

A Convenor's Action Guide for Developing a Multi-Stakeholder Process



Safety, Opportunity & Success (SOS): Standards of Care for Non-Delinquent Youth

Coalition for Juvenile Justice | SOS Project

Safety, Opportunity & Success (SOS): Standards of Care for Non-Delinquent Youth

Exercising Judicial Leadership to Reform the Care of Youth Charged with Status Offenses: A Convenor's Action Guide for Developing a Multi-Stakeholder Process

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INTRODUCTION

Background

Juvenile judges and courts face complex challenges as a result of laws that allow youth, by virtue of their minor status, to be charged in juvenile court with “status offenses.” Status offenses are actions that are not illegal after a person reaches the age of 18. They include curfew violations, possession of alcohol and tobacco, running away and truancy. All too often the court’s involvement in the lives of these youth and families does not yield the intended positive outcomes, particularly when youth charged with status offenses have their liberty restricted and lives disrupted by being placed in confinement, and are separated from their family, school and community.

In the report [*Positive Power: Exercising Judicial Leadership to Prevent Court Involvement and Incarceration of Non-Delinquent Youth*](#), the Coalition for Juvenile Justice (CJJ) highlights [nine judges](#) across the nation who have challenged community norms and traditional court practice to produce greater benefits for at-risk youth, using their statutory and inherent judicial powers to divert these young people from court involvement and incarceration. Many of the judges featured in the report sit in jurisdictions that permit the use of the valid court order exception to the federal deinstitutionalization of status offenders requirement of the [Juvenile Justice and Delinquency Prevention Act](#) (JJDPa).

Status offenses are behaviors that constitute a violation of the law solely because the person engaging in them has not yet reached the age of majority. They include skipping school, running away from home, and coming in after curfew. When working with young people accused of status offenses, these judicial leaders used their statutory and inherent judicial powers to divert youth from court involvement and confinement by promoting partnerships and collaborations that creatively meet the needs of their communities.

Since 1974, the [Deinstitutionalization of Status Offenders](#) (DSO) core requirement of federal JJDPa has prohibited the incarceration of status offenders and non-delinquent youth involved with the courts, such as children alleged to be dependent, neglected or abused. By 1988, as a result of this requirement, states participating in the JJDPa had reduced status detentions by 95% nationwide. In recent years, however, there has been an increase in detentions among this population, signaling a shift away from deinstitutionalization and toward incarceration as a way to address non-criminal youth behaviors, many of which are tied

to troubled home environments and unmet mental health and learning needs. Still, judges in disparate jurisdictions nationwide—including those featured in the *Positive Power* report— have challenged this trend and exercised their leadership to develop novel approaches to addressing the needs of these youth.

Safety, Opportunity & Success: Standards of Care for Non-Delinquent Youth

The Coalition for Juvenile Justice’s [Safety, Opportunity & Success: Standards of Care for Non-Delinquent Youth](#) project which produced this *Guide* operates under three core principles, as follows:

Principle 1. The juvenile court – and the juvenile justice system as a whole – should be the forum of *last* resort to address the needs of these youth.

Principle 2. If these youth become system-involved or are securely confined, families and/or supportive adults should be engaged and empowered to address the youths’ needs and to facilitate the safe and speedy termination of juvenile justice system involvement.

Principle 3. If these youth cannot, after best efforts, be diverted from the juvenile justice system, detention should not be used.

Principle 4. Agencies within the juvenile justice system should collaborate with one to reach positive outcomes for young people charged with status offenses.

Still, while these principles are the drivers and impetus for this publication, juvenile justice practitioners and judges need not subscribe to them in order to find the publication’s tools and strategies useful. In fact, even those judges who are staunch advocates for the use of confinement as a tool to address status offenses will find that the *Guide’s* strategies and approaches will over time lead to better information, practice and outcomes, and ultimately obviate the need for the use of confinement altogether.

What is a Convenor’s Action Guide?

Every day, juvenile court judges bring together a range of family members, attorneys and advocates, service providers, and others to inform decisions in the best interest of youth and to preserve public safety. Judges in many ways are natural convenors in the juvenile justice system. Even so, not all judges have applied and extended their skills outside of the courtroom to bring about system change. This guide is a tool to support judges seeking to do that work and have that impact.

