

Recommendations from the ABA Youth at Risk Initiative Planning Conference

Challenges for the American Bar Association, State and Local Bars, National Minority Bar Associations, Law Schools, the Judiciary, and Individual Lawyers

Introduction

Many of our nation's youth ages 13 through 19 stand on the edge of a precipice. They faced serious problems that place them at high risk for entering the juvenile and criminal justice systems: severe abuse, chronic neglect, high conflict, and domestic violence within their families; desperately poor and violent neighborhoods; serious unmet mental health needs, learning disabilities, emotional or behavioral problems; gangs; bad peer group choices; and poor educational and employment options.

As lawyers, we cannot solve the larger personal, family, and societal problems that greatly elevate risks for youth. We can, however, use our legal expertise and our work and volunteer activities as leaders of the legal profession to enhance policies, practices, and programs that help prevent teens from becoming delinquent or engaging in criminal acts.

Juvenile defense lawyers and juvenile prosecutors play extremely important roles as resources to help protect at risk youth. Defenders can advocate in court for relief that focuses on the needs and rights of their teen clients, while prosecutors can balance their duty of public protection with a focus on how prosecutorial decisions and actions can promote a youth's best interests.

Other lawyers can use their legal influence and expertise to: 1) improve state and federal laws that address youth; 2) enhance judicial practices and structures for youth that are established on broad-based therapeutic justice models; and 3) expand the availability of legal assistance for youth at high risk of entering the juvenile and criminal systems. We can also, as community leaders, work with other professionals concerned with problems of youth to promote enhancement of evidence-based prevention, intervention and treatment programs for youth and their families and related public policies.

We also must view the law-related "systems" that youth experience through their own eyes and draw recommendations for change from those experiences.

Every moment that these systems of prevention, intervention, and treatment fail to address adequately the problems youth face compounds the harm done to them and threatens our society as a whole. We see the legal profession's active involvement in aiding youth at risk as an important complement to the *Helping America's Youth* effort being led by First Lady Laura Bush.

Recognizing the breadth of issues affecting America's teenagers, the planning of this initiative has focused on six very important substantive legal areas related to youth at risk.

1. *Better Hearing the Voices of Youth in Court.*

The final report of the Pew Commission on Foster Care noted a common failure of juvenile and family courts to assure that youth play a meaningful role in their judicial proceedings, as it is not uncommon to find their active in-court participation not promoted or discouraged. The same is true for proceedings arising from the divorce or separation of their parents. Lawyers should examine how **meaningful involvement of teenagers in all hearings affecting them** can be promoted, so that court proceedings become a positive participatory experience for vulnerable youth – in dependency, custody, family violence, and other cases. Juvenile defense lawyers can be invaluable in structuring novel ways that youth can communicate with judges while still protecting their rights, including protection from self-incrimination.

2. *Reforming the Juvenile "Status Offender" Process.*

Many teens come before the courts because of behavior that would not otherwise subject them to judicial involvement if they were adults. Lawyers should examine how law, prosecutorial policy, and court practice address youth who are chronic runaways, persistent school truants, or continually out-of control at home. They should also examine how these **interventions differ between boys and girls**, since there has been a significant increase in the number of girls entering the juvenile justice system. Special attention also needs to be given to the **problem of and solutions to chronic truancy**.

3. ***Enhancing Teen Access to Safe and Appropriate Prevention and Treatment Services.*** Teens with emotional and behavioral problems must have better access to **community-based mental health services** and other programs that can help prevent their involvement with juvenile and criminal systems. **Because girls are entering the juvenile justice system in greater numbers, some expanded services must be gender-specific.** There are also family economic issues that must be addressed. Parents without means often turn to the government or the courts for help in placing a severely-troubled youth, often relinquishing custody of the youth to the state. Other families, of means, may pay large sums of money for placements of teens in private unregulated “therapeutic” residential facilities that may harm youth. Lawyers should examine how law, policy, and enhanced legal representation can help assure youth have **better access to services and aid to prevent their unnecessary placement in facilities that may injure them.**

4. ***Assisting Youth Who Are “Aging Out” of Foster Care.*** At age 18, many youth are forced out of their foster homes and the assistance of child welfare agencies may stop. Far more needs to be done to **help 18 and 19 year olds get the support they need to establish themselves as productive and responsible adults.** Lawyers should work to help them get needed support to establish themselves as productive and responsible adults through examining law reform, changes in juvenile and family court jurisdiction and practice, improved educational opportunities, and enhanced legal advocacy for them.

