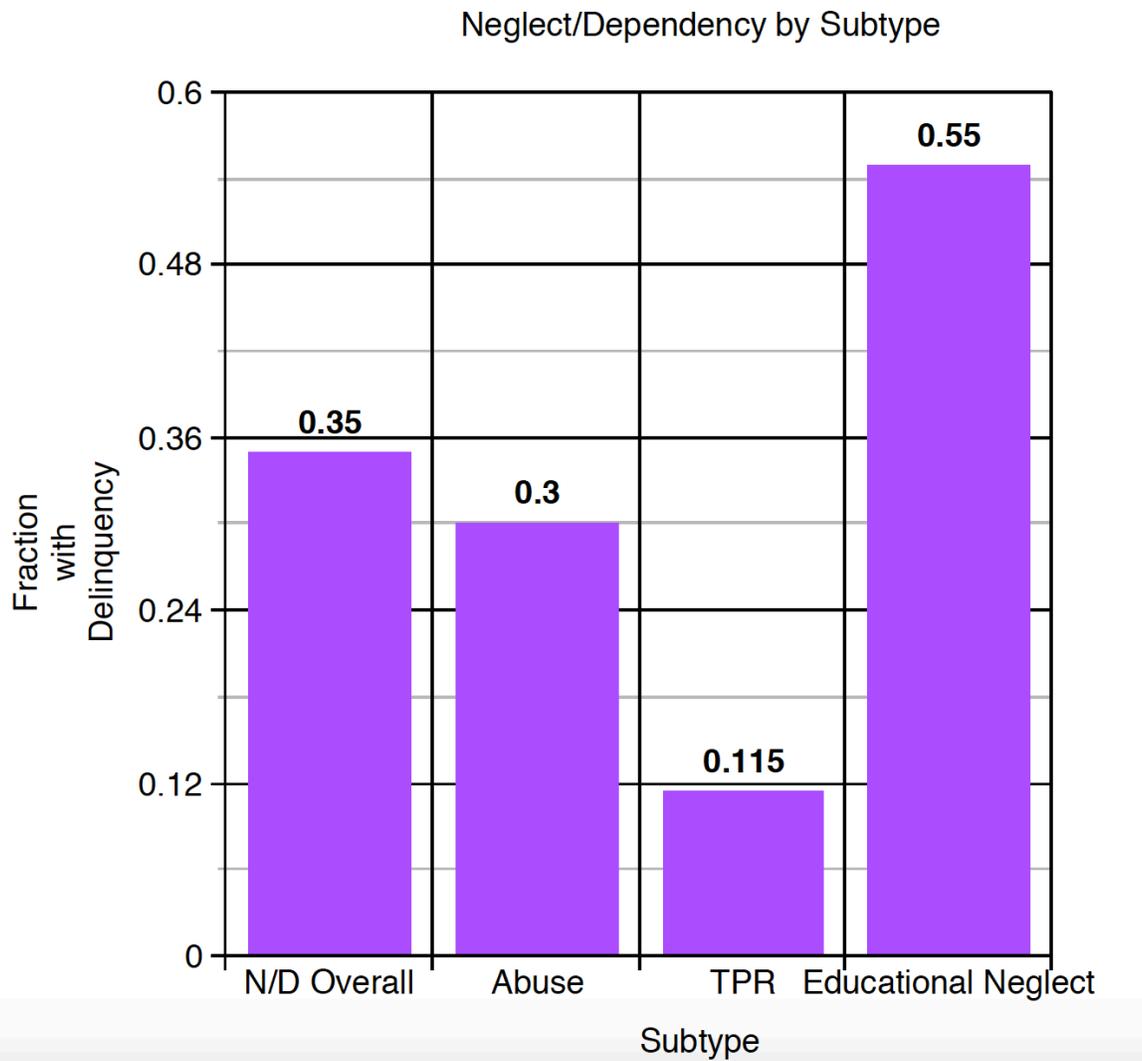
Data Analysis



(Figure 1)