Exercising Judicial Leadership to Reform the Care of Non-Delinquent Youth: A Convenor's Action Guide for Developing a Multi-Stakeholder Process begins where *Positive Power* left off. It translates the lessons from *Positive Power* into a practical implementation guide for judges interested in effecting change and improving outcomes for non-delinquent youth in their communities. In addition to offering concrete steps for judicial leaders to take, this *Guide* illustrates these actions in practice by sharing the experiences of other judges across the country who have leveraged their roles on the bench to make a difference in the lives of youth and families in need.

Positive Power draws on three of the key themes of effective judicial leadership, which provide the foundation for this *Guide*:

1. **Demand for evidence-based approaches.** Each profiled judge recognizes that incarceration does not result in a decline in the number of status-offense cases petitioned to their courts, and is determined to change judicial practice in a manner consistent with the best available data of what produces favorable outcomes for youth, families and communities.
2. **Reliance on partnerships.** Each profiled judge recognizes the value of bringing judicial and non-judicial partners together to develop community-based, family-connected continuums of care for vulnerable youth.
3. **Use of judicial convening power.** Each profiled judge proactively leverages his or her statutory and inherent powers to convene and/or participate in cross-system collaborations designed to identify and overcome barriers, and continuously explore new options.

The third element—effective use of judicial convening power—is the focus of this publication. Apart from the motivation to improve outcomes to address the needs of these youth without resorting to confinement, there are several reasons juvenile and family court judges may wish to exercise their convening power in this manner.

First, **collaborative convening is cost-effective.** In a time of economic uncertainty, this tool to solve problems and change policy or practice is an attractive option, because it can be done well even with minimal resources, apart from time. Second, as the examples in *Positive Power* attest, the sharing of tools, information and best practices among systems **can result in significant, impactful and sustainable change** that benefits youth, families and communities; and finally, this use of judicial power is **wholly consistent with the judicial canon of ethics.** In fact, the

[Model Code of Judicial Conduct Rule 1.2](#) not only permits, but *requires* that members of the bench participate in activities “promoting confidence in the judiciary.”¹

Who can use this Guide?

The *Convenor’s Action Guide* is written for judges who hear cases or are otherwise responsible for systems that involve youth who were charged with status offenses. It provides guidance and tools for *how* to build effective partnerships and *how* to leverage judicial convening power to realize the kinds of improvements in practice and outcomes celebrated in *Positive Power*. It is intended especially for those judges who are looking for ways to play a leadership role and to promote action-oriented discussion in their communities across stakeholder groups that address the needs of these youth. However, the use of this guide is not restricted to those who believe that confinement of youth charged with non-delinquent behavior is inappropriate. Regardless of a judge’s philosophy on how to address status offenses, the approaches outlined in the *Guide* can still be used to form and sustain meaningful partnerships across stakeholder groups with a unified focus on identifying the best responses to the needs of these youth and their communities. Here are some examples of how judges with very different concerns might use this Guide.

I currently use secure confinement to address the needs of some non-delinquent youth (or status offenders), but I am interested in learning about better ways to address the needs of youth I see in my system.

This *Guide* provides step-by-step advice for bringing together both community members and the people who serve youth to engage in an open dialogue about why confinement is being used and how those issues might be addressed more successfully. This collaborative group can also work together to identify other jurisdictions where they have struggled with similar issues and have found innovative ways to address youths’ needs.

I am concerned about the scarcity of resources in the communities where our youths’ families live, which makes avoiding the use of confinement for non-delinquent youth very challenging.

This *Guide* supports judges and their allies in identifying and convening existing service providers in a community, and working

¹ Model Code of Judicial Conduct Rule 1.2 Comment 6: “A judge should initiate and participate in community outreach activities for the purpose of promoting understanding of and confidence in the administration of justice.”

collaboratively to pool resources, increase efficiencies to serve more youth, and brainstorm new ideas for service expansion.

I am concerned that the services and resources that we do have in our community and in our system are not well coordinated and that youth are “falling through the cracks.”

This *Guide* provides a framework so invested stakeholders can do more than talk to one another and can instead work together toward clear goals, and evaluate their success.

Although this *Guide* is informed by and written for judges, other juvenile justice practitioners and community stakeholders will find the content useful in helping them to recruit judges in their communities who could effectively reform existing problems, but may not have the tools or guidance necessary to get started.

How should this Guide be used?

