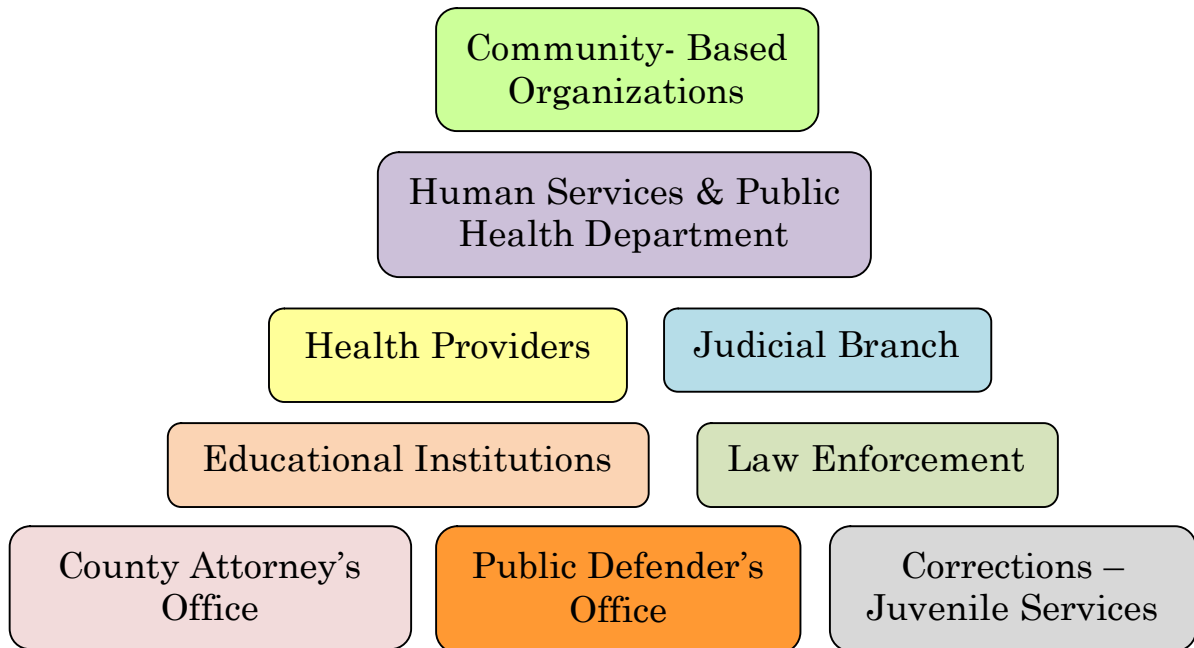


# Understanding the “Systems” in Juvenile Justice

## A Map of Minnesota’s Juvenile Justice System



A Reference Guide Produced by the  
[Juvenile Justice Coalition of Minnesota](#)

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December, 2008  
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Acknowledgements

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## Introduction

What is the juvenile justice system?

The juvenile justice system is composed of many different “systems” which overlap in jurisdiction, authority and services for youth who are at risk, who commit delinquent or illegal acts or engage in inappropriate behavior. These include:

- Education and Special Education
- Child Protection
- The Courts
- Corrections and Probation
- Court Administration
- Law Enforcement
- Public Defense
- County Attorney’s Office
- Human Services
- Out-of-Home Placement Facilities
- Private Attorneys
- Community-Based Organizations
- Physical, Mental Health or Chemical Health Service Providers
- State Agencies

Most professionals involved in the juvenile justice system know their part of this puzzle and perhaps a piece of the rest of the picture. But, the different systems largely operate in a fractured manner. This handout is designed to help you understand the role of the different sectors and to help break down the “silos”.

But first, a brief history lesson.

### **History of America's Juvenile Justice System**

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Prior to the late 1800’s, children were tried in the same criminal court as adults and children over the age of seven could be sent to adult prison. As part of the Progressive Era in the United States that included the women’s suffrage movement and the fight against child labor laws, reformers and researchers in the relatively new field of psychology, began advocating for a change in policy. These early reformers viewed children not as “miniature adults”, but as youth who could be rehabilitated and steered away from the adult criminal world.

The first reformatory for juveniles was established in New York in 1824. The first juvenile court was established in Cook County, Illinois in 1899 and by 1924, all but two states had implemented their own juvenile court system. The premise of the juvenile court was based on *parens patriae* (the State as Parent) which allowed the

state to intervene and protect children if their own parents did not provide adequate supervision, leading to juvenile delinquency. True to its roots, the goal of the newly formed juvenile court was rehabilitation, not punishment.

By the 1960's, juvenile courts held jurisdiction on almost all matters related to youth under the age of 18. Court procedures were based on informal civil proceedings and did not necessarily protect due process rights of youth guaranteed under the 5<sup>th</sup> and 14<sup>th</sup> amendments. The landmark Supreme Court decision of *In re Gault* in 1967 affirmed juvenile courts must protect the due process rights of juveniles during their proceedings. Those rights include:

- The right to receive notice of charges
- The right to obtain legal counsel
- The right to "confrontation and cross-examination"
- The "privilege against self-incrimination"
- The right to receive a "transcript of the proceedings"
- The right to "appellate review"

Other Supreme Court decisions followed which transformed the juvenile justice system to one comparable to adult criminal court and granted juveniles similar legal rights as those of adults.

In 1968, Congress passed the Juvenile Delinquency Prevention and Control Act to provide states federal dollars for community based prevention programs to decrease juvenile delinquency. Six years later, Congress passed the Juvenile Justice and Delinquency Prevention Act and established the Office of Juvenile Justice and Delinquency Prevention (OJJDP), The Runaway Youth Program, and The National Institute for Juvenile Justice and Delinquency Prevention (NIJJDP).

During the 1990's, in response to a spike in juvenile crime in 1993-94, a series of high profile violent crimes committed by young offenders and over-hyping by the media, society believed a juvenile crime wave was taking over with the emergence of "juvenile super predators." While this crime wave did not materialize and crime rates actually decreased over the subsequent years, states and politicians responded by implementing "get tough on crime" legislation that continues to this day.

Many states decreased the age by which youth could be tried as adults, simplified transfer and waiver rules allowing youth to be tried in adult criminal court, created mandatory sentencing laws and installed "zero tolerance" policies within educational settings. These initiatives changed the focus of the juvenile courts to one of punishment, away from its founding principles.

*Source:* Snyder, Howard N., and Sickmund, Melissa. 2006. *Juvenile Offenders and Victims: 2006 National Report*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention., <http://ojjdp.ncjrs.gov/publications/PubAbstract.asp?pubi=234394>.

## Current Events

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Today, around the country, national, state and local efforts are advocating the juvenile justice system return to a focus on rehabilitation, while guaranteeing public safety and holding youth accountable for their actions. Reform efforts are supported by new research in the brain development of youth: recognition that a high number of youth involved with the juvenile justice system experience a mental health problem, chemical dependency or dual diagnosis: documented negative effects of incarceration on youth: and awareness of the high number of youth of color involved in the system.

Advocates are promoting reforms largely based on nine tenets developed by the Youth Transition Funders Group, a national coalition of funders focused on helping youth successfully transition into adulthood.

### **Nine Tenets of Juvenile Justice Reform**

1. Reduce Institutionalization
2. Reduce Racial Disparity
3. Ensure Access to Quality Counsel
4. Create a Range of Community-Based Programs
5. Recognize and Serve Youth with Special Needs
6. Create Smaller Rehabilitative Institutions
7. Improve Aftercare and Reentry
8. Maximize Youth, Family and Community Participation
9. Keep Youth Out of Adult Prisons

*Source:* Youth Transition Funders Group, Blueprint for Juvenile Justice Reform, spring 2006, Second Edition.

## Federal Legislation

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First passed in 1974, the Juvenile Justice and Delinquency Prevention Act guarantees specific protections for youth and federal monetary support for state prevention efforts. Most recently reauthorized in 2002 and up for reauthorization in 2007, the Juvenile Justice and Delinquency Prevention Act currently requires all states, Washington D.C. and U.S. territories to comply with the following four provisions in order to receive federal funding for juvenile delinquency prevention:

1. **Deinstitutionalization of status offenders** – Status offenders cannot be placed in secure detention or confinement.
2. **Removal from adult jails and lock ups** - Youth cannot be detained in an adult jail or lock up except under certain circumstances with specific time limits, prior to a court appearance, in rural areas or in unsafe travel conditions.

3. **“Sight and Sound” separation** – If youth are detained in an adult facility under the above exceptions, youth must be separated at all times from adult offenders.

4. **Disproportionate minority contact** – States must have a plan in place to address the issue of disproportionate minority contact within the system.

