

TECHNICAL ASSISTANCE PROFILE

Examining the Referral Stage for Mentoring High-Risk Youth
In Six Different Juvenile Justice Settings

Dependency Court, Delinquency Court, Juvenile Detention, Juvenile Corrections,
Juvenile Probation and Teen Court/Youth Court Diversion Programs

Delinquency Court and Mentoring

THE REFERRAL STAGE

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Delinquency Court and Mentoring

Delinquency Courts have jurisdiction over juveniles, juvenile delinquents, status offenders and Children and Youth in Need of Supervision. All Juvenile Courts are civil bodies. This means that juveniles cannot acquire a criminal record directly from Delinquency Court actions, where the actions remain confined to the Delinquency Court. The Delinquency Court is most commonly associated with the Juvenile Justice System and juveniles who have committed a crime, offense and/or violation.

Mentoring Program Description

Mentoring involves a non-parental adult who plays an important role in promoting healthy development for youth. There are many mentoring models and even more programmatic differences within the different mentoring models. The goal of mentoring programs is to provide youth with positive adult contact and, thereby, reduce risk factors (e.g., early antisocial behavior, alienation, lack of commitment to school) by enhancing protective factors (e.g., healthy beliefs, opportunities for involvement, and social and material reinforcement for appropriate behavior). Mentors provide youth with personal connectedness, supervision and guidance, skills training, career or cultural enrichment opportunities, a knowledge of spirituality and values and, perhaps most importantly, goals and hope for the future.

Geographic and Demographic Characteristics

Referrals of Delinquency Court involved youth for the delivery of local mentoring services are often made and/or approved by governmental agencies representing county and state level jurisdictions, and, therefore, it is important for mentoring and Delinquency Court staff to discuss geographic barriers when making and accepting referrals of Delinquency Court involved youth.

Possible Challenges of Youth Involved with the Delinquency Court (Ages 6-18)

Individual

- Antisocial/delinquent beliefs
- General delinquency involvement
- High alcohol/drug use
- Lack of guilt and empathy
- Physical violence/aggression
- Violent victimization

Family

- Delinquent/gang-involved siblings
- Lack of orderly and structured activities within the family
- Parental use of physical punishment/harsh and/or erratic discipline practices
- Poor parental supervision (control, monitoring and child management)

School

- Frequent truancy/absences/suspensions; expelled from school; dropping out of school
- Low academic aspirations
- Low school attachment/bonding/motivation/commitment
- Poor school attitude/performance; academic failure
- Poor student-teacher relations
- Poorly defined rules and expectations for appropriate conduct
- Poorly organized and functioning schools/inadequate school climate/negative labeling by teachers

Peer

- Association with antisocial/aggressive/delinquent peers; high peer delinquency
- Association with gang-involved peers/relatives
- Peer rejection

FREQUENTLY ASKED QUESTIONS

Referring Delinquency Court Youth to Mentoring Programs

What is the difference between a Dependency Court, Delinquency Court and a Teen Court/Youth Court program?

The Delinquency Court is most commonly associated with the Juvenile Justice System and juveniles who have committed a crime, offense and/or violation. The Dependency Court is most commonly associated with foster care, abuse and neglect issues involving youth younger than 18 years of age. Teen Court/Youth Court diversion programs are juvenile justice diversion programs and are administered on a local level by law enforcement agencies, probation departments, Delinquency Courts, schools and nonprofit organizations.

Who refers youth in Delinquency Courts to mentoring programs?

The point of referral for the delivery of mentoring services in Delinquency Courts is rarely at the time of arrest or apprehension by a law enforcement agency. A juvenile formally arrested by a law enforcement agency is most often referred to the Probation Department or the Delinquency Court. In some jurisdictions, Juvenile Probation Departments are under the authority of Adult Probation, and in other jurisdictions, Juvenile Probation is under the authority of the Delinquency Court. In Delinquency Courts and Juvenile Probation, referrals for mentoring services are made by probation officers, judges, magistrates, social workers, public defenders and other adults in various positions with the Administrative Office of the Courts.