This guide provides both step-by-step guidance and real-world examples of effective collaboration in practice. It is less a checklist, and more a companion guide and resource for emerging and experienced judicial leaders to use when engaging broad coalitions to identify and meet the needs of these youth. Each jurisdiction is different – different needs, different youth and families, different community stakeholders and resources, and different system players – so this *Guide* should and must be adapted to the specific context of each community.

The Process

A **convener** is “a person—typically a well-known public leader with credibility and stature—who brings a diverse group of people together to resolve a problem collaboratively.”² Judges are uniquely positioned to be effective convenors because their influence extends well beyond the courtroom and into the community. Further, where the issues involved are related to the juvenile justice system, public agencies, officials and community-based organizations are more likely to participate—and to do so consistently and productively—when invited by someone who has both a vested interest in, and the power to implement, many of the agreements reached.

² The Policy Consensus-Building Institute, The Role of Convener, last viewed at: http://www.policyconsensus.org/tools/practicalguide/docs/role_convener.pdf, April 14, 2014.

There are however a few caveats for the judge-convenor to keep in mind:

- **Direct, rather than dominate the direction of the group**—the inherent power of the judiciary could create a power imbalance in the collaborative decision-making group and some participants may be reticent to express their opinions with candor, or be too intimidated to suggest novel ideas and approaches. The judge-convenor should make it clear to participants what his or her role is in the process and distinguish it from his or her role on the bench.
- **Be inclusive of all points of view**—one of the key roles that a convenor plays is getting parties to the table. While some participants may support or endorse the judge-convenor's point of view on the issues at hand, it is also essential to invite the participation of stakeholders who may challenge that point of view or have opposing ones. The legitimacy of the process and the decisions that come out of it will be called into question if it is viewed as a rubber-stamping body for the judge-convenor's agenda.
- **Demonstrate commitment to the process**—regular attendance at planning meetings and group discussions, visibility and active engagement, meaningful and thoughtful contributions are all ways in which the judge-convenor should demonstrate his or her commitment to the process. The inability or failure to follow through with this level of commitment could not only threaten the current process but de-legitimize future efforts of the same type.
- **Ensure that the outcome is viable**—perhaps more so than any other participant in a collaborative decision-making process about the juvenile justice courts and system, the juvenile or family court judge can provide a valuable reality-check of the solutions proposed by the collaborative decision-making group.

While the judge-convenor may *initiate* a collaborative decision-making process, he/she alone cannot be responsible for managing the strategic and logistical details to move it forward. A **core coordinating group**—distinct from, but inclusive of, members of the larger collaborative decision-making body—should be identified to define a broad goal or vision for the process. The coordinating group should be comprised of organizations or individuals with the will, influence and resources (which may be financial, human or other resources) to carry the process forward, to champion any agreements reached, and who are committed to implementing and sustaining them.

Step One. Assessment and Planning

Key Issues

Before initiating a collaborative decision-making process, an assessment is essential.

Assessments can be formal and involve a neutral third party who then issues a written report that is presented to the coordinating group, or it can take the form of informal fact-finding.

Members of the core coordinating group can themselves conduct an informal fact-finding by having conversations with stakeholders and experts and reporting out to other members of the coordinating group. While assessments need not be long or expensive, they must clearly define the problem and create a credible justification for potential participants in the collaborative decision-making process to invest their time and other resources to become and remain engaged. Memorializing the results of the assessment in writing will facilitate this.

A useful assessment should at a minimum answer the following questions:

What are the issues?

Collaborative decision-making processes to improve outcomes for these youth may look very different from one jurisdiction to the next depending on the issues presented. Some courts may see a proliferation of school referrals, originating from a few “hot-spot” schools or districts; another might experience a rash of arrests of youth in certain suburbs for minors-in-possession offenses; and yet another might have an influx of youth loitering around local shopping malls past curfew. They may find that youth of a particular racial or ethnic background are being arrested and petitioned to court at much higher rates than their representation in the community.

In Delaware, a statewide assessment of school-based arrests identified a need for reform. Under the leadership of Delaware’s Family Court Chief Judge, the Honorable Chandlee Kuhn, a small group of stakeholders convened to discuss the problems facing students, teachers, and school administrators. One of the group’s first tasks was to identify the barriers to students remaining in schools.

