

Positive Youth Development

The Key to Keeping Youth Out of the Juvenile Justice System

by Karen Brown

This is one in a series of interviews with leaders about adolescent health. In this interview, Shay Bilchik discusses how incorporating positive youth development strategies can divert youth from the juvenile system and place them on paths to fulfilling, crime-free lives.

When a young person is brought handcuffed to a juvenile detention center, people often cannot see beyond the crime the youth has been accused of committing. Most find it hard to look at the factors that put a child on a path to delinquency, such as a community's educational resources, available health services, and the parents' ages when the youth was born.

Shay Bilchik, a longtime child welfare and juvenile justice professional, is an exception. Bilchik believes advocates and policymakers can better focus their efforts and develop strategies to help young people live healthy, safe, and fulfilling lives and stay out of the criminal justice system. "I think one of the main challenges today is the lack of equity across our society for the 40 million adolescents in terms of the opportunities they have for positive youth development," says Bilchik.

Bilchik, who runs the Center for Juvenile Justice Reform at Georgetown University's Public Policy Institute, has dedicated his professional life to reforming the juvenile justice system and addressing the societal factors that feed into it.

Paths to the Juvenile Justice System

Bilchik's reformist outlook began during his early career as an intern in the Public Defender's Office in central Florida and then as a prosecutor in Miami working mostly in the juvenile court. When he looked into the backgrounds of the young defendants his agency represented, he found a number of worrisome

influences and missed opportunities.

"I could trace back into their early childhood years, either experience with the child welfare or the

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juvenile justice system," Bilchik says. "It was my first real eye opener that there was a very long path that a lot of offenders in our criminal justice system had followed. It wasn't that they turned to crime as adults but rather there was a developmental path that could be studied and understood."

Among Bilchik's early actions as an Assistant State's Attorney was to focus on "diversion," a concept that aims to keep young people who commit minor infractions out of the justice system. "Our realization was that if we could keep kids out of the system, that we'd likely be doing ... better [for them] in the long run than if we brought them into it," he said.

And if that approach does not work for a particular child or offense, the next challenge would be keeping youth from penetrating too deeply into the system. Bilchik would try to keep young people in the least-restrictive setting possible and keep them away from adult of-

fenders to help them integrate back into the community once released.

Bilchik also spent time in communities seeing how young people were living. He accompanied social workers, public health nurses, police officers and others into housing projects, schools, and homes. He also went along on public health nurse visits to teenage parents. Those visits helped him understand more about the roots of criminal behavior, especially among youth living in poverty.

Reaching Youth in Their Communities

"What would be most helpful to prevent delinquency would be to make sure [youth] have an opportunity for education, afterschool programs, and for cultural advancement," he says. "Their schools should be well staffed with teachers who are excited about teaching and have good teacher-student ratios. And when [adolescents] are looking for general health prevention or health care, they should be able to find it within their community. If we provide young people these opportunities and the stage to use their newfound skills and get recognition for them, we've really moved way down the path in terms of reducing delinquency and getting better outcomes for our young people."

From a policy perspective, Bilchik believes program administrators, legislators, and advocates need to create opportunities for young people, such as mentoring, tutoring, or arts programs, and provide wraparound services to ensure they get the help they need in a way

that promotes their success.

“It has to be in an environment where [adolescents] are surrounded by adults who will support that type of positive youth development,” he says. “They can’t be put in the vacuum-like environment that a program provides and then come back home again to parents and other adults who will not support them. There also needs to be a focus on the family and ways to strengthen the home to which the young person will return after completion of the program.”

Supporting Teen Parents

Bilchik believes in intervening with teen parents, both for the sake of the young parents and their babies, who are less likely to grow up delinquent if their parents are given strong supports. One such support is the Nurse Family Partnership (NFP), in which nurses make regular home visits to teen parents. Nurse practitioners counsel new parents about health-related behaviors, including the effects of parental smoking or drug use on fetuses and babies; they help young parents manage their anger and depression to reduce child abuse; and they steer mothers and fathers into a better life course through education and skill-building.