Juveniles formally and informally arrested are often referred to juvenile diversion programs or mandated community service organizations, among other placements. These referrals of juveniles for disposition and adjudication are directly from a law enforcement agency with formal approval from the judiciary and/or senior elected public official. Examples range from Teen Court/Youth Court diversion programs to Juvenile Review Boards.

Juveniles referred to these placements include those formally arrested and involved with the Delinquency Court and other juveniles not formally arrested, pending successful completion of imposed sanctions.

The Juvenile Review Board process is an approximately one-hour group meeting to determine placements, referrals, service needs and/or mandated community services sanctions. Participants in the Juvenile Review Board include the youthful offender, parent(s), guardian(s), adult volunteers (typically between six and eight) and often staff from a local mentoring program. A similar approach called “Family Group Conferencing” is utilized in the Dependency Court and “Circle Sentencing” is often utilized in Native American and Alaskan Native Tribes. Referral for mentoring services is a recommendation and not mandatory, although referrals are strongly encouraged. Formal referrals from mentoring services are made by the adult coordinator in charge of the Juvenile Review Board.

What is an embedded program and how is it important to a successful mentoring program in a Delinquency Court setting?

An embedded mentoring program within a Delinquency Court is most often one which is directly operated by the Delinquency Court and/or the Delinquency Court contracts out for the delivery of mentoring services to a public or private entity, while maintaining administrative authority. Delinquency Court embedded mentoring programs are operational on a local municipal level – not a state level. Embedded Delinquency Court mentoring programs may also be operated by the municipality in a Youth Bureau, Youth Services and/or other related public agency.

FREQUENTLY ASKED QUESTIONS

continued

Embedded mentoring programs also exist in Delinquency Court diversion programs such as Juvenile Review Boards. Juvenile Review Boards are often municipal-operated mechanisms to divert Delinquency Court youth with no previous court history who have committed minor delinquent acts or whose behavior at home or school (e.g., running away or defying school rules) indicates they are at risk of delinquency.

How are strong mentoring relationships formed between mentoring programs and the Delinquency Court?

Delinquency Courts and mentoring programs benefit from having an agreed upon, formal written referral policy which takes in to consideration a wide range of factors to be discussed and agreed upon to include:

- (1) Referrals of juveniles for the delivery of mentoring services is voluntary and not a mandated Delinquency Court imposed sanction;
- (2) Referrals of Delinquency Court involved youth should not proceed to a formal mentoring match until the final determination of any pending charges in the Delinquency Court are determined;
- (3) Mentoring programs need to be realistic and specific with Delinquency Court staff regarding long waiting lists and relatively accurate assessments of when these high-risk youth referrals will be placed in mentoring relationships;
- (4) Confidentiality and information sharing release forms and policies need to be agreed upon and adhered to;
- (5) Mentoring programs offering specific training for adults matched with high-risk youth benefits the mentored youth and the adult mentor;
- (6) Delinquency Courts and mentoring programs each need to come up with their own policies regarding making and accepting referrals of

higher-risk Delinquency Court youth who are more likely to be a danger to themselves and/or someone else; and

- (7) Mentoring programs and Dependency Court staff need to discuss types of mentoring services offered by a local mentoring program(s) and what type of mentoring service is age appropriate and individualized based on need(s).

A Memorandum of Understanding and a Case Referral Flow-Chart delineate important roles and steps which foster a more favorable working relationship between the Delinquency Court and the mentoring program(s).

Are nonembedded mentoring programs successful in working with Delinquency Court youth?

More often than not, private organizations are the entity operating and providing mentoring services to the Delinquency Court, rather than the Delinquency Court operating an embedded mentoring program. These private organizations can be successful on a number of fronts with regard to delivering mentoring services to high-risk youth in the Delinquency Court. There are a wide range of administrative and operational factors to consider which will result in successful or unsuccessful referral to mentoring services.

Flow-Charts and/or Memorandums of Understanding (MOUs) around making and accepting referrals support stronger and longer lasting working relationships between Delinquency Courts and mentoring programs. Mentoring programs with a specific or sole focus on serving Delinquency Court involved youth are purposely better equipped to handle a wide range of issues associated with the Juvenile Justice System.

