

## Accessing Intervention Services for Status Offenders and Avoiding Deeper Involvement in the Court System

### Use alternative dispute resolution (ADR).

- Consider mediation or family group conferencing. ADR gives parents and youth a voice in treatment decisions. This “buy-in” makes it more likely that treatment will start quickly and that families will comply with treatment programs. ADR is particularly well-suited to address power imbalances within the family structure and to empower the family to address future crises.

### File pretrial motions.

- Several **pretrial motions** can be used to divert youth from court and obtain needed services. They include:
  - **Motion to Dismiss Due to Lack of Jurisdiction:** If statutory prerequisites to filing a petition are present, assess how thorough the efforts to connect the youth to community resources were and whether the agency was too quick to file a petition against the youth.
  - **Motion for Evaluations or Expedited Evaluations:** Weigh the pros and cons of requesting an evaluation of your client. The evaluation could help guide a pre-trial service plan or divert youth with treatment needs from the court system. However, be wary of the potential loss of confidentiality through court-ordered evaluations. If you request an evaluation, consider requesting that the court hold proceedings in abeyance pending completion of the evaluation.

- **Motion for a Continuance (Until Completion of Services):**  
Continuing proceedings allows the youth to engage in community services. Request that the court do so if your client could benefit from a community intervention that would make further court involvement unnecessary.
- **Motion to Dismiss Based upon School District's Failure to Comply with Federal or State Laws Regarding Truant Youth:**  
You can petition the court to dismiss the status offense petition when the youth's school disengagement is related to or has been fostered by the school district's failure to comply with federal or state law protections, such as those under the Individuals with Disabilities Education Act, Bilingual Education Act and/or McKinney-Vento Homeless Assistance Act.

### **If precourt efforts fail, prevent future court involvement by obtaining specific interventions under the court's jurisdiction.**

- After adjudication, request that the court order specific, evidence-based interventions.
- Argue for the court to order interventions appropriate for your clients to address the causes of the status offense adjudication and to avoid future court involvement, such as Aggression Replacement Training, Brief Strategic Family Therapy, Functional Family Therapy, Multidimensional Family Therapy, Multisystemic Therapy, or Wraparound services.

### **Overcome barriers to accessing interventions.**

- Long wait lists and geographic disparity often prevent prompt access to services. Overcome these barriers by seeking to obtain services under the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) provisions of Medicaid.