5. ***Better Supporting Teens Who Experience High Family Conflict, Domestic Violence in the Home, and Divorce.*** Many youth face **emotional turmoil while living in turbulent families, especially those experiencing chronic domestic violence within their home.** They may be part of a family in the midst of contentious parental divorce or separation. Older youth living in violent, chaotic homes, or caught in the midst of high conflict custody or visitation disputes, are more likely to get into serious trouble with the law. Lawyers should examine how laws and courts could better serve these teens.

6. ***Improving How the Law Addresses System “Cross-Over” Youth.*** Many teenagers spend at least part of their lives in foster care and, as they get older, it becomes more likely they’ll have interactions with police and shift from the “dependency” to “delinquency” system. Other youth, when arrested, disclose histories suggesting it is more appropriate to deal with them as

victims of abuse or neglect at home rather than as “offenders” in the delinquency system. Lawyers should examine how the law and legal profession, including the work of prosecutors and defense counsel, can **best serve these dual-jurisdiction youth.**

On February 2-4, 2006, an interdisciplinary group of 60 professionals and youth, working under the leadership of the ABA Center on Children and the Law, Division for Public Education, and Office of the President-Elect, met at Hofstra University School of Law (with the assistance of its Center for Children, Families, and the Law) and developed the following recommendations that can serve as a roadmap in addressing important issues affecting America’s youth.¹

Make the Voices of Teens Better Heard in the Legal and Judicial Process

*The conference re-affirmed a key finding of the Pew Commission on Children in Foster Care: **More must be done to promote the direct and meaningful participation of youth in court proceedings that affect their lives.***

1. Youth must always be given notice of and afforded opportunity to be present at all court proceedings affecting them. Their voices need to be heard throughout the judicial process, through the assistance of competent attorneys, and directly as appropriate.
 - a. Youth must be included in discussions of what may happen in court, the consequences of court actions, and the resolution of intra-familial problems that relate to their court involvement.
 - b. Judges, lawyers, social workers, and other professionals responsible for cases involving a youth’s well-being should develop alternative ways of hearing his/her voice, which might include:
 - 1) Emphasizing the importance of youth-guided attorney representation, throughout the juvenile and family court system;
 - 2) Working toward a court process that ensures proceedings are conducted in a language youth can understand and with sufficient time devoted

¹ *These conference recommendations have not been formally approved by the House of Delegates or Board of Governors of the American Bar Association, and accordingly should not be construed as representing the policy of the American Bar Association. However, several of these recommendations were approved prior to 2006 in earlier resolutions to the Association’s House of Delegates.*

- to answering questions of youth and enabling them to have meaningful input in the process;
- 3) Providing youth with alternative means of communicating with the court (e.g., through opportunities for written or oral communication, as appropriate after consultation with their attorneys);
 - 4) Encouraging judicial inquiries into every court-involved youth's situation at every scheduled court hearing or court review, and not less frequently than every 30 days;
 - 5) Focusing on cultivating every youth's understanding of the importance of dressing appropriately for court, how they should comport themselves in court, etc.;
 - 6) Applying skills used by other disciplines that would enable lawyers to better understand their teen clients (e.g., how to conduct home visits);
 - 7) Giving youth a right to complain about the legal representation they receive, concerns about their experiences in the courts and with service providers, etc., through a special Youth Ombudsman Program;
 - 8) Making sure youth do not remain at-risk, by working aggressively to help assure that they have safe homes, prompt interventions to meet their immediate needs, etc.; and
 - 9) Introducing new opportunities to have specially trained court-appointed lawyers representing teenagers (perhaps through lists or panels maintained by courts of lawyers with special youth-oriented skills and training).
2. Model programs that promote youth self-empowerment, including facilitating participation of youth in all court proceedings, should be identified, supported, and replicated. The development of youth organizations (such as New York's "Voices of Youth" and the California Youth Connection), youth summits, and youth mentorship programs should be promoted as ways of achieving greater youth empowerment, mentorship, and involvement in the courts and in reform of the legal process affecting court-involved youth.
 3. The experiences youth have while at the courthouse must become more positive.
 - a. Juvenile and family courts should maintain a youth-friendly environment that helps assure youth and family privacy, confidentiality, and safety to avoid the humiliation youth often feel by having their private lives discussed in courthouse hallways (e.g., private victim waiting rooms, private rooms for counseling, private interview space for meeting with attorneys).
 - b. Judges and lawyers should work together to ensure that legal proceedings are crafted in a manner that creates adequate time for youth participation, is understandable to youth, and welcomes youth participation.
 - c. A glossary of terms should be developed for widespread dissemination to court-involved youth so that they can better understand the legal proceedings in which they are involved. Community seminars should be offered in schools and elsewhere where lawyers and judges can provide education about youth involvement in the court system.
 4. Governments are required to act in the best interests of youth and in doing so youth should be afforded a "right to be heard" in any government administrative and judicial proceedings that affect them. This right is a recognized principle of international law, as articulated in the Convention on the Rights of the Child. The "right to be heard" principle should be promoted to help gain broader public support for hearing the voices of youth involved in the legal system. This right should also be articulated in legislative "youth bills of rights" at the state level.