Were youth in Delinquency Courts willing to participate in mentoring programs?

Delinquency Court involved high-risk youth participate in mentoring programs. Referrals

of high-risk youth participating in mentoring matches began as referrals from the Delinquency Court and/or another entity legally operating on behalf of the Delinquency Court – such as Juvenile Probation, Juvenile Review Boards and Teen Court/Youth Court Diversion Programs, among others. The Delinquency Court has no legal authority for mandating high-risk youth be matched with an adult mentor. This is different from the Dependency Court, as it often acts as the legal custodian of high-risk youth, and therefore can act in the best interests of the youth, or include the delivery of mentoring services. Mentoring services are primarily viewed as a wrap-around service.

What are the primary considerations for mentoring programs when Delinquency Court youth are referred for mentoring services?

The Delinquency Court handles cases involving high-risk youth who have committed one (1) or more crimes, offenses and/or violations. Some youth appearing in a Delinquency Court may have had no prior contact with the Delinquency Court, whereas other youth are likely more serious, violent and chronic juvenile offenders.

Referrals of youth from a juvenile diversion program may or may not have been formally arrested. Only formal arrests of juveniles will be referred by the Delinquency Court. Informal arrests include the apprehension of juveniles who are most often referred to diversion programs from a law enforcement agency, such as the Police Department or Sheriff's Department. It is important to examine internal operational and administrative policies as they relate to informal and/or formal referrals of Delinquency Court and Diversion high-risk youth.

Specialized recruitment, training, screening and matching of adults to serve as mentors for a high-risk youth from the Delinquency Court benefit both the adult mentor and the youth mentee. Recruitment can be targeted to adults interested in working with high-risk youth for a wide variety of reasons. High-risk youth from the Delinquency Court often present a unique set of challenges which require specialized training for adults volunteering to serve as a mentor

for these youth. While background checks should always be mandatory, additional screening to include interviews and other tactics can be deployed to reduce match termination rates.

Referrals need to be assessed for dual adjudicatory issues when looking at referrals from the Dependency Court, as additional information is often necessary before approving a referral for the delivery of mentoring services. Often, the same judge for Dependency Court issues is the same judge for Delinquency Court issues and, therefore, accessing dual adjudicatory issues is more manageable.

Are there any Delinquency Court statutory requirements related to mentoring?

Staff in Delinquency Courts and mentoring programs seeking to refer high-risk Delinquency Court involved youth for mentoring services are often under a time frame of between 90 and 120 days to make referrals for mentoring services. State statutes vary with regard to the mandatory time frame for adjudication of juveniles. This time frame can and does vary based on judicial discretion and other factors, such as dual adjudicatory issues where abuse and neglect is paramount. Formal actions can be put into place to extend this time frame, but that often only takes place with a subsequent offense and/or unsuccessful compliance with the approved imposed sentence.

In Dependency Courts, if a youth is removed from their home and placed in the custody of the state, a judge with jurisdiction and oversight of that youth can make a mandatory referral of mentoring services. In Delinquency Courts, a youth may not be mandated to comply with accepting a referral for mentoring services, as most often these youth are not under the care of the state. Mentoring programs seeking to identify high-risk Delinquency Court involved youth should consider their state's statutory time frame for juveniles to be adjudicated and identify point(s) of contact within the Delinquency Court process. A website listing State-by-State Juvenile Justice Legislation is included at the bottom of this Technical Assistance Bulletin under website links.

WHAT'S WORKING: Examples of Effective Strategies

Identifying juveniles referred to local community-based diversion programs for possible mentoring services is one effective strategy. An example is the Juvenile Review Board, which is operated in community-based nonprofit organizations, often found in local municipal buildings which are geographically situated to increase community participation in the Juvenile Review Board and to accommodate transportation needs of the youthful offenders and their parent(s)/guardian(s). As a result of this close working relationship, Juvenile Review Boards receive more referrals of high-risk and at-risk youth, to include referrals for mentoring programs. Juvenile Review Boards often operate as an early intervention program of the Delinquency Court, and more often than not, there is no formal arrest if the juvenile completes the imposed sanction of the Juvenile Review Board.