As depicted in Figure 1, the fraction of children involved in parental cases who later receive juvenile charges is 28.4%. The rate of delinquency for children involved in Adult cases, which includes several subtypes including both child support and custody cases, is 25.3%, whereas 35% children who were involved in Neglect and Dependency cases received subsequent juvenile charges. It is interesting to note that, while difficult to pinpoint exact statistics due to the confidential nature of juvenile conviction data, children in the United States as a whole had a 3.4% chance of being charged with delinquency offenses in 1999, and juvenile crime, specifically violent offenses, have decreased in the past decade, while the number of juveniles in total has steadily increased (PBS Frontline 2014). This data indicates that children with prior court involvement in parental cases are more than 8 times more likely than the general population to receive juvenile delinquency charges.

The difference in rates between the two broad subtypes of parental cases, Adult and Neglect/Dependency cases, is also significant. As expected, the largest proportion of juveniles with delinquency charges is the children involved in Neglect/Dependency cases. This result can be explained largely from the fact that Neglect/Dependency children likely experienced one or more significant traumatic events leading to their involvement in court, whereas many children involved in Adult proceedings were likely involved in routine divorce proceedings, which are not inherently traumatic, though certainly can be, based on the individual circumstances of the case.



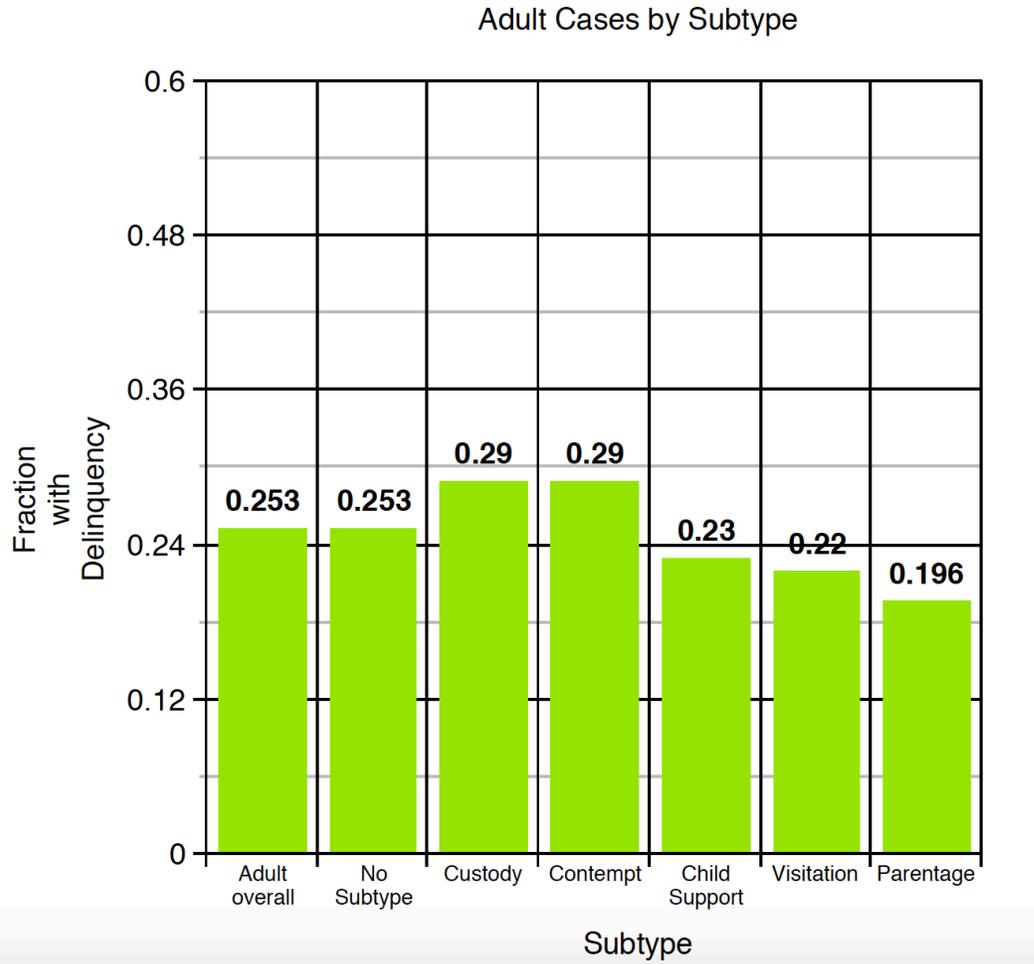
(Figure 2)