**Promote More Teen-Related
Legal and Judicial Education**

Working with teenage youth in court requires special expertise and sensitivity. Lawyers and judges need to become better skilled in addressing the needs of youth. Opportunities for training should begin in law school, as the next generation of legal advocates for youth is prepared for practice. Continuing legal and judicial education should help build appropriate skills for working with youth holistically.

Law Students

1. 1. Curricula change should be encouraged at law schools, to include new youth and family law-focused courses, to train future attorneys and judges, and to encourage students to enter the field of working with youth. The Family Law and Education Reform Project produced recommendations for reforming law school curricula, and these should be carefully studied and implemented.
2. Greater attention should be given to issues of teens and the law, using an interdisciplinary program approach and ideally providing fellowship or scholarship support for students planning youth-related public interest careers.
3. Law students should have an option to take skills-oriented courses and participate in experiential/clinical

programs related to youth, which include addressing effective communication between lawyers and their teenage clients and an understanding of adolescent psychology and interdisciplinary approaches to working with youth.

4. Law school courses should address: how to reduce family conflict; use of the law to help eliminate domestic violence by promoting safety, the protection of victims and their children, and the strengthening of relationships between children and their non-abusive parent; appropriate use, with non-violent families, of family dispute resolution and related collaborative approaches; and, where appropriate, the use of non-adversarial case resolution for dependency, status offense, and juvenile delinquency cases.

5. Law schools should be aided in developing and supporting legal education programs for non-legal professionals and joint degree and multi-disciplinary programs taught by legal and non-legal professionals that address youth at risk. Similarly, law professors should be encouraged to teach other professional disciplines in their graduate programs.

6. Young people who have been in the child welfare or juvenile justice system should be encouraged to enter law school through special scholarship programs (some states have programs that allow youth who have been in foster homes to attend a state university for free).

Lawyers

1. CLE courses, involving an interdisciplinary faculty and available on an on-going basis, should be offered on issues related to youth in the courts to broaden awareness and promote change of current legal and judicial approaches to working with teens. The training of legal professionals who are already working with youth at risk, especially prosecutors and counsel for youth, should be emphasized, so they are better able to listen to youth and so that lawyers for youth can better develop the trust of their teen clients.

- a. To avoid passing judgment on youth, lawyers should be educated on how to talk to and develop positive relationships with teen clients, using a strength-based, positive youth development perspective that emphasizes a holistic approach and cooperation among professionals involved in the youth's case.
- b. Lawyers who represent youth, who represent the state or county (prosecutors and child protection agency lawyers), and who represent parents should be given information about effective, evidence-based community services for youth, available within and outside their area (including those that can divert youth away from the judicial process).

- c. Lawyers should be specifically trained on cultural and socioeconomic sensitivity and competence.
- d. Lawyers should be aware of the Indian Child Welfare Act and identify youth who may fall under its provisions.
- e. Lawyers handling high conflict family cases involving teenage youth, and cases of families with teens where there has been domestic violence in the home, or divorce and separation affecting teens, should have specialized education and training on the following: identifying such conflicts; understanding family violence dynamics and understanding the impact living in families with domestic violence has on youth. Specialized training should also include information on: promoting the safety of children and aiding non-abusive parents and teens to appropriately respond to conflict; and enhancing their safety and not minimizing the impact of violence in the home. At a minimum, every assessment of a divorce/custody/visitation case involving a teenager (as well as children generally) must begin by determining if there are any issues involving domestic violence, coercive control or power and control, and if so, lawyers must understand why a "family systems dynamic" should not be applied to treatment interventions.
- f. Lawyers should be trained on ways to empower their teen client to become an active participant in the court process, as appropriate.