In addition the Act provides:

- A juvenile justice planning and advisory system in all states, territories and the District of Columbia. The Minnesota State Advisory Group (SAG) is the Juvenile Justice Advisory Committee (JJAC) staffed by the Department of Public Safety- Minnesota Office of Justice Programs.
- Federal funding for delinquency prevention.
- Funding for the Office of Juvenile Justice and Delinquency Prevention (OJJDP), a federal office which provides training, technical assistance, model programs, and research and evaluation on juvenile justice related issues to assist states and others.

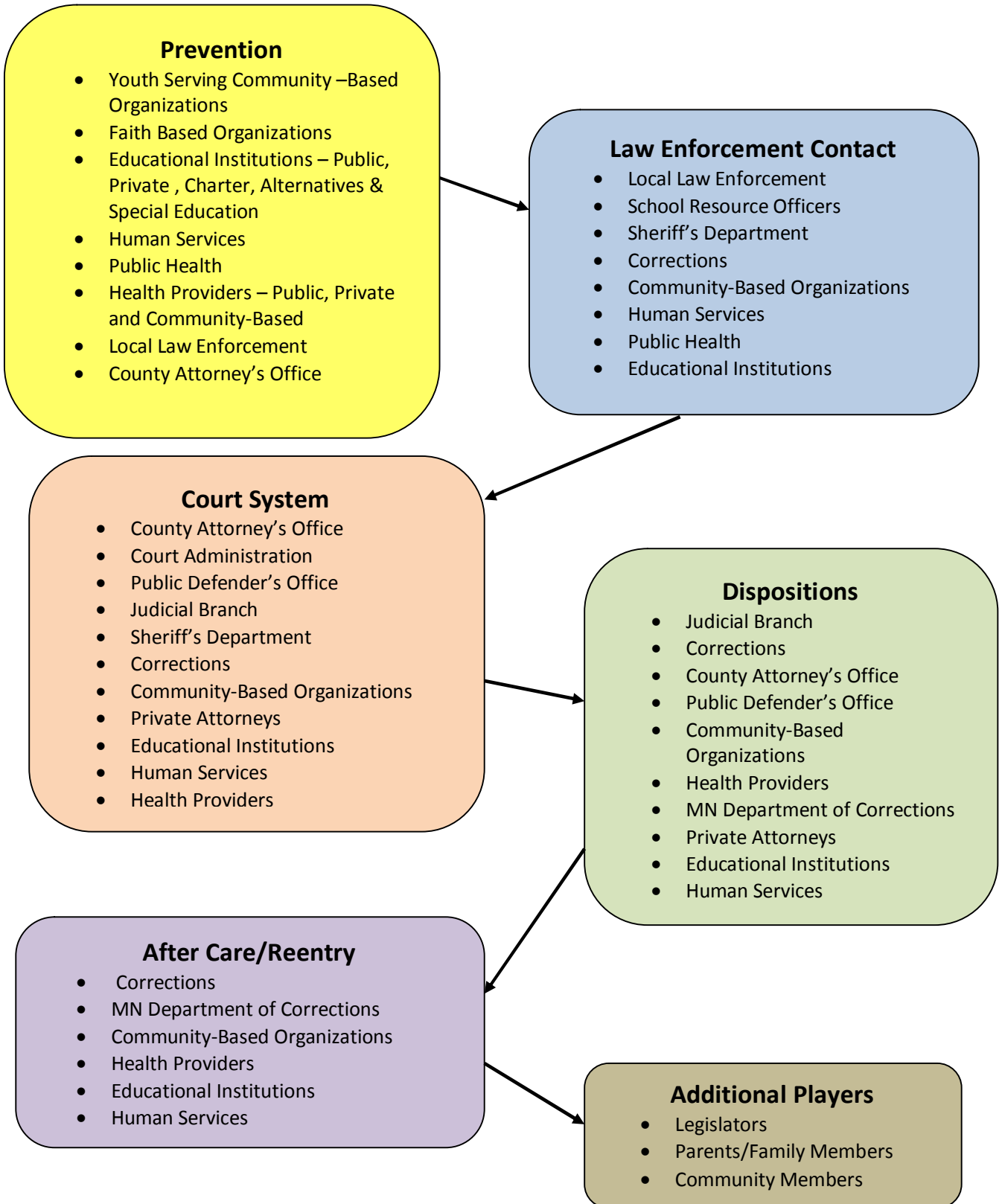
Source: Act 4 Justice, <http://www.act4jj.org/>.

## Part I: Connecting the Silos

State and federal mandates and funding requirements largely determine the role of each player in the juvenile justice system and what services or programs are provided for youth.

To help understand this world, the following diagram shows the sectors involved at each general step of the process, starting at the beginning with prevention. A more detailed description of the roles of each player follows.

# The “Players” in the Juvenile Justice System



## Who Does What?

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### **Prevention**

Experts within the field of juvenile justice advocate the best means to serve youth is to prevent them entering the system in the first place.

Agencies or systems involved with prevention efforts help youth develop the skills and self worth needed to succeed into adulthood. All these players may continue to provide services to youth throughout a youth's involvement with the juvenile justice system. These agencies play a critical role in preventing a youth's entry into the system; avoid engaging in delinquent behavior and succeeding into adulthood.

#### Youth Serving Community –Based Organizations

Provide activities and educational opportunities to positively occupy youth's free time and teach youth self-confidence and needed resiliency skills to succeed throughout childhood, adolescence and transition successfully into adulthood. Examples: YMCA, Boys Scouts, Girls Scouts, Park and Recreation, after-school programs, community centers, mentoring programs, etc.

#### Faith Based Organizations

Provide youth a community, positive activities, guidance youth, mentors and a faith based foundation. Examples: Religious institutions, youth groups, bible study.

#### Educational Institutions & Special Education

- Public school districts, alternative schools, private schools, charter schools, early childhood centers and public and private colleges and universities serve the educational needs of youth living in Minnesota.
- Public schools are mandated to provide special education services to children and youth identified with a disability that affects their educational success.
- Schools may also collaborate with human services or public health departments, private providers or nonprofit organizations, to provide mental health services for youth who do not qualify under special education guidelines.
- Schools operate individually, as part of a district philosophy and commitment or in collaboration with community-based organizations, to provide programs to teach children and youth appropriate behavior and the value of staying in school.

#### Human Services and Public Health Departments (State and County-Level)

- Through mandates and public official decisions, county human service and public health departments may provide prevention level programs and services, such as truancy prevention, anti-bullying programs, preventative

health services, children's mental health, and services for children with disabilities.

- Child protection services conduct investigations for all cases of alleged child abuse and neglect and locate out-of-home placements for youth who cannot live safely with their parent or legal guardian.
- State agencies provide licensing, guidelines and funding for providing the above services at the county, school and community level.

#### Health Providers – Public, Private and Community-Based

- Health services for children are covered by private insurance, public insurance, such as Medicaid and Minnesota Care, and community-based clinics that provide free or fee-for-service care.
- Counties in Minnesota are mandated to provide mental health and chemical dependency services to children and youth who meet established criteria.

#### Local Law Enforcement

Many local law enforcement agencies participate in education and prevention efforts in their communities, either individually or in collaboration with schools, community-based organizations or other entities.

#### County Attorney's Office

- Some county attorney offices in Minnesota operate prevention programs individually or in collaboration with community partners.
- Provide truancy prevention classes and other services to area school districts to assist with prevention efforts.

### **Law Enforcement Contact**

To come in contact with the “formal juvenile justice system” a youth must commit an alleged offense that is either a status or petty offense, or a delinquent act. Children under the age of 10 who commit an offense in Minnesota may be placed under the jurisdiction of CHIPS (Child in Need of Protection and Services) and cannot legally be found delinquent.

#### Local Law Enforcement

- Provide School Resource Officers (SRO's) for area middle and high schools.
- Arrest or issue a citation to a youth suspected of committing an offense.
- Determine if an offense was committed and respond appropriately.
- Investigate crimes.
- Protect public safety.
- May divert a youth, typically a first time offender or a youth who commits a low level offense, to a program operated internally or refer the youth to a community-based program.

- Transport youth to home, school, juvenile detention center, juvenile supervision center or other appropriate safe place if the youth is arrested, out on the streets beyond curfew or truant from school. Youth are released to a parent/guardian or responsible adult, a juvenile detention facility or an appropriate community-based facility. Law enforcement can hold a youth for a specified amount of time.
- File reports with county attorney's office to formally charge a youth with an offense or refer to diversion.
- Enter youth into the system through the intake process.

### Sheriff's Department

Provide same role as local police department.