These early intervention programs often divert youth from the formal juvenile justice system. They are an effective strategy with regards to identifying youth who are exhibiting early anti-social, delinquent and/or criminal behavior and significantly increase quality time

and attention to identifying a wide range of risk factors, and respond to these with specific wrap-around-services, such as the delivery of mentoring services. Teen Court diversion programs are another example of a Juvenile Justice System intervention program successfully working with local mentoring programs. A Teen Court/Youth Court diversion program and mentoring program profile is listed below under Training and Technical Assistance Resources.

Providing adult mentors with additional and ongoing training to improve their ability to be a more effective mentor for a high-risk youth from the Delinquency Court has resulted in longer and stronger relationships. Adult staff from the Delinquency Court and mentoring program have a greater confidence in these adult mentors having a higher level of preparedness in their role as a mentor. Mentoring programs with a specific and/or sole purpose of serving youth from the Delinquency Court have an advantageous level of knowledge, skill and ability in providing effective mentoring services for a wide range of high-risk youth involved with the Juvenile Justice System, which often leads to stronger relationships between mentoring programs and the Delinquency Court.

CHALLENGES AND ACTION STEPS

Challenge #1: More than 90 percent of all high-risk youth formally involved with the Juvenile Justice System are not removed from their home for any period of time beyond being detained during the apprehension and formal arrest. The involvement of these high-risk youth with the Delinquency Court is usually three (3) or four (4) months at the maximum. Often, these high-risk youth are arrested by law enforcement, and they do not appear before the

Delinquency Court or Juvenile Probation for two (2) more months, leaving only between one (1) and two (2) months for a judge or probation officer to make a referral for mentoring services.

Action Step – *Making a “referral” for mentoring services is often the only task and role a Delinquency Court judge or Juvenile Probation officer will assume. It is critical for local mentoring*

CHALLENGES AND ACTION STEPS

continued

programs to establish and maintain positive working relationships with these individuals. Mentoring programs are well served to not accept referrals of high-risk youth from the Delinquency Court, if that referral will be placed on a long waiting list, as this will considerably decrease future referrals from the Delinquency Court. Mentoring programs should establish avenues for communicating the duration of time it will take for Dependency Court referred high-risk youth will be placed in a mentoring match.

Challenge #2: Referrals of high-risk youth from the Delinquency Court are re-arrested and/or incarcerated for a subsequent juvenile crime, offense and/or violation after the mentoring match has been finalized and the mentoring relationship has begun.

Action Step – *Mentoring programs should establish operational and administrative procedures for handling matched high-risk youth from the Dependency Court who are re-arrested and/or incarcerated. This is especially critical when a high-risk youth is arrested in another jurisdiction and there is a second, different Dependency Court. The subsequent arrest could be of a very serious nature which may require match termination. This second arrest may also result in the high-risk youth being placed in a Juvenile Detention or Juvenile Correctional Facility – making it difficult or not possible to continue with the match. In some cases, mentoring programs will be able to continue with the mentoring match, and they will just need to communicate with additional contacts as they relate to any subsequent offense.*

Challenge #3: Delinquency Courts, Tribal Juvenile Courts and mentoring programs all reported that minority males comprise the highest percentage of referrals of high-risk youth for mentoring services.

This poses a challenge in many mentoring programs, as there are even longer waiting lists for male mentors in comparison to female mentors.

Action Step – *A group mentoring approach can be the sole type of mentoring offered and/or group mentoring can take place until a one-to-one adult mentor is matched with these high-risk minority male referrals. Mentoring programs can also undertake targeted recruitment efforts to attract more male mentors. Some mentoring programs contact former male mentors and request that they again volunteer as a mentor.*

Challenge #4: Youth with dual adjudicatory issues include those who are involved with both the Dependency Court and Delinquency Court. This presents a unique and not uncommon set of obstacles. Dual adjudicatory status can exist at the point of referral for mentoring services and/or after a formal match has been made.