That intensive intervention, Bilchik says, “reduced abuse and neglect committed by the young teen moms who were involved in the program by 50 percent. It was cost-effective, so for every dollar spent, several dollars were saved in long-term costs. Fifteen years later, it also reduced the delinquency population by 50 percent for the children of the families that took part in the program.”

What’s more, he says, a study released by the Robin Hood Foundation found the NFP helped delay teen mothers’ second births, which impacted the future prison population. The study found the children of older mothers less likely to en-

gage in negative behaviors that lead them into the criminal justice system.

Supporting Families

“If you’ve got parents who aren’t prepared to nurture you, who have created a chaotic environment in the home where there’s not the stability that you need, you have a higher risk of ending up in the juvenile justice system and eventually the adult criminal justice system,” says Bilchik.

We have a responsibility to make sure our families and communities are ones that can actually support adolescent development in a healthy way.

Bilchik says communities that invest in programs that support families in the home will likely see long-term rewards. Without positive influences from responsible adults, he says, young people will seek, and find, support in much less savory environments, on street corners, for example, where they may feel involved, respected, and included in a way they did not feel in mainstream institutions.

“They will look to gangs who will give them skills, albeit negative skills such as committing crimes, and who will give them the opportunity to use those skills and who will give them recognition for their ‘achievements.’ They will turn the positive youth development frame 180 degrees in a negative way, but use the same construct.”

Supporting Adolescent Development

Wouldn’t it be better, he says, for community leaders to step in instead and use what we already know about how the adolescent brain works to help at-risk kids stay out of trouble?

“We all know the way adolescents in our own homes rebel and detach, but if you combine that with the brain development research we have now, we see that during the same period of rebelling and independence-seeking, adolescents have a limited ability to resist peer pressure.”

“I think that is what’s happening with a lot of young people in today’s society. They’re going through normal adolescent development, but they’re experiencing it in an environment that makes it hard to stay on the right side of the law,” he says. “I don’t want to suggest that young people not be held accountable for their behavior, but I think we as a society and as adults need to understand what that pathway looks like, and feels like, in the societal environment in which it takes place and then consider those factors as we determine an appropriate sanction. We have a responsibility to make sure our families and communities are ones that can actually support adolescent development in a healthy way.”

Challenging Zero Tolerance

Bilchik says this positive approach to delinquency prevention has been an uphill battle, especially over the last two decades when “zero tolerance” has been the dominant attitude, at the expense of positive youth development. Young offenders often enter the justice system for minor infractions, in many cases, he says, more for the sake of the community who does not want them around, than for the youth themselves. As a result, young people are immediately stigmatized and considered bound for a life of crime, which often becomes a self-fulfilling prophecy.

“Once it’s on their record and they’ve been labeled . . . as a trouble maker, as a delinquent . . . , it’s hard to remove that tag,” Bilchik says. “I think we need to avoid such stigmatization as much as we can.”

For instance, schools should think twice before sending young people to juvenile detention for minor misbehavior, forcing parents to travel to a distant and intimidating location, fill out paperwork, and then take the child home. That is likely to lead to great tension in the family, he says, “when it is behavior that doesn’t really require an arrest, like a jostling in the school hallway, maybe even a punch back and forth that traditionally has been handled by a school counselor or a school principal sitting the kids down and saying, ‘Okay, we’re going to work this out.’”

Once a young person ends up in the justice system, Bilchik wants them to get as much education, health screening, and emotional support as possible with an eye towards rehabilitation and teaching consequences. When they get out, one of the best ways to stop the cycle of delinquency, he says, is to welcome them immediately back into the school system. However, he says there has been resistance to this, especially since the passage of the No Child Left Behind Act, which Bilchik believes gives an incentive to school systems to expel troubled youth rather than work with them.

“If some of these kids who are getting into trouble are borderline academic performers, you now have another layer of concern in the school. Administrators say, ‘I don’t really want him back because he’s a potential trouble maker and he isn’t going to contribute to my scores.’”

“The road we seem to be following is the one governed by the zero tolerance mentality. This means we’re turning young people away from the positive youth development pathway, which absolutely has to include engagement with school and an academic future.”