### Corrections

- May operate a juvenile detention center where law enforcement may bring youth who meet specific criteria to hold until a scheduled court appearance, detain between court appearances, or wait for space in an out-of-home placement facility, according to judicial order.
- May operate community-based alternatives to secure detention.

### Community-Based Organizations

- May operate diversion programs and alternatives to detention programs utilized by local law enforcement agencies and the court system. Program funding can be secured through a local government contract, fee for service, third party billing, private donations or a foundation or grant.
- May operate supervision centers or detention centers.

### Educational Institutions & Special Education

- Some offenses committed by youth occur on school property and school or district disciplinary policies determine whether a youth is referred to law enforcement or their actions are addressed within the school.
- Most middle schools and high schools have school resource officers on campus to respond to illegal acts committed on school property, serve as deterrence and assist school personnel with prevention efforts.
- School officials prepare and file petitions for youth considered habitual truants based on state statutes.
- The success of schools to engage youth plays a critical role in the success of diversion programs and preventing youth from delinquent behavior.
- Provide school history and educational information to law enforcement and diversion programs to identify areas of concern for a youth.
- School districts are required to provide educational services for youth held in juvenile detention centers located within their district.
- Provide additional rights to youth with an IEP if delinquent behavior or action can be linked to the youth's disability per state statute.

### Human Services

- May operate or contract with community-based organizations to provide appropriate safe locations for children and youth involved with child protection, youth who do not meet detention center criteria or if law enforcement cannot locate a parent or responsible adult to care for a youth after being arrested by law enforcement.
- Conducts investigations for all cases of alleged child abuse and neglect
- Conducts investigations and makes recommendations or provide services to children under the age of 10 who are arrested by law enforcement for a delinquent act.

### Families

- Parents or families respond to a child's involvement in the court system in multiple ways – visiting a child held in detention, securing representation, cooperating with law enforcement investigations, supporting their child's involvement in diversion programs, responding internally to a youth's behavior through family disciplinary actions, ensuring their child's rights are protected, picking up their child from law enforcement facilities, holding their child responsible for their actions, etc.

## **Court System**

The different players of the court system are responsible for ensuring public safety, holding youth accountable for their actions, protecting the legal rights of juveniles and enforcing Minnesota and federal law. Based on the U.S. Constitution and rights guaranteed by Supreme Court decisions, the juvenile court system is similar to the adult criminal court system, led by members of Minnesota's Judicial Branch.

The Minnesota Juvenile Delinquency Rules Committee, a committee of Minnesota's Judicial Branch, oversees development of the Minnesota Rules of Juvenile Procedure Delinquency, Juvenile Petty Offenses and Juvenile Traffic Offenses which provide judicial procedures for Minnesota's juvenile justice system based on best practices, Minnesota statute and legal rights of juveniles guaranteed under the constitution. The Minnesota Rules of Juvenile Protection Procedures provides the same for children in need of protective services.

### County Attorney's Office

- Determine whether there is sufficient evidence to formally charge a youth from a report submitted by law enforcement.
- Respond to submitted reports – diverts the youth, declines a case, defers and requests additional information or charges it.

- Divert appropriate cases to an internally operated program or a community-based program through a government contract, for diversion. Since July 1996, all Minnesota county attorneys are required to offer pretrial diversion to juveniles according to statute.
- File cases to be charged with court administration.
- Prosecute all juvenile cases.
- Negotiate cases with the Public Defender's Office or private attorneys.
- May explain process to juveniles and their families.
- Notify victims of court proceedings.
- Request warrants for youth who do not appear in court, depending on seriousness of offense.
- Determine and recommend, based on seriousness of offense and state guidelines, if youth should be certified to adult court or given EJJ status. Youth as young as age 14 may be certified as an adult in Minnesota.
- The County Attorney is an elected official with assistant county attorneys and staff hired and paid for by the county.

#### Public Defender's Office

- Provide legal counsel and representation for youth guaranteed public representation under the constitution and Minnesota statute.
- Youth are provided a public defender in Minnesota based on the level of the offense and income eligibility. All youth charged with a misdemeanor or above or at risk of out-of-home placement have the right to a public defender.
- Explain system to youth and their parents/guardians.
- Negotiate cases with the County Attorney's Office.
- Chief Public Defender, his staff and county-based public defenders are employed by the Minnesota Board of Public Defense, except within Hennepin County, where some staff are Hennepin County employees.

#### Court Administration

- Review petitions or citations filed by the County Attorney's Office.
- File and initiate the case, notifying all parties involved and the youth of their rights for public representation, depending on offense committed.
- Schedule the first hearing date.
- Issue summons to youth who do not appear at initial court appearance.
- In some counties, may divert low level alcohol, tobacco or marijuana cases to a community-based intervention program.
- Determine whether a youth is eligible for legal representation by a public defender.
- Court administration staff are employed by the State of Minnesota, but physically located in County court buildings.

### Judicial Branch

- Minnesota's court system is separated into ten districts, based on geographic area. Depending on the size of the county, the juvenile court may be led by a presiding judge, additional juvenile court judges and referees or responsibilities shared among all judges within that district. Judges assigned to juvenile court tend to rotate and are not usually assigned to juvenile court permanently.
- Juvenile court judges are responsible for hearing and ruling on all juvenile delinquency, child protection cases, certification hearings, competency hearings and determining the truth of the filed petition.
- Juvenile court judges issue and monitor decisions, rulings, dispositions and certifications.
- Juvenile court judges issue warrants, determine bail and criteria for detention for youth who do not appear in court and whether a youth should be held in detention past the initial hold.
- Judge explains court process to juveniles and families.
- Provide psychological services to juvenile courts to assist with competency hearings, certification studies, forensic evaluations, psychological evaluations, mental health defense, etc.
- Juvenile court judges may be appointed by the governor or elected officials. They and their staff are employees of the Minnesota Judicial Branch.

### Sheriff's Department

- Provides security for court facilities.
- Transport youth to and from detention centers or alternatives to detention to court hearings.
- Present personal summons by court order to serious juvenile offenders who do not appear at scheduled court hearings.

### Corrections

- By request of the county attorney and the court, conduct pre-disposition studies to provide recommendations and consequences for potential dispositions.
- May operate detention centers where youth may be detained based on criteria and judicial orders between hearings or to await placement options.
- For youth already in system who reoffend, provide recommendations for revised dispositions or conditions of probation.

### Community-Based Organizations

- Provide diversion programs on a contract basis or fee for service for County Attorney's Office or Court Administration.

### Private Attorneys

- Any family or youth who does not qualify for representation by a public defender or through personal choice, may enlist representation by a private attorney who may charge for services or provide pro bono services.
- Private attorneys negotiate cases with the County Attorney's Office.

### Health Providers

Individual mental health professionals or facilities may provide psychological evaluations per judicial request on a contract basis with the courts or the county.

### Human Services

- File petitions and testify for child protection cases.
- Provide consultations on mental health related issues and assessments for juvenile court proceedings.
- Participate in review committees for youth declared incompetent by the court to recommend appropriate response by the court. Provide CHIPS services or other service as needed by court order.
- Participate in review committees for youth who may be sent to an out-of-home placement to recommend appropriate response by the courts.

### Educational Institutions

- May provide information to corrections, County Attorney's Office, Public Defender, private attorney and courts on the youth's school history, such as attendance, behavior, special education status, etc.
- Provide educational services to youth held in juvenile detention centers or alternative community-based programs located within their district.

## **Disposition**

The judge may issue a disposition or conditions of the court after adjudicating a juvenile to be delinquent, a petty offender or in violation of conditions of probation from a previous offense. The youth must fulfill the court conditions, disposition or conditions of probation. The court's response depends on the seriousness of the offense, the youth's history, sentencing guidelines, intervention programs available, the needs of the youth and concerns for public safety.

### Judicial Branch

- Determines the court conditions, disposition and conditions of probation.
- Monitors compliance with court orders, orders new dispositions and conditions of probation if reoffending behavior or violations of probation.
- Has the authority to determine when juvenile court jurisdiction ends.

### County Attorney's Office

The County Attorney's Office represents the interest of the county or state during hearings for youth who reoffend and through the disposition process.

### Public Defender's Office

The public Defender's office represents eligible youth who reoffend and through the disposition process.

### Private Attorney

A private attorney represents youth who reoffend and through the disposition process.