Action Step #4 – *Mentoring programs and Delinquency Courts can reduce match disruption and/or termination by not referring or accepting Delinquency Court involved youth who have dual adjudicatory status – unless the mentoring program is well equipped to understand the complexities involved with youth who have dual adjudicatory status. Dependency Court issues tend to take precedence over Delinquency Court issues, and it is usually not more than a four (4)-month period where dual adjudicatory status exists, but the mere fact that a youth has this classification raises a red flag. Some referrals are made and accepted if the mentoring program has a long waiting list; this has shown to be a proactive approach to the referral being involved with either the Delinquency or Dependency Court, not both at the time of making the match.*

TERMS AND DEFINITIONS IN THE DELINQUENCY COURT

Adjudication Hearing — the hearing at which the Juvenile Delinquency Court judge/judicial officer determines that a juvenile is responsible for the offense that has been filed.

At-Risk and High-Risk Youth — The Office of Juvenile Justice and Delinquency Prevention (OJJDP) defines “at-risk” youth as those with high levels of risk in their family, home, communities and social environments to such a degree that it could lead to educational failure, dropping out of school or involvement in juvenile delinquency and gang-related offenses. OJJDP defines “high-risk” youth as those with present or past juvenile justice involvement.

Blended Sentencing — the imposition of both juvenile and adult sentences concurrently by the Juvenile Delinquency Court under certain circumstances.

Caretaker or Physical Custodian — a person who has physical custody but not legal custody of a youth, such as a foster parent, placement facility or relative without legal custody.

Delinquent Youth — a minor who has committed an act, which under the laws of the jurisdiction would be a crime if committed by an adult.

Detention Hearing — the first Juvenile Delinquency Court hearing regarding an alleged delinquent youth who was placed in detention at the time the affidavit and petition were filed or at the time the youth was arrested on a warrant.

Diversion (Juvenile) — In less serious offenses, and if agreed to by the youth and parent/guardian, the case is handled through non-judicial alternative services.

Dual Adjudicatory — a Delinquency Court designation for an abused, neglected or dependent youth who is also a delinquent youth and vice versa.

Graduated Sanctions/Responses — an accountability-based, graduated series of sanctions and incentives, combined with treatment and services, applicable to youth within the Juvenile Justice System.

Judicial Officer — a lawyer appointed by a Juvenile Delinquency judge to hear Juvenile Delinquency petitions. May be referred to as Commissioner, Magistrate, Master, Referee or Hearing Officer.

Juvenile — a youth under the age of majority. The recommended age is usually eighteen (18) and younger.

Legal Guardian — an adult who is not the biological parent, or a state or licensed children and youth agency, who has been given legal authority by a court to provide care and custody of a child/youth.

Needs Assessment — one tool in the Structured Decision-Making process. It identifies the offender’s specific needs and provides part of the foundation for the case plan.

Petition — the document that specifies the violation of law and state statute number described in the affidavit that the youth is alleged to have committed. A probable cause statement or affidavit, usually filed by the police, accompanies the petition.

Post-Disposition Review — hearings held after the Juvenile Delinquency Court has ordered probation, treatment services, support services or placement to ensure that the youth, parents, probation, treatment and service providers are following through with the court ordered and/or court supported plan.

Recidivism Rates — There are three (3) common rates of recidivism used frequently in the Juvenile Justice and Criminal Justice Systems. They include: 1) re-arrest; 2) conviction; and 3) incarceration. The National Institute of Justice (NIJ) considers recidivism rates to be empirically logical using a scientific and random assignment approach which is three (3) years post adjudication.

Status Offender — a juvenile who has committed an offense that would not be considered an offense if committed by an adult (i.e truancy, runaway, etc.).

Summons — the document provided to an alleged delinquent youth and parents/legal guardians that orders them to appear before the Delinquency Court at a specific date and time to respond to a specific alleged violation of the law.

Waiver (or Waive Jurisdiction) — refers to the transfer of a youth from Juvenile Delinquency Court to Criminal Court. Also referred to as “certification,” “transfer” and “relinquishment.”