2. The above-listed (a.-f.) curricula content should be used for CLE, placed on websites, and developed with aid of special funding for lawyer training. On-line curricula should also have links to evidence-based, adolescent-focused prevention and intervention program information, such as Blueprints for Violence Prevention of the Center for Study and Prevention of Violence (www.colorado.edu/cspv/blueprints/model/overview.html).
3. Incentive programs should be created for lawyers to get youth-related CLE credits in an effort to induce improved representation of youth; for example, by offering free training in exchange for lawyers taking cases, or bonus credits for taking certain courses on legal representation of youth.

Judges

1. Judges handling high conflict family cases, especially cases involving domestic violence involving teenage youth, should have specialized education and training on: how to identify the conflict; how to keep a youth and victim parent safe; and how to better support the parent-child relationship to help end the violence.

Training should also include: understanding dynamics of these cases, especially the impact on teens living in high conflict families and families experiencing domestic violence, and how to help parents and teens reduce conflict and end violence, while keeping them safe.

2. Organizations such as the Conference of Chief Justices, National Center for State Courts, National Council of Juvenile and Family Court Judges, Association of Family and Conciliation Courts, National Judicial College, and others should be enlisted to collaborate in support of teen-related judicial training programs and to encourage teen-friendly policies within the courts (e.g., having more informal hearings and having court hearings scheduled after school hours).

3. The National Council of Juvenile and Family Court Judges new “Delinquency Guidelines,” as well as their Child Abuse and Neglect “Resource Guidelines,” should be promoted as educational tools to better serve teenagers involved in the courts.

Improve the Quality of Legal Representation for At-Risk Teens

Youth in trouble are entitled to high quality legal representation that can address competently the full gamut of issues affecting them. There is a need for significant expansion in the number of well-trained lawyers representing youth in court.

1. National standards of practice pertaining to representation of youth in dependency, status offense, and juvenile justice cases should be studied and harmonized so they better address the legal needs of youth. Laws and standards of practice must support continuity of representation as an essential way of helping meet a teen client’s needs. These should be mindful of the essential concept of “positive youth development” and other core values and principles identified through best programmatic practices. Key to those values is representing the whole youth through coordinated, interdisciplinary, and multidisciplinary practices.

2. Standards of practice for lawyers representing youth should more clearly address the legal needs of youth who will be leaving the child welfare or juvenile justice systems in their transition to adulthood.

3. Every youth must have adequate and confidential telephone and in-person access to their lawyer, and their lawyer must have the time to be adequately available to their teen client.

4. Every lawyer who handles dependency, status offense, or delinquency cases must determine:

- a. If their teen client has, or has had, a case on another docket;
 - b. Whether their teen client has special needs, and help them accommodate those needs as part of their representation;
 - c. Their teen client’s immigration status, and help them in that area where necessary;
 - d. The specific needs and rights of youth soon to “age out” of the foster care or juvenile justice system; and
 - e. If their teen client is living in a violent home or in a high conflict family situation, attorneys should help protect them from the abusive person(s) and support their continuity of care with non-abusive parents or caretakers, as well as take an active role in helping reduce conflict within the family and promote collaborative problem solving with parents and their lawyers, mental health professionals, and the court, in ways that are economically liable to the family and which do not involve breaching safety for the children, teens, and non-abusive parent alike.
5. Lawyers should have enhanced resources so that they are better able to represent youth. They should have reasonable caseloads and better compensation for this work. There also should be greater public support for increasing the number of service and resource providers helping the teen clients of these lawyers (court appointed special advocates, social workers, etc.).
6. Lawyers should be encouraged to work in public interest practice fields involving youth. Possible ideas to promote this include providing attorney loan forgiveness, increasing compensation for court-appointed legal representation, granting scholarships to encourage lawyers to practice in such areas, developing School-Based Legal Clinics that provide legal information and advice to teens and their families, and creating special certification programs for skilled lawyers who represent youth, such as those developed by the National Association of Counsel for Children.
7. Efforts should be promoted to adequately compensate public interest attorneys involved in youth issues, and to adequately fund youth-serving legal organizations.
8. To maintain and enhance the quality of legal representation of young people, the legal profession should seek to elevate the importance of family and youth law issues through the following means: special attorney accreditation; bar exam questions related to family law, dependency law, juvenile delinquency law, and juvenile status offense law; and financial support for relevant law school courses and experiential and clinical programs.