What the assessment process does is help the coordinating group define the issues at a level of specificity that will assist with the identification of essential parties and participants once the process reaches the problem-solving phase. The nature of the problem, the populations and communities implicated, and the question of whether or not the youth involved are from a racial or ethnic group that is disproportionately represented in the juvenile justice system are all

examples of considerations that will influence how your process is designed and the issues it will have to address.

Who are the stakeholders?

Simply put, stakeholders are parties (which may be individuals or organizations) that have an interest in the issues, the process and/or the decisions made as a result of the process. In a collaborative decision-making process involving youth, the judge-convenor has extraordinary influence to bring stakeholders to the table. Representatives from court services, the prosecutors, defenders, schools, child welfare and other human services agencies, law enforcement and community-based organizations all have one thing in common: they respect and esteem the court and are more likely to participate when a judge makes the call.

Additional stakeholders may be found among those who are not traditionally at the table when considering matters related to juvenile justice but who may be useful when the process reaches the implementation phase. This might include foundations that might fund resulting initiatives, representatives of state-level policymakers who might sponsor bills, or faith leaders who might help with outreach and communication to the community about the results of the process. Stakeholders should be drawn from a broad range of organizations and groups to ensure that a variety of viewpoints are heard as part of the process.

After an initial conversation about the issues surrounding school-based arrests in Delaware, the group of stakeholders was expanded to ultimately include representatives from Family Court, the Attorney Generals' Office, the Public Defender's Office, the Delaware Legislature, the ACLU, Brandywine School District, the Office of the Child Advocate, the Criminal Justice Council, Ferris School, additional public servants, and private volunteers.

What are the desired outcomes?

As stakeholders are identified and invited to participate in the process, the judge-convenor and coordinating group should have given some thought to what the hoped for outcomes of the process will be. The group should consider what outcomes they might want for young people, such as a reduction in the number of teens skipping school. They should also consider the sort of outcomes that are desired for families, the system, and the community at large. These outcomes should be articulated so that they are specific enough for potential participants to know how their time will be spent, but general enough that they aren't given the impression that the process is a rubber stamp for decisions already made. Leaving the desired outcomes fairly general leaves room for the judge-convenor and participants to broaden their thinking

and remain open to solutions they may not have considered before. It also increases buy-in of stakeholders when they feel that their contributions to the final agreement were meaningful and substantial.

Where do they disagree? Where might they find common ground?

By doing preliminary issue-spotting, the core coordinating group and judge-convenor can help design a process that will be most fruitful and satisfying for participants. If there is a longstanding stalemate among or between agencies and organizations that might participate in the process, it would be useful to know what the subject of that dispute is, and brainstorm about how to address it, or avoid it if it is better left unaddressed. Conversely, if there are areas of logical cooperation that have not previously been acted upon, whether because of a lack of will or an impetus, it would be useful to know that as well. Identifying this “low-hanging fruit” could help legitimize the process by having it begin with momentum and a quick ‘win’ for the parties.

Is there sufficient time to conduct a collaborative decision-making process?

In *Positive Power*, more than one of the judge-convenors initiated their collaborative problem-solving process in response to a legislative mandate to act on the issue of status offender confinements. When this is the impetus for convening, there may be time constraints at work that require stakeholders to make decisions quickly and move to action planning shortly thereafter. If this is the case, the design of the process should reflect that. The number of stakeholder-participants may be fewer and confined to a few essential parties, the timeline shorter and the meeting schedule more demanding.

During a 2008 retreat of the Rapides Parish Children and Youth Planning Board, participants spent time discussing the organization and governance of the Board. The Board determined how often and for how long they would meet, as well as the dates and location of its meetings. Participants also determined the role of the Executive Committee and its relationship to the larger Board. Finally, the Board set deadlines for its work and identified who it would report to and how often.

Based upon the time constraints, the parties should set incremental and measured goals. If the group has 18 months to complete their work, for example, benchmarks should be set out based upon prescribed periods of time, such as three-month or six-month increments.

Are there resources to conduct a collaborative decision-making process?

The resources necessary to conduct a collaborative decision-making process are largely human resources. The judge-convenor, as a participant in the process should probably not act as the facilitator if that can be avoided. A professional facilitator may need to be engaged. Someone will also be needed to arrange and schedule meetings, help develop the agenda for each meeting, take notes or minutes and draft documents that reflect the agreements reached by the group. Much of this manpower may already reside in the agencies and organizations that are stakeholders to the process, so whenever possible that and other cost-saving mechanisms should be explored. If permissible, in-kind contributions from foundation participants are another avenue through which costs for essentials like meeting space, refreshments and staffing may be defrayed.