Warrant — an order for the arrest of a youth on an alleged law violation or failure to appear at court. Also referred to as “writ,” “capias” or “take into custody.”

Wrap-Around Services — a method of service delivery highlighted by commitment to create services on a “one youth at a time” basis to support normalized and inclusive options for the youth with complex needs. Wrap-around interventions create a youth and family team composed of the people who know the youth best to design an individualized plan.

Written Findings and Orders — the document that records the decisions made by the court at the delinquency hearing, which is distributed to legal parties and key participants at the end of the each Juvenile Delinquency Court hearing.

Youth Justice — These rapidly expanding juvenile justice diversion programs are often referred to as Youth Court, Teen Court, Peer Court, Student Court and Youth Peer Panel.

TRAINING AND TECHNICAL ASSISTANCE RESOURCES

OJJDP Research Report on Referring High Risk Youth for Mentoring Services – Full Report

OJJDP Research Report on Referring High Risk Youth for Mentoring Services – Executive Summary

Juvenile Justice Journal on Referring High Risk Youth for Mentoring Services – Special Edition

Memorandums of Understanding
Six Resource Guides for Developing MOUs
for Juvenile Justice and Mentoring Services

PowerPoint Presentations for
Six Juvenile Justice Settings and Mentoring

Six Technical Assistance Profiles:
Examining the Referral Stage for Mentoring High-Risk Youth

MENTOR's Elements of Effective Practice For Mentoring™, Third Edition

MENTOR's Elements of Effective Practice For Mentoring™ Toolkit – Juvenile Justice Section

MENTOR's Elements of Effective Practice For Mentoring™, Third Edition, Checklist for Mentoring Programs

For free, downloadable versions of these resources, visit:

MENTOR at http://www.mentoring.org/program_resources/Researching_the_Referral_Stage/;

Global Youth Justice at
<http://www.globalyouthjustice.org/Mentoring.html>;
and

National Partnership for Juvenile Services
at <http://www.npjs.org/highriskyouth.php>

WEBSITES OF INTEREST

Big Brother Big Sisters of East TN
Knoxville, TN, USA

<http://bigbrothersbigsistersetn.org/>

San Diego Youth Services Mentoring Program
San Diego, CA, USA

[http://www.sdyouthservices.org/site/
PageServer?pagename=foster](http://www.sdyouthservices.org/site/PageServer?pagename=foster)

Boys and Girls Clubs of Las Vegas
Las Vegas, NV, USA

<http://www.bgclv.org/index.php>

Juvenile Court and Juvenile Probation
Choctaw Tribal Court

Mississippi Band of Indians

Durant, OK, USA

[http://www.choctaw.org/government/court/
juvenile.html](http://www.choctaw.org/government/court/juvenile.html)

Ponca Tribe of Oklahoma
Mentoring Program and Youth Services
Ponca City, OK, USA

<http://www.ponca.com/118837.html>

Global Youth Justice Website – Mentoring
High Risk Youth Resources

[http://www.globalyouthjustice.org/Mentoring.
html](http://www.globalyouthjustice.org/Mentoring.html)

National Partnership for Juvenile Services –
Mentoring High Risk Youth Resources

<http://www.npjs.org/>

MENTOR: The National Mentoring Partnership

<http://www.mentoring.org/>

Office of Juvenile Justice and Delinquency
Prevention – Mentoring Resources

<http://www.ojjdp.gov/programs/mentoring.html>

Office of Juvenile Justice and Delinquency
Prevention – Model Program Guide/Mentoring

[http://www.ojjdp.gov/mpg/progTypesMentoring.
aspx](http://www.ojjdp.gov/mpg/progTypesMentoring.aspx)

Administration for Children, Youth and Families,
U.S. Dept. of Health and Human Services

<http://www.acf.hhs.gov/programs/acyf/>

State-by-State Listing of Legislation and Statutes
Regarding Juveniles

[http://www.ncjj.org/Research_Resources/State_
Profiles.aspx](http://www.ncjj.org/Research_Resources/State_Profiles.aspx)

NOTES

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