### Corrections

- Probation officers monitor and ensure compliance with court ordered disposition whether through informal or formal probation.
- Operates internal programs or contracts with community-based organizations to provide services needed by a youth and their family, fulfill court ordered dispositions and conditions. Programs may include restorative justice programs, community service, restitution programs, targeted intervention programs, low level offender programs, counseling, groups, mental and chemical health services, and others.
- Probation officers, depending on the size of the county served, may be assigned based on the geographic area where the youth resides, level of supervision needed and whether the youth is under EJJ status or in out-of-home placement.
- May operate county run placement facilities.
- Covers the cost of court ordered dispositions through the length of the probation period either through county operated interventions or contracted services through community-based organizations. Access third party billing when possible to cover expense of services.
- Provide recommendations for dispositions, graduated sanctions and placements for youth who reoffend.
- May operate programs and services for victims of crime, including empathy groups, determining restitution, filing appropriate paperwork with state to recover restitution, etc.

### Community-Based Organizations

- May provide court ordered intervention and treatment services and out-of-home placement or probation monitoring, especially for low level offenders.
- Receive funding through third party billing of private or public insurance or on a contract basis with a county.
- Out-of-home placement facilities may be located in the youth's county of residency, throughout the state or out of state, if the services a youth needs are not located in Minnesota.

### Health Providers

Provide court ordered intervention and treatment services and out-of-home placement through third party billing of private or public insurance or on a contract basis with a county.

### Minnesota Department of Corrections

- Operates Red Wing Correctional facility for male youth committed to the facility by court order.
- Youth may remain under the supervision of a county or committed to the custody of the Minnesota Commissioner of Corrections
- Female offenders committed to the custody of the Minnesota Commissioner of Corrections are served at a community-based facility, Woodland Hills in Duluth, under contract with the Department of Corrections.
- Operates Thistledeew, a short-term placement facility.

### Educational Institutions

- Provide educational services in out-of-home placement facilities located within their district.
- The Minnesota Department of Corrections provides educational services to youth detained at Red Wing Correctional facility.
- Successfully remaining and participating in school is a requirement of most youth's conditions of probation.

### Human Services

- Court may order sole supervision or co-supervision of a youth's disposition and probation with a county human service department, depending on the size of the county and the needs of the youth. Human Services tends to supervise youth with an open case with human services, youth with mental health or chemical health needs or ordered to participate in a human service sponsored program.
- Depending on the county, human service departments may fund the cost of mental health or chemical dependency treatments or interventions if the youth meets county guidelines to receive these services.
- Human services may pay for out-of-home placements ordered by the court through their budget.

## **Aftercare and Reentry**

Aftercare or Reentry refers to when a youth transitions back to their community after spending court ordered time in an out-of-home placement. This time may also be referred to as transition.

### Minnesota Department of Corrections

- Youth committed to the jurisdiction of the Minnesota Commissioner of Corrections are under conditions of parole when they leave Red Wing or the female offender facility.
- The Department of Corrections provides transition services for youth including case management, supervision, visits by Corrections' staff, assistance with enrollment in school or gaining employment, acquiring housing and accessing mental health or chemical dependency services.
- The Department's transition services work with probation officers of youth who are not under the jurisdiction of the Commissioner to coordinate transition services and supervision.
- The Department of Corrections can issue a warrant if a youth violates the conditions of their release during transition times.

### Corrections

- Coordinates and supervises release from Red Wing if maintained jurisdiction of the youth while at Red Wing.
- Issues warrant if youth violates conditions of release during transition times.
- May coordinate transition with out-of-home placement facility staff, family members, schools and other service providers.
- May develop, monitor and supervise a transition plan for a youth returning home from an out-of-home placement facility.
- Supervise youth who leave out-of-home placement and remain on probation under the jurisdiction of the juvenile court

### Community-Based Organizations

- Provide employment, housing, treatment and other services for youth transitioning from an out-of-home placement facility.
- Residential placement facilities develop and implement a transition plan for youth as required by Minnesota licensing rules.

### Educational Institutions

If youth still do not have their high school diploma or G.E.D. when exiting out-of-home placement, provide educational services to youth upon reentry into the community either in the youth's district of residency, or a new district.

### Human Services

If youth are in child protection, provide services for youth in or exiting out of the foster care system and mental health or chemical dependency services for youth who meet county guidelines.

### Health Providers

Provide mental health or physical health services through third party billing, such as private or public insurance or at fee for service or sliding fee scale clinics.

## **Additional Players**

### Legislators

Create policy, enact legislation, develop and determine funding streams and statutes overseeing the juvenile justice system at a federal and state level.

### Locally Elected Officials

Create policies and procedures, determine funding levels and approve budgets for state mandated or other services within a county, city or school district.

### Parents/Family Members

Provide support, participate in design, operation and utilization of prevention or intervention programs, supervise, discipline, and advocate for child. Family dynamics or parents and family members' own involvement with the criminal justice system may be a contributing cause, source of conflict or source of abuse which contributes to a youth's unhealthy or delinquent behavior.

### Community Members

Provide support, participate in design, operation and utilization of prevention or intervention programs, supervise, discipline and advocate for child, victims and community. Neighborhood or cultural influences may contribute to youth's unhealthy or delinquent behavior.

## **Rules and Statutes**

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Each individual system within the juvenile justice system operates under federal or state statutes and rules, as well as policies and procedures developed by elected officials and professional association recommendations and guidelines. Since some statutes or rules are extremely lengthy, below are brief descriptions and locations on where to find relevant statutes.

## **Education**

### *Minn. Stat. § 120A.22 subd. 5(a)*

Every child between seven and 16 years of age must receive instruction. Every child under the age of seven who is enrolled in a half-day kindergarten, or a full-day kindergarten program on alternate days, or other kindergarten programs shall receive instruction.

<http://www.leg.state.mn.us/>

*Family Education Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 C.F.R. Part 99)* Protects the privacy of student education records.

<http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html>

*Language Instruction for Limited English Proficient and Immigrant Students* (Title III of the No Child Left Behind Act) is a federal program for English language learners (ELL) and immigrant children.

<http://www.ncela.gwu.edu/>

*McKinney-Vento Homeless Assistance Act* (Title X, Part C, of the No Child Left Behind Act) Covers education of children and youth experiencing homelessness in U.S. public schools.

<http://www.serve.org/nche/m-v.php>

*Migrant Education Program* (Title I-Part C of the No Child Left Behind Act) serves highly mobile migrant students between the ages of 3-21 who travel great distances to harvest US crops.

<http://www.ed.gov/policy/elsec/leg/esea02/pg8.html>

*No Child Left Behind Act of 2001* (Pub. L. 107-110) amends and reauthorizes the Elementary and Secondary Education Act (ESEA) of 1965, which includes most federal K-12 education programs.

<http://www.ed.gov/nclb/landing.jhtml>

Source: *Information from the The Manual for School Social Work Practices in Minnesota produced by the The Minnesota Department of Education (MDE) in partnership with the Minnesota School Social Worker Association (MSSWA) at*  
[http://education.state.mn.us/MDE/Learning\\_Support/Special\\_Education/Birth\\_to\\_Age\\_21\\_Programs\\_Services/Mental\\_Health/index.html](http://education.state.mn.us/MDE/Learning_Support/Special_Education/Birth_to_Age_21_Programs_Services/Mental_Health/index.html)

## **Special Education**

*Individuals with Disabilities Education Act (IDEA)*

The Individuals with Disabilities Education Act (IDEA) (34 C.F.R. Parts 300, 301, and 304) is the nation's special education law. First enacted in 1975, IDEA ensures that all children with disabilities have available to them a free appropriate public education (FAPE) in the least restrictive environment (LRE) that emphasizes special education and related services designed to meet their unique needs. IDEA requires states to provide an education for children with disabilities if they provide an education for children without disabilities. The statute also contains detailed due process provisions to ensure the provision of FAPE.

*Individuals with Disabilities Education Improvement Act of 2004* (Pub. L. 108-446)

Ensures every child with a disability has available a free and appropriate public education that is of high quality, and is designed to achieve the high standards.

[http://education.state.mn.us/mde/Accountability\\_Programs/Compliance\\_and\\_Assistance/index.html](http://education.state.mn.us/mde/Accountability_Programs/Compliance_and_Assistance/index.html)

*Americans with Disabilities Act* (Pub. L. 101-336) establishes a clear and comprehensive prohibition of discrimination on the basis of disability.

<http://www.eeoc.gov/policy/ada.html>

*Source: Information from the The Manual for School Social Work Practices in Minnesota produced by the The Minnesota Department of Education (MDE) in partnership with the Minnesota School Social Worker Association (MSSWA) at*  
[http://education.state.mn.us/MDE/Learning\\_Support/Special\\_Education/Birth\\_to\\_Age\\_21\\_Programs\\_Services/Mental\\_Health/index.html](http://education.state.mn.us/MDE/Learning_Support/Special_Education/Birth_to_Age_21_Programs_Services/Mental_Health/index.html)

### **Children's Mental Health**

*Minnesota Comprehensive Children's Mental Health Act 245.487*

Establishes the basic standards for a statewide, comprehensive network of children's mental health services with a severe emotional disturbance are the responsibility of the public sector.