Further breaking down the Neglect/Dependency category into three main subtypes, one can see striking dichotomies in the rates of delinquency between the groups. While overall Neglect/Dependency children had a 35% likelihood of becoming involved in delinquency proceedings, 55% of children who were originally involved in Educational Neglect cases were subsequently charged, which means that juveniles in this category are more than 16 times more likely to be involved in delinquency proceedings than the general population. As Educational

Neglect cases involve cases in which a parent unlawfully failed to put a child in school, allowed a child to miss an exorbitant amount of school, or purposely interfered with a child's education, these findings may be explained by their effect in limiting the child's access to outside resources. Having contact with teachers, counselors, and other school officials who can care for and mentor the child, as well as having the opportunity to form meaningful friendships with one's peers can act as mitigating factors for a child experiencing poverty, instability, or neglect in the home. A parent's interference into a child's ability to receive a quality education thus decreases the ability for third party intervention, while also preventing the child from learning social and interpersonal skills commonly facilitated in the school environment. All of these considerations work to explain why children with serious enough cases of Educational Neglect to be reported to the court system are more likely to be charged with delinquent offenses than their peers involved in other case subtypes.

On the other hand, juveniles who were involved in Termination of Parental Rights ("TPR") cases were the least likely to be charged with delinquent offenses, with only an 11.5% of ever receiving juvenile charges. At first glance, this finding appears to be an anomaly, as Termination of Parental Rights cases are arguably some of the most serious cases heard within the Juvenile Court system. Termination of Parental Rights cases are proceedings brought by the state or a third party alleging that a parent is entirely incapable of providing for and raising their child, and that all ties between the parent and child should be legally severed. These cases are not initially sought, and require that the child has not live with the parent in

question for at least 6 months prior to the proceeding, among other stringent conditions. Parents must also be provided with opportunities and assistance with remedying the conditions that led to the removal of the child in the first place, and Termination of Parental Rights cases are utilized only as a last resort if the parent is incapable or unwilling to care for the child after many attempts by the state to facilitate their relationship. Thus, the relatively low rate of delinquency among these individuals is surprising, but may be partially due to the fact that many of these children had not been living with their biological parent for many years, in some cases for virtually all of the child's life. So while the parent may have been incapable of providing for the child, the child may never have experienced this instability firsthand, and had likely been living with a state-appointed foster parent or designated relative for years leading up to the filing of the Termination of Parental Rights. Thus, this relatively low rate of delinquency among these children may be indicative of the quality of parenting that can sometimes be achieved by placing a child in the care of someone that was deemed fit by the state. There is also a relatively small sample size of these children, only 122 juveniles during the period in question, which should be taken into account when drawing conclusions from these findings.



(Figure 3)

The breakdown of cases within the Adult description depicts a much more minimal spread in the rates of juvenile delinquency among individuals falling into these categories. This is fairly unsurprising, as these suits do not vary significantly in their implications for the children they involve, and in fact, many juveniles may be involved as parties in many of these subtypes stemming from one event. In the case of parental divorce, many children may be involved in child support, custody, and visitation cases, though this data considers each juvenile under the category of the first filed case in which they were named. In the case of a question of paternity, it is

typical for a potential father to file an initial paternity case before filing a visitation case if the paternity suit is resolved affirmatively. For this reason, these subtypes likely draw from a similar pool of juveniles and families, and often indicate familial instability, though the degree to which these events can be traumatic for children depends on the individual circumstances of each family. Thus, while these children have a relatively high likelihood of experiencing delinquent behavior, with over one-fourth of the pool having juvenile convictions, the small variances among the groups are likely due to minimal differences between the individual juveniles in question due to the relatively small sample size.