Increase Lawyers' Civic Involvement with Teens at Risk

Lawyers who do not provide legal representation to youth should be involved in other efforts to aid teenagers in their communities.

1. Lawyers should become involved in special efforts to aid youth who are chronic school truants. Lawyers, support staff and paralegals should also find opportunities to serve as “youth mentors,” recognizing they can serve as positive role models providing opportunities for youth to make needed long-term connections with caring adults. Lawyers can also serve as youth tutors, helping address educational needs.
2. Lawyers should help identify effective, evidence-based community services for youth, especially girls, and promote early intervention and their diversion from unnecessary judicial involvement or “criminalization”.
3. Lawyers should be encouraged to become foster parents, legal guardians, or adoptive parents for teens that have been abused, neglected, or abandoned.

Enhance Awareness of the Importance of Quality Teen Support Programs

The organized bar has an important role to play in working with youth and youth-serving organizations, educating citizens on the importance of enhancing government and private investment in serving teenagers. The public must better understand that increased and wiser investments in evidence-based programs for this population will help make our communities safer and generally improve the quality of all our lives, both now and in the future.

1. Success stories involving responses to youth should be promoted (e.g., saving taxpayer money, reinvesting in crisis intervention, and developing new community-based resources). Public awareness campaigns should “shine a spotlight” on concerns of youth, especially youth aging out of foster care and how the organized bar, lawyers, and others can provide support for them.
 - a. Public awareness efforts should also be developed to better inform youth aging out of foster care, and the general public, about relevant policy reform recommendations, available resources, and exemplary program models to serve youth aging out of care.
 - b. Leaders of the organized bar should highlight youth at risk issues at their conferences, on “president’s pages” or in other editorial opportunities or media involvement.

2. Communities, counties, and states should evaluate how cases of teens aging out of foster care, status offense cases, cases involving youth from high conflict families including those with domestic violence, and “cross-over youth” are being handled. Where shortcomings are noted, the organized bar should disseminate the results of those studies and make recommendations on how these “unmet needs” of youth should be met.
3. Volunteer advocacy should be expanded for working with teens and their families, including greater use of court appointed special advocate programs to serve more teenagers, staffing of legal information booths and distributing relevant materials at courthouses, and having youth ombudsmen to ensure that services are promptly and effectively provided. Other examples include volunteers to visit or inspect group homes, assist youth to get library cards, serve as a court’s “eyes and ears” on how youth are doing, and otherwise become resources for youth.
4. Awards should be created by the organized bar to publicly recognize outstanding work in promoting youth welfare, including an award for government (e.g., to a governor, other elected officials at local, state, or national levels, defense counsel agencies or district attorney offices), for community-based youth services programs, for successful community collaboration, and for law school clinical programs.
5. Student projects or papers on youth at risk issues should be recognized with stipends and opportunities to present papers at national conferences.
6. Use and dissemination of educational information to parents – on how family conflict, including that associated with high conflict divorce and separation, and domestic violence, affects youth – should be promoted and strategies developed to help reduce such conflict and end violence.
7. Non-lawyers should be encouraged to volunteer their services on behalf of youth aging out of foster care, and they should be provided with resources and assistance to facilitate this.

Support Changes in Law and Policy to Promote Positive Teen Outcomes

Systemic reforms will be required to help ensure that youth who are involved in the courts achieve positive outcomes. Although some of what follows has already been adopted as policy by the ABA, other items present opportunities for the ABA and the organized bar more widely to develop and help implement appropriate recommendations.

Statutes Should be Enacted That

1. Mandate that youth be present in court, and this mandate should include requirements for notice, appropriate judicial inquiries, and court findings if a youth is not present.
2. Mandate every court-involved youth have the right to an attorney when fundamental rights are at stake, and a model law should promote that change in states that do not so require.
3. Mandate pre-petition/pre-court services for youth and families on the verge of entering the status offense system, to avoid unnecessary judicial and state child protection or juvenile justice agency involvement that could stigmatize youth unnecessarily.
4. Repeal the “valid court order” provisions of federal and state laws, which provide for status offenders to be treated as delinquents and housed in secure detention and confinement settings after a judge’s finding that a prior order was violated by the youth. Instead there should be statutory authority for the development and expansion of community-based residential alternatives for such youth.
5. Prohibit operation of unlicensed, unregulated residential treatment facilities that operate programs whose efficacy has not been proven empirically, such as boot camps, tough love, and “scared straight” programs, and require the closing of such facilities. The law should provide for such facilities to be replaced with: better access to preventative services, with a focus on family involvement and community-based resources, wherever possible; and carefully regulated “residential treatment facilities” that are reserved for youth whose dangerous behavior cannot be controlled except in a secure setting.
6. Allow parents to access preventative and intervention services without having to surrender custody of their teenager or having their teenager arrested.