<http://www.leg.state.mn.us/>

*Health Insurance Portability Accountability Act of 1996 (HIPAA) (Pub. L 104-191)*

Establishes national standards for electronic health care transactions and national identifiers for providers, health plans, and employers. It also addresses the security and privacy of health data.

<http://www.cms.hhs.gov/HIPAAGenInfo/>

*Minnesota Statute 260B.176*

Mental health screening administered to pre-adjudicated youth detained in a juvenile detention center with parental permission.

<http://www.leg.state.mn.us/>

### **Minnesota Judicial Branch**

*Minnesota Rules of Juvenile Procedure Delinquency, Juvenile Petty Offenses and Juvenile Traffic Offenses*

*Minnesota Rules of Juvenile Protection Procedure*

*Location: <http://www.mncourts.gov/default.aspx?page=511#juvenileDelinquency>*

### **Probation**

*Minnesota Statute 260B.235 Petty offenders; Procedures; Dispositions.*

<http://www.leg.state.mn.us/>

*Minnesota Statute 260B.198 Dispositions; Delinquent child*

<http://www.leg.state.mn.us/>

## Chapter II: Who are the Modern Day Reformers?

### National Reform Efforts and Models

#### The John D. and Catherine T. MacArthur Foundation

Funding reform initiatives in Pennsylvania, Illinois, Washington and Louisiana, based on *Models for Change*. All four states must devote attention and resources to reduce disproportionate minority contact and issues relevant to their specific state, such as aftercare, mental health and establishing evidence-based practices. The MacArthur Foundation is sharing lessons learned from these four states' efforts; sponsor several national learning networks and conduct valuable research on adolescent brain development and its implications for juvenile justice reform.  
<http://www.modelsforchange.net/>

#### The Robert Wood Johnson Foundation

The foundation established the *Reclaiming Futures* funding initiative to meet the needs of youth involved with drugs, alcohol and the juvenile justice system. The Reclaiming Futures program created a model based on community-based and effective treatments for juveniles in a coordinated system.  
<http://www.reclaimingfutures.org/index.asp>

#### Annie E. Casey Foundation

Over a decade ago, the foundation started the *Juvenile Detention Alternatives Initiative* (JDAI) to fund and support reform efforts addressing juvenile detention and specifically minority contact with the juvenile justice system. Four counties in Minnesota - Hennepin, Ramsey, Dakota and St. Louis currently receive funding and are participating in this initiative.  
<http://www.aecf.org/MajorInitiatives/JuvenileDetentionAlternativesInitiative.aspx>

#### National Center for Mental Health and Juvenile Justice

The center established the *Blueprint for Change*, a model to integrate mental health services for youth involved in the juvenile justice system in a collaborative manner using evidence-based practices.  
<http://ncmhjj.com/>

#### Youth Transition Funders Group

This coalition focused on how to help youth succeed into adulthood. The juvenile justice work group created the "*Blueprint for Juvenile Justice Reform*" which describes the nine tenets many reform efforts use as their guiding principles.  
[http://www.ytfg.org/about\\_juvenile\\_justice.html](http://www.ytfg.org/about_juvenile_justice.html)

## Minnesota Efforts

Several organizations and initiatives exist in Minnesota to create systems changes and improve the juvenile justice system, including the federally mandated state advisory group, Juvenile Justice Advisory Committee (JJAC); the Juvenile Detention Alternatives Initiative (JDAI) and the Juvenile Justice Coalition of Minnesota (JJC).

### Part III: How to Speak the Language

To talk about the juvenile justice system, we need to know the language the multiple systems speak. Below are glossaries of terms used within the different relevant systems.

#### How to Speak Corrections - Corrections Glossary of Terms

*Originally completed by Hennepin County Community Corrections Revised by Brown County Probation - Updated September 2003,  
<http://www.macpo.org/howtospeakcorrections.php>*

**Adjudicated** - The term used in juvenile court to indicate that a juvenile has been found to commit a delinquent act.

**Admit** - The equivalent of a guilty plea in adult court. Usually occurs at the child's initial hearing at which time the court insures that the child and parents understand their rights, the charge and possible consequence. The child must admit or deny the charge at this time.

**Apprehension and Detention Orders** - Probation agents have the authority to apprehend and detain juvenile offenders if they violate conditions of probation and/or are a flight risk. They can be held for up to 72 hours and then must either appear in court for the violation or be released as a discipline measure. M.S.A. 244.195.

**CHIPS** - Children in Need of Protection or Services These are children whose cases have been brought into juvenile court, usually by the social services agency, as the result of a dependency or neglect petition.

**Commitment** - The legal action taken by the juvenile court when it has been determined by the court that the adjudicated juvenile should be placed in a state juvenile corrections facility operated under the jurisdiction of the Minnesota Commissioner of Corrections. In doing so, the child's custody is transferred to the Commissioner.

**Court Services Tracking System (CSTS)** - This database is used in nearly every county in Minnesota. This system tracks client data, client contacts, client tasks, and allows for supervisor reports. In the future, all counties will be linked through this system.

**CriMNet** - CriMNet puts in place a statewide framework of people, processes, data, standards, and technology focused on providing accurate and comprehensive data to the criminal justice community in the State of Minnesota. It provides the means to put "the right data in the hands of the right people at the right time and in the right place". <http://www.crimnet.state.mn.us>

**Delinquent** - A child who is at least 10 years of age, but not more than 18 years of age who has committed an act that would be a crime if committed by an adult. M.S.A. 260B.001

**Delinquency** - A term which describes a juvenile's behavior that is judged to be anti-social or in violation of the law. M.S.A. 260B.001

**Deny** - The equivalent of a not-guilty plea in adult court.

**Dependency** - A term which describes a child whose parents are willing, but unable, to provide necessary care and supervision.

**Detention** - The temporary holding of a child, in either a secure or non-secure facility, until the next appearance in juvenile court. Typically a juvenile is held no longer than eight working days. M.S.A. 244.195

**Detention Hearing** - The hearing at which it is determined by the juvenile court judge if the child is to be held in detention until the next court appearance.

**Disposition Hearing** - The hearing at which the juvenile court judge decides appropriate sanctions and probation conditions for a juvenile offender. Similar to a sentencing hearing in adult court.

**Extended Juvenile Jurisdiction (EJJ)** - This refers to a juvenile who has committed a serious crime that had they been an adult would be facing a prison sentence. The juvenile must be between 14-17 years of age at the time of the crime. The judge sets an adult and juvenile sentence and places them on juvenile probation. If they violate the terms of sentence they can be sent to prison. This type of case the juvenile can remain on probation until they turn 21 (19 on all other cases). M.S.A. 260B.130

**Guardian ad Litem** - A person appointed by the juvenile court to represent the best interests of a child in a court proceeding. M.S.A. 260B.163

**Minnesota Community Corrections** - Every county in Minnesota has one of three operations to run their probation system. These three include: 1) Community Corrections Act (CCA), 2) County Probation Officer (CPO), and 3) Department of Corrections State Contract Counties (DOC) M.S.A. 244.19

A. Community Corrections Act: Counties receive a subsidy from the state and are responsible for developing, implementing and evaluating traditional and non-traditional local correctional programs. Each of these jurisdictions adopts an annual plan and submits it to the Department of Corrections. CCA counties comprise nearly 70% of Minnesota's population. Smaller counties ban together and provide services to their region.

B. County Probation Officer: The juvenile and adult misdemeanor probation officers are employees of the county and work at the pleasure of the Chief Judge. Each of these counties receives a subsidy from the state that pays up to one-half of the salaries of these officers. Felony probation and supervised release cases in these counties are handled by probation officers employed by the state.

C. State Contract: The juvenile and misdemeanant probation officers are employees of the State Department of Corrections and work in an assigned county. The funding is just the reverse of CPO Counties in that the counties pay the state for up to one-half of the salaries of the officers.

**Neglect** - A term which describes a child whose parents neglect or refuse to provide needed care and supervision of their child.

**Office of Juvenile Release** - The office within the Minnesota Department of Corrections that serves as the 'paroling' authority for juveniles who have been committed to the Commissioner of Corrections.

**Parole** - This refers to juveniles who are released by the Commissioner of Corrections from the state juvenile correctional facilities in Red Wing and/or the facility designated by the DOC for female offenders. Similar to the status of an adult, who is released from a state prison, these juveniles are supervised in the community by juvenile probation officers.

