NCJFCJ est. 1937 NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES

CELEBRATING 80 YEARS 1937-2017

RESOLUTION REGARDING JUVENILE PROBATION AND ADOLESCENT DEVELOPMENT

WHEREAS, the NCJFCJ supports integrating applicable principles identified and supported by adolescent brain development, including sentencing and disposition options for juveniles, into juvenile and family courts;

WHEREAS, the NCJFCJ encourages judicial leadership to guide policy and practice changes that incorporate the research findings on adolescent brain development;

WHEREAS, the research on adolescent brain development should help juvenile and family court judges understand, anticipate, and respond to the behavior of adolescents by holding them accountable in developmentally appropriate ways;

WHEREAS, the juvenile justice system is grounded in the inherent differences between youth and adults, yet current juvenile probation practices and policies may not reflect those developmental differences;

WHEREAS, the NCJFCJ believes that juvenile justice system policies, programs and supervision should be tailored to reflect the distinct developmental needs of adolescents;

WHEREAS, the NCJFCJ, as declared in the 2005 *Juvenile Delinquency Guidelines,* believes that juvenile delinquency court judges should ensure that court dispositions are individualized and include differential responses of sanctions and incentives;

WHEREAS, the NCJFCJ has called for individualized juvenile probation services and conditions of probation that are implemented through well-developed case plans that include “proactive statements about what must occur in the near future to address youths’ risk to community safety, their most pressing needs related to their delinquent behavior, and their accountability obligations”;

WHEREAS, a developmental approach to juvenile probation should promote as “normal” a path to adulthood as possible, using out-of-home placement as a last resort;

WHEREAS, family engagement and community partnerships are a valuable part of a developmentally appropriate system;

WHEREAS, developmental goals for adolescents on probation must include preparation for the exercise of rights and responsibilities that society assigns to adults;

WHEREAS, too many juvenile courts and juvenile probation departments impose conditions of probation that are not individualized, have too many requirements, and lead to unnecessary detention or incarceration for technical violations;

WHEREAS, enforcement of conditions of probation is too often subjective and exacerbates racial and ethnic disparities;

WHEREAS, Modernizing juvenile probation approaches to incorporate knowledge on adolescent development and behavioral decision making will (1) help youths understand, appreciate, and remember their probation requirements; (2) emphasize short-term, positive outcomes for probation compliant behaviors; (3) deliver sanctions for noncompliant behaviors in ways that enable youths to learn from their mistakes and modify their behaviors in the future; and (4) promote affiliation with positive peers.

NOW, THEREFORE, BE IT RESOLVED:

The NCJFCJ supports and is committed to juvenile probation systems that conform to the latest knowledge of adolescent development and adolescent brain science.

The NCJFCJ supports and is committed to the development of robust education and training of juvenile probation staff on adolescent brain development; its impact on juvenile justice policy, practice and the law; and its relationship to juvenile probation case planning, conditions of probation, supervision, monitoring and enforcement, and data collection.

The NCJFCJ encourages juvenile probation agencies to implement evidence-based practices and be data-informed by collecting practice-based evidence.

The NCJFCJ recommends the use of validated risk and needs assessments to guide dispositional and programming decisions.

The NCJFCJ recommends juvenile probation that emphasizes individualized case management to provide youth with services that are responsive to their criminogenic needs.

The NCJFCJ encourages an emphasis on the use of incentives—rather than sanctions-- to modify youth behavior.

The NCJFCJ recommends that courts cease imposing “conditions of probation” and instead support probation departments’ developing, with families and youth, individualized case plans that set expectations and goals.

The NCJFCJ encourages jurisdictions to develop alternatives to formal probation revocations for technical violations, to ensure that detention or incarceration is never used as a sanction for youth who fail to meet their expectations or goals.

The NCJFCJ encourages juvenile courts and juvenile probation departments to adopt a developmentally designed juvenile probation system with a differential response system that will:

a. Help youth improve their decision-making.
b. Emphasize short-term, positive outcomes for probation-compliant behaviors.
c. Be designed in such a way that enables youths to experience success almost immediately.
d. Emphasize effort and improvement through a process of behavior change rather than expecting perfect compliance with probation requirements, goals, and expectations.
e. Create expectations and goals that address fewer behaviors at a time, rather than emphasizing all probation requirements at once, while taking care to avoid unnecessarily extending the duration of probation.
f. Utilize incentives and rewards to motivate youth to meet expectations and goals that enable youth to learn from their noncompliant behaviors.
g. Fairly sanction misbehavior, incorporating elements of procedural justice.

h. Provide youths with opportunities to take part in prosocial activities and engage with positive peers (e.g., playing in a sports league, taking art classes).

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