

## YOUTH ADVOCACY AND SERVICES (1996 and 1997, revised 2019)

League of Women Voters of Wisconsin's (LWV WI) position statement on Juvenile Justice (1991) is used by the League of Women Voters of Appleton (LWV Appleton) as foundation for the local league's position on Youth Advocacy and Services (formerly titled Juveniles at Risk). The state's position is incorporated and notated throughout the following statement.

### A. Goals (LWV WI)

The goal of the juvenile justice system should be to protect society through deterrence, incapacitation, and reform, as well as to protect the child whose development and welfare are in jeopardy. Punishment applied to the juvenile, like the adult, should be humane, seek to avoid criminalization, promote the juvenile's potential for responsible behavior in relation to family and community and be applied equally regardless of race, religion, sex, economic or social status. However, the age and level of responsibility of the child should be taken into consideration.

For specifics referring to "humane", "criminalization", etc., refer to the position on the adult offender.

#### Goals (LWV Appleton)

1. Programs for youth and families should acknowledge, identify and address barriers that prevent full participation on a case by case basis. Barriers may be due to language, cultural differences, transportation, financial, employment, etc. (2019)
2. We support educating those who work with youth or make decisions about them on the effects of childhood trauma and the most current evidenced-based brain development research. (The list should include parents, guardians, judges, law enforcement, social workers, etc.) (2019)
3. We support educating the general public of the positive effects of utilizing current research in developing policy. (2019)

### B. Prevention (LWV WI)

Priority should be given to measures which may prevent delinquency, including programs to strengthen the positive influence of the family, school and neighborhood on children's development. Prevention should include greater provision for the adolescent to act as a responsible and contributing member of society. Programs aimed at prevention should avoid labeling children as pre-delinquent.

The League strongly encourages innovative methods of parent education, including emphasis on courses and programs for young people before they become parents. Other preventive measures which should be encouraged are providing assistance through family crisis counseling, street workers, and "hot lines"; parent participation in school and community; school alternatives to meet the needs of all children, with adequate provision for vocational preparation; neighborhood organizations and drop-in centers. Membership on school boards and other policy-forming groups is desirable. Opportunities for work and work-training programs should be available.

#### Prevention (LWV Appleton)

1. Support low or no cost programs offered by schools, city and county governments, law enforcement, the library and community agencies that involve youth in a meaningful way.
2. Support youth work programs that:
  - a. Involve a mentoring relationship.
  - b. Provide money for employment of students.

- c. Emphasize efforts to provide funding of preventive services.
  - d. Get adults involved in one-on-one relationships with youth.
  - e. Emphasize healthy, non-traditional extra-curricular school activities that encourage youth to be busy and join.
3. Support age-appropriate sex education.
  4. Encourage use of school facilities before and after school by local agencies for children and other pre and post school activities.
  5. Advocate a child's right to a safe and stable family situation.
    - a. Consider foster care a temporary solution.
    - b. Terminate parental rights in appropriate situations.
    - c. Consider community resources for mentoring programs.
    - d. Promote home visits for new parents.
  6. Support strength-based programs for youth. "Strength based" are those activities that allow youth to explore their interests and expose them to new things. (2019)

#### C. Detention (LWV WI)

Detention should be restricted to necessary holding of the child rather than for punishment or treatment. Personnel, intake procedures, and facilities should be adequate to insure that the least restrictive form of temporary care required is used. Secure detention should be used for children who pose a threat to themselves or others. It should not be used for children who have run away from home or as a temporary measure when parents cannot be located.

#### Detention (LWV Appleton)

1. Support programs that keep youth at home or home-like environments rather than in institutions whenever feasible using "check-in" times and places to monitor activities.
2. Support publicly funded regional detention centers for serious violent youth offenders. Interest should be paid to the burden of distance on family separation of the offender from their support system. (2019)
3. Regional detention centers should have programs that assess youth and then develop individualized plans of treatment based on current, evidenced-based brain research and mental health needs. (2019)

#### D. Court Jurisdiction & Procedures (LWV WI)

Jurisdiction over the juvenile should clearly separate children who have committed criminal offenses from those who have not. Protection of the child rather than punishment should be the sole purpose of intervention when there has been no criminal offense. A court adjudication should relate to specific offenses rather than the general behavior of the child. Court jurisdiction over certain kinds of behavior that apply only to children should be limited with mechanisms for involving other agencies in resolution of the problems prior to court intervention. Included here are running away from home, truancy, curfew violations, promiscuity, and possession of alcohol [status offenses]. The state should assist counties in providing funding for services to help children whose behavior suggests serious problems, regardless of whether there is a court adjudication. Police should retain the authority to take a child into custody for the child's protection.