**Petition** - The legal document which describes the alleged offense committed by the child. Similar to a complaint in the adult system. M.S.A. 260B.141

**Pre-dispositional Report** - Also known as a Social History, this is a report to the court regarding the juvenile's criminal, family, work, school/employment history along with recommendations for the court to consider. Many times this is completed on more serious offenders who have been adjudicated

**Pre-Placement Screening Team** - A group of professionals familiar with child placement options who review potential out of home placements for juvenile offenders. The probation officer updates the group on what has happened in the community, what services have been tried and what placement is being recommended. Typically this group makes a recommendation supporting or offering other suggestions to the probation officer and to the local Judge. M.S.A. 260B.157

**Probation** - Probation means a court ordered sanction imposed upon an offender for a period of supervision no greater than set by statute. It is imposed as an alternative to confinement or in conjunction with confinement or intermediate sanctions. The purpose of probation is to deter further criminal behavior, punish the offender, help provide reparation to crime victims and their communities, and provide offenders with opportunities for rehabilitation. M.S.A.609.02

**Probation Officer** - A professional who provides supervision, holds offenders accountable, provides recommendations to the court, provides a variety of reports to the court and counsels juveniles who have been referred to the probation department by the Court, Law enforcement, County Attorney, or another Probation Agency.

**Reference** - The legal procedure for determining whether a juvenile's hearing case should be transferred from juvenile court for trial in the adult court system.

**Restorative Justice** - An alternative way of thinking about crime and criminal justice. Crime is considered a violation of the victim and the community, in addition to a crime against the state. The offender becomes accountable not only to the state, but to the victim and community as a whole.

**Status Offense** - Conduct which is illegal for a child, but not for an adult, such as truancy, curfew, possession of tobacco, underage use of alcohol, etc.

**Sentencing Circles** - Part of restorative Justice, sentencing circles have been around for a long time in the Native American Culture. Sentencing circles have many varieties, however it primarily runs by having the offender, victim, community members, family of the offender hear a case and sentence the offender accordingly. In some cases a Judge sits in on these as well.

**Stay of Adjudication** - When a child has been adjudicated delinquent, but the juvenile court has determined that the circumstances of the case warrant the child be given a "second chance", the court can suspend, or stay, the sentence. If the child satisfies all conditions set forth by the court, the court can dismiss the charge and there will be no record of the adjudication.

**Termination** - The order of the family court which terminates the Parental Rights and the legal relationship between parent/s and a child. This can be either

voluntary or involuntary depending upon the circumstances of the case and the needs of the child.

**Trial** - When the charge stated in the petition is denied by the child and not dismissed by the juvenile court, the judge hears and decides the case. Jury trials are not held in juvenile court.

**Trial Court Information System (TCIS)** - This is a database system used by Court Administration and often linked to local probation offices. This system tracks court dates, court contacts, fines and restitution payments.

**Youth Level of Service/Case Management Inventory (YLSI)** - This assessment tool is designed to aid professionals for assessing youthful offenders. It is designed to determine risk and need level in certain adolescent offenders. It includes a case plan and is based upon the General Personality and Social Psychological Model of Criminal Conduct (Andrews and Bonta, 1998; Andrews, Bonta, & Hoge, 1990).

### **The Language of Mental Health**

Children's mental health services in Minnesota are provided through several different entities. Primary care physicians provide the majority of treatment and prescriptions for children and youth experiencing a mental health disorder. Minnesota counties are mandated by state statute to provide mental health services for children if they are diagnosed with a severe emotional disturbance (SED). If mental health or behavior disorders affect a child's ability to learn and acquire an education, schools are mandated to provide services under special education laws. Some school districts also provide mental health services through collaborations with private providers, the county or nonprofit organizations.

**Severe Emotional Disturbance (SED):** A child who has an emotional disturbance and who meets one of the following criteria:

- The child has been admitted to inpatient treatment/residential treatment or is at risk of being admitted, within the last three years;
- The child is a MN resident and is receiving inpatient treatment or residential treatment for an emotional disturbance through the interstate compact;
- A mental health professional has determined the child has one of the following:
  - Psychosis or clinical depression;
  - Risk of harming self or others as a result of emotional disturbance; or
  - Psychopathological symptoms as a result of being a victim of physical/sexual abuse or psychic trauma within the past year.

A mental health professional has determined the child has a **significantly impaired** home, school or community functioning **lasting at least one year or**

**presents a risk of lasting at least one year**, as a result of emotional disturbance.

**Child with Emotional Disturbance (ED):** An organic disorder of the brain, or a clinically significant disorder of thought, mood, perception, orientation, memory, or behavior that:

- Is listed in the clinical manual of the International Classification of Diseases (ICD-9 CM), current edition, code range 290.0 to 302.99 or 306.0 to 316.0 or the corresponding code in the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders (DSM-MD), current edition, Axes I, II, or III; and
- **Seriously limits** a child's capacity to function in primary aspects of daily living such as personal relations, living arrangements, work, school, and recreation.

“Emotional disturbance” is a general term and is intended to reflect all categories of disorder described in the DSM-MD, current edition as “usually first evident in childhood or adolescence.”

*Source: Hennepin County Children's Mental Health Service Area,  
<http://www.hennepin.mn.us/portal/site/HCInternet/menuitem.3f94db53874f9b6f68ce1e10b1466498/?vgnnextoid=05a00b89e65cf010VgnVCM1000000f094689RCRD>*

### **Definitions of Children's Mental Health Disorders**

**Attention-Deficit/Hyperactivity Disorder (ADHD)** - A chronic condition and the most commonly diagnosed behavioral disorder among children and adolescents. It affects between 3 and 5 percent of school-aged children in a 6-month period (U.S. Department of Health and Human Services, 1999). There are three different types of attention-deficit/hyperactivity disorder. The types are inattentive, hyperactive-impulsive, and combined attention-deficit/hyperactivity disorder. The most common type is combined attention-deficit/hyperactivity disorder, which, as the name implies, is a combination of the inattentive and the hyperactive-impulsive types.

A diagnosis of one of the attention-deficit/hyperactivity disorders is usually made when children have several symptoms that begin before age 7 and last at least 6 months. Generally, symptoms have to be observed in at least two different settings, such as home and school, before a diagnosis is made.

**Anxiety Disorders** - Children and adolescents with anxiety disorders typically experience intense fear, worry, or uneasiness that can last for long periods of time and significantly affect their lives.

*Generalized Anxiety Disorder* - Children and adolescents engage in extreme, unrealistic worry about everyday life activities.

*Separation Anxiety Disorder* - Children with separation anxiety disorder often have difficulty leaving their parents to attend school or camp, stay at a friend's house, or be alone. About one in every 25 children experiences separation anxiety disorder.

*Phobias* - Children and adolescents have unrealistic and excessive fears of certain situations or objects. Many phobias have specific names, and the disorder usually centers on animals, storms, water, heights, or situations, such as being in an enclosed space.

*Panic Disorder* - Repeated "panic attacks" in children and adolescents without an apparent cause are signs of a panic disorder. Panic attacks are periods of intense fear accompanied by a pounding heartbeat, sweating, dizziness, nausea, or a feeling of imminent death.

**Conduct Disorder** - Children with conduct disorder repeatedly violate the personal or property rights of others and the basic expectations of society. A diagnosis of conduct disorder is likely when symptoms continue for 6 months or longer. Conduct disorder is known as a "disruptive behavior disorder" because of its impact on children and their families, neighbors, and schools.

**Oppositional Defiant Disorder** - May be a precursor of conduct disorder. A child is diagnosed with oppositional defiant disorder when he or she shows signs of being hostile and defiant for at least 6 months. Oppositional defiant disorder may start as early as the preschool years, while conduct disorder generally appears when children are older. Oppositional defiant disorder and conduct disorder are not co-occurring conditions.

**Depression** - Major depression is one of the mental, emotional, and behavior disorders that can appear during childhood and adolescence. This type of depression affects a young person's thoughts, feelings, behavior, and body. Major depression in children and adolescents is serious; it is more than "the blues." Depression can lead to school failure, alcohol or other drug use, and even suicide.

**Mental Health Problems** – "Mental health problems" for children and adolescents refers to the range of all diagnosable emotional, behavioral, and mental disorders. They include depression, attention- deficit/hyperactivity disorder, and anxiety, conduct, and eating disorders. Mental health problems affect one in every five young people at any given time. "Serious emotional disturbances" for children and adolescents refers to the above disorders when they severely disrupt daily

functioning in home, school, or community. Serious emotional disturbances affect 1 in every 10 young people at any given time.

**Obsessive-Compulsive Disorder** - Children and adolescents with obsessive-compulsive disorder, sometimes called OCD, become trapped in a pattern of repetitive thoughts and behaviors. About two in every 100 adolescents experience obsessive-compulsive disorder (U.S. Department of Health and Human Services, 1999).