Is there will, or a commitment to participate in a collaborative decision-making process?

Measuring stakeholders' will or commitment is not an easy feat, and altering it can be even more difficult. Part of the role of the judge-convenor is to gauge interest in participating in collaborative problem-solving, to anticipate reticence and to provide answers to stakeholder concerns. The two most common reasons for unwillingness to participate are skepticism about whether the process will amount to sustainable change, and a perceived inability to dedicate the necessary time. Those reasons are interrelated. By making a convincing case that the process will be worthwhile and result in meaningful change, the judge-convenor is less likely to encounter resistance based on time constraints. One way to address skepticism about the potential of the process to make change is to engage not only influential agencies and organizations, but individuals from those agencies and organizations who have clear decision-making authority and the power to bring along agency and organizational commitment to the agreements.

Key Actions

- ✓ **Identify a core coordinating group**
 - Who has an interest in this issue?
 - Who can be of influence on this issue?
 - Who has knowledge about this issue?
 - Who has resources to expend on this issue?
- ✓ **Develop assessment questions**
 - How does the problem of status offenses present itself in this jurisdiction?
 - Who is working on the issue currently?
 - Who should be working on the issue and is not?
 - Is there will to work on this issue?
 - Are there time and resources to work on this issue?

- What are some of the areas of potential agreement or disagreement?
- ✓ **Conduct assessment**
 - Informal assessment conducted by the core coordinating group?
 - Formal assessment conducted by a third-party?
 - Are there resources for a third-party assessment?
- ✓ **Report on results of assessment to core coordinating group**
 - Decision on whether to proceed with collaborative problem-solving

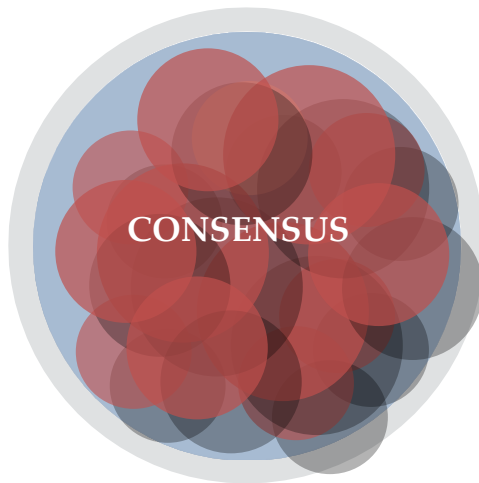
Step Two. Define the Nature of the Process

Key Issues

In collective decision-making processes, it is advisable to define at the outset the kind of process you are seeking. The judge-convenor will likely be in a position of explaining to potential participants the nature of the engagement to which they are committing. To do this effectively, the nature of the agreements sought should be considered at the start of the process and the core coordinating group should be enlisted to help decide crucial questions like what rule of decision-making should govern the group, and what the fundamental structure of the group should be.

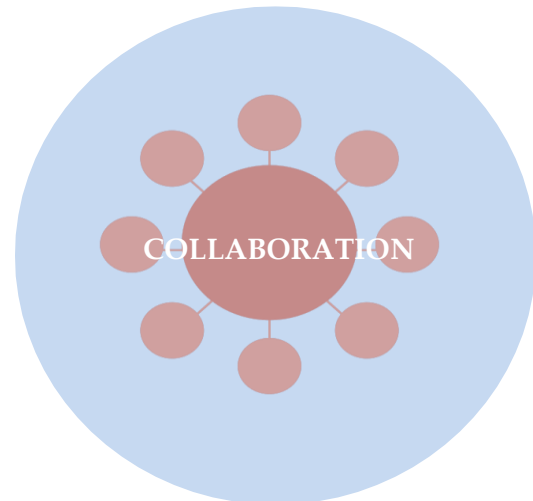
Here are two useful distinctions to consider:

What is the Rule of Decision-Making?



If you are seeking **consensus**, this means that the process will produce the following **outcomes**:

- The parties have reached a meeting of the minds sufficient to make a decision and carry it out;
- No one who could block or obstruct the decision or its implementation will exercise that power; and
- Everyone needed to support the decision and put it into effect will do so.