Promoting Good Health

Access to health care can set a young person on a safer path. Bilchik says youth need doctors

How to Improve the Foster Care System

Shay Bilchik offers the following strategies for strengthening the child welfare system:

- Support the child welfare and protection workforce through training, supervision, higher salaries, and additional tools to help them do their job.
- Put resources into recruiting and retaining foster families.
- Provide more behavioral health and education services for children in foster care.
- Increase support for young people after they “age out” of the foster care system.
- Commit to family and youth engagement, including use of family-finding technology and methods.

and community clinics in their neighborhoods, ways to pay for the health care (through Medicaid, CHIP or free clinics), and providers who can interact effectively with them. Something as simple as regular eye exams can prevent declines in school performance that lead to disruptive behavior. Counseling about reproductive health can prevent unwanted pregnancies. Mental health screenings can lead to effective treatment for problems that may have otherwise been mistaken for willful disobedience, a precursor to entering the juvenile justice system. By teaching healthy behaviors, reinforcing youths’ strengths, and following a positive youth development model, providers can help set young people on a path that bypasses the legal system altogether.

“It all comes down to whether you have a provider who is taking the time to talk to an adolescent and explore what’s going on in their life,” Bilchik says. “There may be a tip from the parent or an issue that is relatively obvious such as cutting or an eating disorder. However, it may be something more subtle such as anxiety that has risen up in a child’s life.”

Addressing Racial Disparities

Bilchik believes providers need to be made aware of the racial

disparities in the juvenile justice system that may originate elsewhere. He says data clearly show a disproportionate number of youth of color end up having contact with the juvenile justice and/or foster care systems compared to whites. He says that partly results from the lack of community supports and opportunities and high poverty levels in many minority communities. He says it also results from decisions made in large-scale systems – from law enforcement and intake workers to schools and courts. As a result, he says it is likely that minority youth are punished more harshly than whites, especially for low-grade misbehavior.

“At every step a decision is made, more and more kids of color are penetrating deeper into the system. It is a matter of how those decisions are made and what to do about addressing structural, institutional or individual bias or racism that may exist,” Bilchik says.

Shifting Paradigms

This points to Bilchik’s overarching paradigm of putting resources into preventing delinquency and keeping adolescents out of the criminal justice system, in order for more young people, and, by extension, adults, to become contributing members of society.

Implementing this paradigm on the scale it requires, he admits, could well take a social movement. For that to happen, he cites four critical components:

- political leaders willing to support preventative programs;
- community education about the need for good programs;
- available staff and infrastructure to set up community programs; and
- funding to carry out community programs.

Instead of any one group launching this movement, he prefers a multisystems approach – gathering representatives from different disciplines and institutions — child welfare department, schools, local police department, and the state legislature. Some states have created “children’s cabinets” with representatives from multiple governmental departments.

“I think that when you do your work in this manner, you are engaged in cross- systems field building,” Bilchik says. “You are building a field of professional workers who think outside of their own discipline. That takes time to truly build.”

By the same token, he says, different institutions should also be encouraged to share *information* when it might help a young person. For instance, a judge is better positioned to hand down a sentence or an alternative to sentencing if he knows something about the defendant’s history in the child welfare or foster care system and has full access to education records.

Similarly, he says, why not coordinate information between the schools and the foster care system, or between caseworkers and the police department?

“I’d like to see a worker in the child welfare system come into work in the morning, turn on their computer and see an alert if one of their clients has been arrested the night before,” he says.

One of Bilchik’s main goals at the Center for Juvenile Justice Reform at Georgetown University is to train and inspire the next generation of leaders, in and out of government, who can take the positive youth development approach back to their communities to improve outcomes for young people.

“I’m talking about the county commissioners, the directors of Children and Family Services and Juvenile Justice, the city councilors, the state legislators. Those are leaders who can impact appropriations, can impact state law, and can set the stage to do this work in a more meaningful way.” With a unified approach to prevent delinquency and reform the juvenile justice system, he says, it is possible to make America a safer and stronger place in which to grow up. By doing so, future generations will be stronger and healthier.

Karen Brown is an award-winning public radio reporter and freelance writer who specializes in health and mental health. Her print, audio, and documentary work has appeared on NPR and in national magazines and newspapers.

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