**Post-traumatic Stress Disorder** - Children and adolescents can develop post-traumatic stress disorder after they experience a very stressful event. Such events may include experiencing physical or sexual abuse; being a victim of or witnessing violence; or living through a disaster, such as a bombing or hurricane.

*Source: U.S. Department of Health and Human Services – Substance Abuse and Mental Health Services Administration National Mental Health Information Center, Center for Mental Health Services, <http://mentalhealth.samhsa.gov>.*

### **School-Based Mental Health Definitions**

**Diagnostic and Statistical Manual of Mental Disorders DSM-IV-TR Text Revision** - Commonly used for diagnosis of mental disorders. It uses a five-axis classification system. Axes I and II are used for the majority of mental disorders. Axis I is used for most mental disorders, but Axis II is used for such chronic conditions as cognitive impairments and personality disorders. Axis III presents general medical conditions that are relevant to understanding a mental disorder. Axis IV reports information related to a student's psychosocial environment (e.g., family issues or a history of abuse). Axis V is reserved for the Global Assessment of Functioning (GAF) scores on a 100 point scale.

**Mental Health Screening** - A brief, culturally sensitive process designed to identify children and adolescents who may be at risk of having impaired mental health functioning that warrants immediate attention, intervention or referral for diagnostic assessment. The primary purpose for screening is to identify the need for further assessment using valid, reliable screening instruments.

**Role of School Social Workers** - School social workers serve as consultants on students diagnosed with mental illnesses or when there is a concern that a mental illness that has not been diagnosed exists. Licensed Independent Clinical Social Workers (LICSW) may be involved in diagnosing students in schools. With outside diagnosis, the school social worker may serve as a case manager for the student and family within the school setting.

**School Social Workers Role with Mental Health Services** - School social workers work collaborate with other community agencies to identify and develop resources to address unmet mental health needs of children, reduce fragmentation of mental health services for school age children and reduce barriers to treatment and care. As school-based mental health providers, school social workers coordinate any school linked mental health services provided through their school.

**Wraparound Planning** - A collaborative intervention approach utilized by school social workers to coordinate home, school and community resources for students with emotional and behavioral needs. The Wraparound approach is a child and family strength-based needs-driven process that utilizes formal and informal resources. The Wraparound team is identified by the family and often comprised of the child, family, friends, natural supports, teachers, agency service providers and other significant persons in the child's life. This team creates an individualized service plan.

*Source: Information from the The Manual for School Social Work Practices in Minnesota produced by the The Minnesota Department of Education (MDE) in partnership with the Minnesota School Social Worker Association (MSSWA) at [http://education.state.mn.us/MDE/Learning\\_Support/Special\\_Education/Birth\\_to\\_Age\\_21\\_Programs\\_Services/Mental\\_Health/index.html](http://education.state.mn.us/MDE/Learning_Support/Special_Education/Birth_to_Age_21_Programs_Services/Mental_Health/index.html)*

## **Court Talk**

Glossary of Court Related Terms Relevant to the Juvenile Justice System.

**Acquittal** - The finding of not guilty

**Appeal** – The act of seeking a higher court's review of a lower court's decision

**Arraignment** - A hearing before a judge during which the judge reads the charges to the defendant and the defendant pleads guilty or not guilty.

**Arrest** - The taking of a person into custody by an officer of the law

**Bail** - Money a defendant puts up (usually a bond) to allow his or her release from custody and to guarantee his or her appearance at a future hearing.

**Bailiff** - The individual in the courtroom who helps the judge manage the evidence and maintain order in the courtroom.

**Beyond a Reasonable Doubt** - A standard of proof required to convict a person of a crime.

**Burden of Proof** - A party's duty to prove a disputed fact.

**Certification** - A decision made by a judge to try a juvenile in adult court

**Charge** - The process of accusing the defendant of a crime.

**Circumstantial Evidence** - Facts or testimony not based on actual personal knowledge or observation, by which other non-substantiated facts can be reasonably inferred.

**Civil Lawsuit** - A lawsuit brought by individuals, companies or agencies against other individuals, companies or agencies to obtain relief for injuries suffered monetary loss, physical injury, etc.

**Due Process** - The notion, grounded in the Fifth and Fourteenth amendments to the U. S. Constitution, of rights in most court and administrative proceedings to receive sufficient notice of the proceeding, to be allowed to defend oneself in an orderly proceeding adapted to the nature of the case, and that every person have the protection of a day in court and the benefit of general law.

**Equal Protection** - This refers to the notion, grounded in the U. S. Constitution, that no person or class of persons be denied the same protection of the laws which is enjoyed by other persons or other classes in like circumstances in their lives, liberty, property and in their pursuit of happiness.

**Felony** - The most serious category of criminal offenses, with penalties of imprisonment ranging from a year and a day to life, or in some states, punishable by death. In Minnesota, a felony is a crime punishable by imprisonment of more than one year, with or without a fine.

**Finding** - The determination of fact by a judge.

**Fine** - The monetary penalty assessed against a defendant.

**Gross Misdemeanor** - A crime with penalties of imprisonment from 91 days to one year or a fine of not more than \$3,000 or both.

**Homicide** - The killing of one human by another, first-degree is the most serious, involves premeditation.

**Immunity** - Freedom from or protection against penalty. For example, an accused person may agree to give testimony in return for immunity from the prosecution.

**Imprisonment** - The placement of an individual in a jail or prison.

**Intake** - The step in juvenile process during which a decision is made either to detain the juvenile at a detention center or to release to the parents.

**Irrelevant Facts** - Evidence that does not tend to prove or disprove any issue of fact involved in a case.

**Judgment** - The official decision of the court.

**Miranda Warning** - After arrest and before questioning, arrested persons must be warned that: 1) they have the right to remain silent; 2) any statement they make may be used as evidence against them; 3) they have a right to the presence of an attorney; and 4) if they cannot afford an attorney, one will be appointed for them prior to any questioning if they so desire.

**Preponderance of Evidence** - The standard of proof that requires the majority of the evidence to prove the case.

**Pre-Trial Hearing** - A court procedure during which the issues to be tried are narrowed and certain facts and admissions are agreed upon in order to speed up the trial.

**Probable Cause** - A strong belief, based on facts, that a crime has been committed, that a particular person has committed the crime and that evidence related to the crime exists.

**Probation** - The process of suspending a sentence, permitting a person to remain free under the supervision of a probation officer instead of serving time in prison.

**Prosecutor** - A public officer who conducts criminal proceedings on behalf of the state.

**Public Defender** - An attorney paid by the county, state, or federal government who is responsible for providing representation to indigent defendants in criminal prosecutions when the courts determine the defendant cannot afford to hire a private attorney.

**Rehabilitate** – To permanently change behavior.

**Relevant** - Directly related to the issue as it tends either to prove or disprove the point.

**Restitution** – The sentence often used instead of a fine or imprisonment, designed to restore the victim to his or her condition before the crime.

**Standard of Proof** - The burden of proof required in particular types of cases.

**Statutory Law** - A law enacted by a legislature.

**Subpoena** - An order compelling a witness to appear and give testimony before a court.

**Substantiated Facts** - The facts that have been verified.

**Summons** - A written notice 1) requiring the named person to appear in court on a specified day; or 2) informing the named person that a lawsuit has been started against him or her and he or she must answer.

**Suspended Sentence** - If certain conditions are met, a jail sentence need not be served. The sentence is then suspended.

**Warrant** - Sanction or authorization, as an arrest warrant authorizes a police officer to take an individual into custody.

*Source: Information gathered from the Minnesota Judicial Branch website, <http://www.mncourts.gov/?page=1320>*

## **Understanding Special Education**

### **Special Education Definitions**

**Adaptations and Accommodations** - The IEP must include a statement of the special education and related services and supplementary aids and services, based on peer-reviewed research, to the extent practicable, to be provided to the child or on behalf of the child. The IEP must also include a statement of the program modification or supports for school personnel that will be provided to enable the child to advance appropriately toward attaining the annual goals. Adaptations and accommodations should enable the child to be involved and make progress in the general curriculum, to participate in extracurricular and other nonacademic activities and be educated and participate with other children with disabilities and nondisabled children (34 C.F.R. § 300.320(4)).

**Direct Services for a Pupil with a Disability in the Special or General Education Classrooms or Settings** - Special education services provided by a teacher or a related service professional when the services are related to instruction, including cooperative teaching (Minn. Rule 3525.0210, subp.14).

**Due Process** - The safeguards and rights designed to assure children's educational interests are protected and parents are afforded rights in IDEA.

**Evaluation and Assessment** - A comprehensive educational evaluation is a process that is designed to provide decision makers with the information they need to determine:

- a) if the student has a disability and needs special education and related services, and, if so,
- b) an appropriate educational program for the student.