Conclusion

Overall, my research showed that more than one-fourth of juveniles who were cited in parental cases in Davidson County in 2003 had subsequent delinquent involvement within the Juvenile Court system. As American youths generally have a likelihood of being charged with delinquent offenses of around 3%, it is clear that the population cited in this study has a much greater risk for becoming involved in delinquent activity than other children. This factor, combined with the high probability of future incarceration within the adult court system among juvenile offenders, indicates that it is crucial that a third party intervenes in the lives of children first entering the Juvenile Court system in an attempt to divert these children away from destructive decisions that can lead to future delinquent involvement. Juvenile Court magistrates, caseworkers, and counselors are in a unique position to provide this intervention, as they have access to these children throughout the duration of the court cases within which these children are involved,

and are able to see specific information about the specific familial factors that may be affecting each individual youth. Utilizing the Juvenile Court's existing battery of tests and services currently offered to individuals that enter the system on delinquent charges, Juvenile Court personnel have the opportunity to expand these services to a new audience, allowing for earlier intervention into the lives of children who are especially at-risk.

While the Juvenile Court has a variety of services that are currently offered to individuals within the delinquent system, these services must be further tailored to meet the needs of each individual child if they are to mitigate the chances of future delinquent activity in each case. Tutoring services, mentoring, faith-based counseling, psychiatric evaluation and medicine management, and in-home evaluations are all services currently in place by the Juvenile Court and its affiliated partners. These services can be designated through an analysis of the results of the test battery currently given to first-time juvenile offenders.

Furthermore, it is important that the Juvenile Court allocate its limited resources effectively in order to mitigate the likelihood of future delinquency for as many at-risk youth as possible. For this reason, the first population for which services should be designated is those in the Educational Neglect subcategory of the Neglect/Dependency cases. With more than a 50% likelihood of delinquent involvement, these children are the most at-risk group designated in this study. As this high percentage of delinquent involvement likely corresponds to an isolation from potential mentors, teachers, and friends, tutoring and mentorship services may

be particularly helpful in these cases, in addition to efforts being made to enroll the children in suitable educational programs as quickly as possible.

The next subgroup that should be specifically targeted for early intervention is the Abuse subcategory, also within the Dependency and Neglect group. These children are those named in cases involving direct trauma for the juvenile, and so the services offered to these children must be specifically tailored to address this factor. Included in these services should be psychological and psychiatrist evaluation and counseling services, as well as in-home evaluations as necessary to ensure that the child has a safe home life conducive to normal development moving forward. Implementing these services for these two groups that appear to be at a higher risk for delinquency than other groups would represent the first step in positively intervening into the lives of at-risk youth, and should be followed with expanded services for all of the children outlined in this study as resources become available. The Juvenile Court should also work to customize the services for each individual child as much as possible, as intervention that is individualized and addresses each child's unique circumstances and goals is most likely to have the greatest impact.

While this study utilizes data solely from the Davidson County, Tennessee area, these results are likely generalizable to juvenile populations as a whole. This is because family dynamics and the circumstances that lead to familial involvement within the Juvenile Court system, such as divorce or abuse allegations, affect millions of American youth across the nation. This study can be replicated with data from other Juvenile Court systems in order to identify the specific needs of the

juveniles within that region, and any services that are offered to these youth can be customized based on that Court's available programs, resources, and information. There is also potential to further differentiate the subgroups by additional factors, such as the age of the child involved in the case, the number of children present in the household, and any considerations specific to the child and family, in order to identify the at-risk population more specifically and customize intervention on an individual basis.

This study and future research in this area is incredibly important, as it has the potential to completely reshape the landscape of early interventions for youth at risk for juvenile delinquency. Utilizing this research to intervene into the lives of children who need it is paramount to reducing delinquency and recidivism among juvenile offenders. This, in turn, can affect the 'school to prison pipeline' as a whole, and can help more American children have the opportunity to reach their full potential, a goal that requires our immediate and dedicated attention.

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