Policies Should Be Improved as Follows

1. The organized bar should take a lead in returning juvenile and family courts to rehabilitative goals, rather than a punishment focus, and it should encourage courts to take a more holistic approach when dealing with youth. The juvenile justice process should be revised to focus on youth developmental values. There should be a re-emphasis that having a separate, rehabilitation-focused, juvenile justice system is the best means of serving youth and enhancing community safety, when the courts must be involved.

2. A community prosecution philosophy aimed at youth rehabilitation and appropriate support services as a public safety strategy should be encouraged.
3. Multiple youth service providers should be housed in the same physical setting in order to best serve youth and their families.
4. Several youth services “gatekeeper” agencies are needed, based upon which agency would be most appropriate to help a youth and family based upon their needs (e.g., school attendance problems, youth behavior problems) to serve as a point of access for immediate services for any youth who is at risk of court involvement.
5. Community-based pre-court diversionary programs should be supported, following the lead of innovative programs in New York City, other New York counties, Florida and Chicago.
 - a. Immediately accessible, community-based programs must be family-focused and youth and family strength-based, ideally providing services in-home or where families prefer.
 - b. Community-based restorative justice approaches for youth should be promoted, such as “youth courts” or special community-based sanctions programs targeted to youth.
 - c. The use of secure detention should be prohibited as a solution in status offense cases. Out-of-home placements for youth in the status offense system should be coordinated through the abuse/neglect (child welfare) system, especially if these youth are in need of protection and safety. Genuine alternatives to detention should be explored so that detention is used only for youth who are safety risks, not for youth in crisis.
 - d. Changes in policy that would prohibit secure institutional placements of status offenders, and having a lower number of status offenders brought to court, should produce savings in tax dollars that should then be reinvested to finance new innovative youth-serving programs. As shown by communities with successful programs, the number of status offender cases should drop, affording jurisdictions the ability to divert funds to community resources and a restructuring of the status offense system to identify new single point of contact “gatekeeper” agencies that avoid involvement of police and the courts.

6. Caseworkers working with at-risk youth, especially those close to aging out of foster care, need special training to work effectively with young people by enhancing the frequency of contact with youth based upon their needs and engaging in task-focused discussions on helping meet youth legal permanency, housing, educational, vocational, and basic needs (e.g. home and sibling visits).

7. “Zero tolerance policies” in schools (that have minor, single infractions by a student referred for police and/or court intervention) have a particularly pernicious effect on youth, and therefore alternative responses that do not involve law enforcement or judicial involvement should be used.

8. Policies that have been proven to work when intervening in truancy cases, such as school-based and court-based truancy intervention programs, should be supported, and replicated, including the effective implementation of requirements under special education laws.

9. Courts handling youth-related cases must ensure that there are sufficient court interpreters for both youth and their families to reflect the languages spoken within their community.

10. Existing legal reform proposals related to youth exiting the foster care system should be actively implemented, including ABA policies on education of youth who are homeless or in foster care. Federal and state policies for youth aging out of foster care should include:

- a. Providing tuition waivers for state colleges and universities;
- b. Extending Medicaid waivers to cover mental and physical health needs of youth;
- c. Permitting foster youth, who desire to do so, to opt back into foster care after having exited the system (with specifics of this proposal to be subject to a review of best practices and available research);
- d. Extending court jurisdiction over foster youth from age 18 to 21, subject to the youths’ consent;
- e. Increasing available federal housing resources for youth exiting foster care;
- f. Improving opportunities for job training for former foster youth;
- g. Offering public-private partnership incentives for companies providing entry-level positions to former foster youth; and
- h. Reviewing and where appropriate revising record-sealing policies to provide for the sealing of a former foster youth’s records under certain circumstances.

11. Policies should enable foreign-born foster youth to obtain lawful immigration status and government benefits while they are in foster care.

12. The concerns of tribal youth in foster care should receive concerted attention, particularly the right of tribal youth to participate in the federal Chafee Foster Care Independence Act’s services.