The evaluation process involves gathering assessment data that is relevant to the child's functioning and development from multiple sources and in all areas of suspected disability.

**Evaluation or Reevaluation** - The process of utilizing formal and informal procedures to determine specific areas of a child's or student's strengths, needs and eligibility for special education services. Each district must conduct a full and individual evaluation of a child or student for the purposes of special education that meets all state and federal requirements.

**Functional Behavioral Assessment (FBA)** – FBA is a process for gathering information to maximize the efficiency of behavioral supports. An FBA includes a description of problem behaviors and the identification of events, times and situations that predict the occurrence and nonoccurrence of the behavior. The FBA identifies antecedents, consequences and reinforcers that maintain the behavior, possible functions of the behavior and positive alternative behaviors.

**Individualized Program Planning and Intervention** - The IEP is a written statement of the child's present levels of academic achievement, functional performance and developmental level. The IEP team determines how the child's disability affects the child's involvement and progress in the general education curriculum (i.e., the same curriculum as for nondisabled children) (34 C.F.R. § 300.320(a)(1)).

Part of developing the IEP includes specifying "the special education and related services and supplementary aids and services... to be provided to the child or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided for the child." (34 § C.F.R. 300.320(a) (4))

**IEP/IFSP/IIP** - Individualized education program (IEP) planning and individualized family service plan (IFSP) planning are the processes of determining a child's or student's educational needs based on assessment data and then completing a written statement, such as an IEP or IFSP, that is developed, reviewed and revised by a team of individuals. The team must consist of the required individuals as specified in state and federal law.

Each IEP or IFSP describes the educational program designed by the team to meet the child's or student's unique needs and must contain specific information about the child or student, as required by state and federal law.

**Individual Interagency Intervention Plan (IIIP)** - Individual interagency intervention plan (IIIP) means a standardized written plan describing those programs or services and the accompanying funding sources available to eligible children with disabilities (Minn. Stat. § 125A.023, subd. 3(c)).

**ISEPP Goals and Objectives** - The individualized special education program plan for each child with a disability must include a statement of measurable annual goals, including benchmarks or short-term objectives, related to meeting the child's needs that result from the child's disability to enable the child to be involved in and progress in the general curriculum (i.e., the same curriculum as for nondisabled children), or for preschool children, as appropriate, to participate in appropriate activities; and meeting each of the child's other educational needs that result from the child's disability (34 C.F.R. § 300.320(a)(2) and Minn. Rule 3525.2810, subp.1A(2)).

**Identification** – The continuous and systematic effort by the district to identify, locate and screen students, birth through age 21, in need of special education services.

**Indirect Services for a Pupil with a Disability in the General Education Classrooms or Settings** - Special education services which include ongoing progress reviews; cooperative planning; consultation; demonstration teaching; modification and adaptation of the environment, curriculum, materials, or equipment; and direct contact with the pupil to monitor and observe. Indirect services may be provided by a teacher or related services professional to another regular education teacher, special education teacher, related services professional, paraprofessional, support staff, parents, and public and non-public agencies to the extent that the services are written in the pupil's IEP or IFSP (Minn. Rule 3525.0210, subp. 27).

**Mental Health screening as part an Evaluation for an Emotional or Behavioral Disorder** - An analysis of the data collected during a comprehensive evaluation that establishes that the student has a pattern of emotional or behavioral responses, withdrawal or anxiety, depression, problems with mood, or feelings of self-worth; disordered thought processes with unusual behavior patterns and atypical communication styles; or aggression, hyperactivity or impulsivity.

These problems must adversely affect educational or developmental performance, including intrapersonal, academic, vocational or social skills; be significantly

different from appropriate age, cultural, or ethnic norms; and signify that the student has an established pattern of behavior for the purposes of referring a student for further evaluation of mental health needs among students evaluated for EBD eligibility.

**Pre-referral Intervention** - Before a pupil is referred for a special education assessment, the district must conduct and document at least two instructional strategies, alternatives, or interventions while the pupil is in the regular classroom. The pupil's teacher must provide the documentation.

**Referral** – A formal, ongoing process for receiving and responding to requests when a student shows signs of potentially needing special education and related services.

**Related Services** - The developmental, corrective and other supportive services required to assist a child with a disability to benefit from special education and receive FAPE.

**Response to Intervention (RTI)** - A school-wide process designed to identify skill-specific deficits and provide a system of ever intensifying interventions for students.

**Service Coordination** - The district shall assign a teacher or licensed related service staff who is a member of the child's IEP team as the child's IEP manager to coordinate the instruction and related services for the child. The IEP manager's responsibility shall be to coordinate the delivery of special education services in the child's IEP and to serve as the primary contact for the parent.

**Specially Designed Instruction** - Adapting, as appropriate, the content, methodology, or delivery of instruction to address the unique needs of the child that result from the child's disability.

**Special Education** - Instruction specially designed to meet the unique needs of children who have disabilities provided at no cost to parents. Statute requires a link between the needs of the child and the services provided and an education-related outcome. School personnel must show the linkage between the planned instruction or intervention and the educational outcome and provide evidence of direct or indirect benefit.

**Special Education Eligibility** - The disability must affect the child's educational performance. The question of eligibility comes down to a question of whether the child has a disability that fits in one of the disability categories and whether that disability affects how the child does in school. That is, the disability must cause the child to need special education and related services.

Therefore, according to IDEA, a “child with a disability” is a child that has been evaluated and meets criteria in one of the following disability categories:

- autism spectrum disorder
- deaf–blind
- emotional or behavioral disorder
- deaf and hard of hearing
- developmental cognitive disability
- other health disabilities
- physical impaired
- severely multiply impaired
- specific learning disability
- speech or language impaired
- visually impaired
- traumatic brain injury
- developmental delay (Birth to age 7)

(34 C.F.R. § 300.8(a) (1) (i) and Minn. Rule 3525.1325-1350 for state criteria for each disability area and; 34 C.F.R. §§ 300.304-300.324 for federal procedures for evaluation and reevaluation).

*Source: Information from the The Manual for School Social Work Practices in Minnesota produced by the The Minnesota Department of Education (MDE) in partnership with the Minnesota School Social Worker Association (MSSWA) at [http://education.state.mn.us/MDE/Learning\\_Support/Special\\_Education/Birth to Age 21 Programs Services/Mental Health/index.html](http://education.state.mn.us/MDE/Learning_Support/Special_Education/Birth_to_Age_21_Programs_Services/Mental_Health/index.html)*

## **Appendix A**

### **Acknowledgements**

In order to map out the juvenile justice system, many individuals shared their wisdom, experience and knowledge in order to complete this project. Their assistance is greatly appreciated.

Lane Ayres, Hennepin County Attorney's Office  
Jan Bootsma, Minnetonka Public Schools  
Chris Bray, Minnesota Department of Corrections  
David Brummel, Hennepin County Human Services and Public Health Department  
Leonardo Castro, Hennepin County Public Defender  
Gail Clapp, Court Administration, Fourth Judicial District  
Pat Dale, The Storefront Group  
Deb Dayon, Hennepin County Juvenile Detention Center  
Michelle Finstad, Hennepin County Human Services and Public Health  
Department Paul Gisselquist, Hennepin County Human Services and Public Health  
Department  
Morgan Grelson, Hennepin County Juvenile Probation  
Jamie Halpern, Hennepin County Human Services and Public Health Department  
Hennepin County Sheriff's Department  
Hennepin County Chief's Association – Youth Advisory Council  
Kelly Kalla and Operation DeNovo Staff  
Barb Karn, Hennepin County Corrections  
Leando Jackson, Hennepin County Home School  
Jim Johnson, Minneapolis Public Schools  
Sarah Maxwell, Hennepin County Human Services and Public Health Department  
Lisa McNaughton, Hennepin County Public Defender's Office  
Patty Moses, County Attorney's Office  
Dr. Char Myklebust, Intermediate District 287  
Kiyunga Olson, Minnesota Department of Corrections  
Chris Owens, Hennepin County Juvenile Probation  
Michael Sancilio, Hennepin County Human Services and Public Health Department  
Lieutenant Bryan Schafer, Minneapolis Police Department, Juvenile Unit  
Jennifer Schuster-Yaeger, Hennepin County Corrections  
Dr. Ellen Teelucksingh, Intermediate District 287  
Margaret Thunder, Hennepin County Human Services and Public Health  
Department  
Jeanne Torma, Hennepin County Department of Corrections, Juvenile Services  
Carol Wandersee, Hennepin County Juvenile Probation  
Catherine Wright, Hennepin County Human Services and Public Health  
Department