Children should be accorded all due process necessary for fairness in keeping with their best interests. There should be right to counsel in all proceedings with a system for court appointment of an attorney where families are not able to pay for services. Because of the child's vulnerability, right to counsel should be unwaivable when extreme sanctions may be invoked. Children's records and all proceedings should be confidential. However, the child, parents, and child's attorney should have access to court and police records. Restrictions should be placed on such criminalizing procedures as fingerprinting, photographing, and handcuffing. Guidelines should be established to insure a speedy trial.

With regard to the limitation of jurisdiction over certain status offenses, the League is concerned that any court action be initiated after all alternatives have been exhausted, and that such action clearly functions to protect the child. "Status offenses" should be treated individually with mechanisms for handling varying with the type of behavior involved.

The criterion on "specific offense" as grounds for court jurisdiction means that the League would support removal from the statutes of "uncontrollability" and "endangering health or morals of self or others", two vaguely defined categories that now appear in the statutes.

#### Court Jurisdiction & Procedures (LWV Appleton)

1. Support programs for less severe crimes that are designed to divert youthful offenders from the formal system.
2. Support diversionary programs such as in-school suspension, alternative school.
3. Support programs that provide the most appropriate immediate services.
4. Support programs that attempt to keep the youth in the home if at all possible. Status offenders should not be placed into shelter care if the shelter is also used to house delinquents or adults. (2019)
5. Support work to abolish the Appleton City Truancy Ordinance. (2019)

#### E. Treatment (LWV WI)

Diversion from the system should be encouraged, with clear policy guidelines established between the police, schools, courts and other agencies to which youth may be referred. The "least restrictive means" criterion should be applied to all dispositional judgments, and resources should be available to enable this. Dispositional alternatives available to the juvenile court judge should include restitution to the victim and public service to the community. There should be periodic review of dispositions to insure treatment is being provided, that it is still necessary and that there is continuity between agencies.

A variety of resources should be available to insure least restrictive treatment and may differ according to the size and nature of the community. Extremely important is the provision of an adequate number of group homes and foster homes. Community treatment facilities, walk-in crisis centers and shelter facilities are also important. Other programs that may be encouraged are alternative schools, jobs, use of volunteers in probation—such as big brothers/sisters, as teen companions—and programs for children with special needs.

#### Treatment (LWV Appleton)

1. Support government provision of alcohol and drug addiction treatment programs for youth.
  - a. Offer out-patient and in-patient treatment facilities.
  - b. Provide education and involve parents. Provide a significant adult in each youth's life.
  - c. Mandated programming necessitates state funding.
2. Support youth status offense programs that assess the youth, their family, and their environment in order to develop an individualized treatment program. (2019)

#### F. Administration (LWV WI)

Standards and procedures for the administration of the juvenile justice system should be formulated and enforced by the state to insure that children in all parts of the state receive fair treatment and equal access to services. However, administration should remain with local units of government. Uniform and adequate records should be kept for both planning and evaluation purposes. Specialized training should be encouraged for all personnel who play significant roles in the juvenile justice system. There should be continued evaluation of treatment programs, correctional institutions, private treatment centers, and all types of innovative alternatives.

Enforcement of state standards implies that there be penalties for non-compliance. These might take the form of withholding of funds or licensing, or the possibility of reverting to state control. Evaluation of programs is interpreted to mean evaluation by someone other than the provider of the service.

Administration (LWV Appleton)

1. Support strong coordination of services for youth at risk.
  - a. Work toward interagency coordination across all Fox Cities area communities.
  - b. Encourage leaders to break down barriers to serving youth.