13. There should be a structure through which judges meet with, and regularly work with, school officials to improve collaboration between the schools and the courts related to youth.

Disseminate Information on Best Practices for Aiding Teens at Risk

Youth at risk should be served by the most effective and appropriate programs, and advocates both within and outside the organized bar should have access to information about those programs as a first step in helping replicate them. Information is needed to help demonstrate the beneficial impact of changes made to the youth intervention system in order to convince the public of the need for better resources, lessened caseloads, and new procedures in the courts.

1. The organized bar should collaborate with other organizations to inventory existing youth-serving programs, as well as best practices for attorneys and judges in cases involving teens. A special focus of this should be programs that address chronic truancy. Information on community-based approaches to working with youth and their families should be gathered from states and localities that are implementing innovative programs.

2. The organized bar should work to help expand the most effective programs, through advocacy for diverting funds from programs that have not been shown to work empirically (such as boot camps) to programs that have been shown to work, for example, evidence-based program models highlighted at:

www.colorado.edu/cspv/blueprints/model/overview.html
www.helpingamericasyouth.gov/programtool.cfm

This should include a careful look at an Oregon model, where the legislature has prioritized support for evidence-based programs.

3. Local task forces should be promoted to assess localities’ approaches to status offense cases and determine/assess whether social service agencies would better deal with those cases as opposed to the court or probation systems. Likewise, information should be collected on how many youth have been in both the dependency and delinquency systems, and patterns should be tracked, to include both national and local overviews.

Funding should be sought for disseminating program innovation information, commissioning work to identify novel solutions to issues related to status offenders, youth aging out of foster care, cross-over youth, etc.

4. There should be identification and cataloguing of successful multi-disciplinary programs that support attorneys in their legal representation of youth.

20 “Action Plan” Items for the American Bar Association

1. The ABA should establish a blue ribbon **American Bar Association Commission on Advocacy for Youth**, comprised of nationally recognizable figures, representatives of organizations within and outside the legal profession working on these issues, and the voices of youth with experience in the legal and judicial system.

2. Because the issue of status offenses has not been adequately addressed nationally in over twenty years, the ABA should convene a **National Symposium on Status Offenders**, inviting, e.g., the National Council of Juvenile and Family Court Judges, National Association of Counsel for Children, National Conference of State Legislatures, National District Attorneys Association, National Truancy Prevention Association, and representatives from localities with successful programs to provide evidence-based services in aiding these youth and their families. “Best models” and legal/judicial approaches to be promoted through the symposium should be identified. Representatives from the judiciary, legal profession, court services offices and probation offices, youth serving agencies, and youth (ideally, if there is adequate funding, from every state) should be invited to participate.

3. The ABA should work with judicial leaders, state and local bars, advocacy groups and others to promote **changes in law and practice that reinforce the right and need for youth to be present at their court proceedings**.

4. The ABA should work with the National Conference of Commissioners on Uniform State Laws (NCCUSL), the National Association of Counsel for Children, and other groups to **promote representation of children, by attorneys, in all dependency proceedings in all states**, and for the identification and setting of reasonable caseloads and adequate compensation and support to enable those child advocate lawyers to effectively represent the wishes and needs of their teen clients.

5. The ABA should work with other organizations to help develop a **National Court-Involved Youth Empowerment Project**, with designated state leaders that would provide toolkits and curricula for organizations wishing to develop youth empowerment programs in which youth would be prepared to aid court-involved youth through peer-support programs. This project could also encourage these organizations to participate in the legislative process affecting youth.

6. The concept of “**One Family–One Judge,**” **through Unified Family Courts**, should be expanded through advocacy by the ABA, to apply to more youth and families involved in multiple types of court cases.

7. The ABA should continually identify and highlight the relevant work of national, state, and local bar entity programs and projects that are already working on youth issues. **The ABA Steering Committee on the Unmet Legal Needs of Children** should continue to serve as the focal point within the ABA for this activity, and based on this information it should produce a new publication, “**Make a Difference in a Teenager’s Life: 25 Projects for Lawyers**”.

8. A “**Family Law Education Reform Project,**” developed under the auspices of the Association of Family and Conciliation Courts, has produced recommendations for reforming law school curricula, and the **ABA Family Law Section** should carefully study and help implement them. This would help assure that youth-related family issues (e.g., maltreatment of teenagers, youth aging out of foster care, high conflict custody/visitation cases, and domestic violence affecting teens, and juvenile status offenses) are better addressed in law school. The Section should also focus attention on educating lawyers and judges regarding best practices for addressing high conflict custody cases pursuant to recommendations made at their November 2000 Wingspread Conference, “**High-Conflict Custody Cases: Reforming the System for Children.**”

9. The **ABA Division for Public Education** should assist lawyers in helping develop and expand “**Youth Court**” programs in which peers are given opportunities to help youth by fashioning community-based dispositions and diverting youth from formally entering the juvenile justice system.

10. **Best practices of prosecutors** in diverting youth from a court’s status offender jurisdiction, and **best practices for juvenile defense attorneys** in preparing their teen clients, after adjudication, to engage in productive dialogue with judges and probation

personnel, should be collected and disseminated by the **ABA Criminal Justice Section**.

11. **Judicial training on best practice approaches to available prevention and intervention programs for youth** should be promoted, working through the **ABA Judicial Division**, National Judicial College, and other programs. This should involve an interdisciplinary faculty and be available on an on-going basis to broaden awareness and promote change of current judicial approaches to working with youth.

12. **The ABA Commission on Domestic Violence** should examine how laws, courts, and legal practice address **teenagers living in homes with domestic violence**.

13. The **“One Child–One Lawyer” Program**, initiated by the **ABA Young Lawyers Division**, should be expanded and promoted as a mechanism to serve youth in court with trained counsel in cases where there is no right to counsel or in a matter collateral to one where they have a right to counsel (e.g., in an immigration matter collateral to a dependency or juvenile justice proceeding). However, this program should not be viewed as a replacement for, but rather as a complement to specialized youth law practice. Lawyers participating in this program should be appointed to represent youth contingent on receiving adequate training in representing teens. These programs should also include special outreach to lawyers from diverse populations to encourage them to represent youth in urban areas that have a high volume of cases. As another method of helping meet the legal needs of at-risk youth, lawyers should be recruited, trained, and supported to provide pro bono representation or to create specialized Children’s Law Centers, using the expert resources available through the **ABA Section of Litigation Children’s Rights Litigation Committee**.

14. The ABA should amend its **Model Rules of Professional Responsibility** to address problems specific to the juvenile and family court. These changes should **clearly indicate that a youth’s lawyer should function as a lawyer for their client, not simply as guardian of the youth’s best interests**, and they should: preserve lawyer/youth confidentiality; prohibit cross-examination of lawyers representing youth; and prevent any part of an attorney’s team from being a mandated reporter to children’s services so as to maintain a teen’s trust that his/her voice is being heard and properly represented in court. Ethics rules should also be evaluated and refined so that they better aid lawyers who practice family law in high conflict cases.

15. Lawyers and bar leaders, in their capacities as interested citizens, should be encouraged by the **ABA Center on Children and the Law** to join in stakeholders’ meetings being convened in states across the country to solicit citizen input as part of the federal Children’s Bureau’s **Child and Family Service Reviews**. Lawyers should also promote the active involvement of youth being “at the table” during those meetings.

16. Protecting and **assisting gay, lesbian, bisexual, transgender, and sexually questioning (GLBTQ) youth in foster and institutional care** should be a focus of enhanced advocacy by lawyers and judges, through the aid of a special project of the **ABA Center on Children and the Law**.

17. Reforms in the way public **child welfare agencies address the needs of teens entering the child protection system** should be identified and studied by the **ABA Center on Children and the Law**.

18. The **ABA Council on Racial and Ethnic Justice** should address the issue of **disproportionate minority youth involvement in the dependency, status offender, and juvenile justice systems**.

19. Public and private insurance industry practices should be reviewed, by the **ABA Tort Trial and Insurance Practice Section** to find ways to **fund access to prevention and intervention services for youth**, including allowing parents to “buy in” to those services. This may best be done through an alliance with organizations promoting these issues, such as the American Academy of Pediatrics, the American Psychological Association, and the American Academy of Child and Adolescent Psychiatry. Foster youth facing legal and other impediments to obtaining driver’s licenses and operating vehicles with necessary insurance should also be studied. This Section should also support efforts to **provide appropriate legal guidance and services to facilitate access to licenses and insurance for youth within and exiting foster care**.

20. The ABA and its many entities involved in youth issues should participate in the work of the **National Foster Care Coalition** and the activities of **National Foster Care Awareness Month** held each May, identifying and then collaborating with organizational partners to bring a legal reform focus to these initiatives.

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