If you are seeking **collaboration**, participants will have the following **characteristics**:

- A shared purpose—collaborators work together to achieve a common objective.
- A shared need—accomplishing the objective requires a combination of skills, resources and ideas that one party alone does not have.
- Authentic conversations—people must be able to speak frankly and listen carefully.
- Reciprocity—cooperative give-and-take enables a group to negotiate effectively.

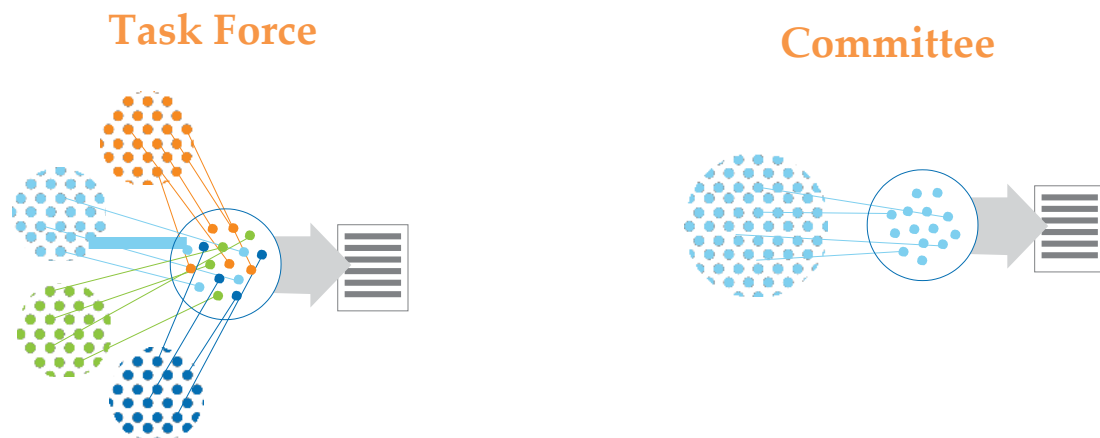
Task Force vs. Committee?

Defining the nature of the process also means setting and managing stakeholder expectations. If the group is a **task force**, it will be of limited and specific duration and formed solely to accomplish a predetermined objective. Members on a task force are chosen because of their ability to complete tasks related to the accomplishment of that objective. Task forces disband as formal bodies once their purpose has been accomplished.

An example of a task force in this context would be a group formed to develop new charging guidelines for these youth. The members of the task force would likely be representatives from law enforcement, prosecutors, defenders, the courts and perhaps service providers. Given the limited nature of the task, it may not be as necessary in this instance to have broad-based representation from community and faith-groups since, though they will undoubtedly have opinions, they may not have the skills, information and expertise essential for the completion of the task at hand.

Another option is to form a collaborative problem-solving **committee**. Committees differ from task forces in that they are smaller sub-groups of a larger whole, often represent different interests, and can be of indeterminate duration with a variety of objectives. To make a committee most useful however, having a clear sense of mission is key.

An example of a committee's mission in this context could be: *To reduce the number of school referrals to juvenile court and identify alternative services to meet the needs of youth charged with truancy and in-school infractions in Mercer County.* To carry out that mission, the committee may develop a number of strategies, objectives and tasks, many of which would be executed on an ongoing basis, even engaging parties and stakeholders outside of the group to help fulfill them.



Key Actions

- ✓ **Define the nature of the process**
 - Task force— time-bound, with a specific objective in mind?
 - Committee —possibly of indeterminate duration with multiple possible objectives?
- ✓ **Choose a rule of decision-making and structure**
 - Consensus process
 - Collaborative process
- ✓ **Verify potential process requirements**
 - Participants?
 - Resources?
 - Outputs?
- ✓ **Develop a statement of purpose to share with potential participants**

Step Three. Mapping the Issues and Actors

Key Issues

Issue- and stakeholder-mapping may sound like complex concepts but they are in fact technical terms referring to processes that most lay-persons perform intuitively in our daily lives, and that judges encounter in their courtrooms routinely. Much of this process will have been completed in the assessment phase, but while the assessment inquiries were directed at ascertaining *whether* to conduct a collaborative problem-solving process, the issue and stakeholder-mapping process is intended to provide guidance on *how* to conduct the process.

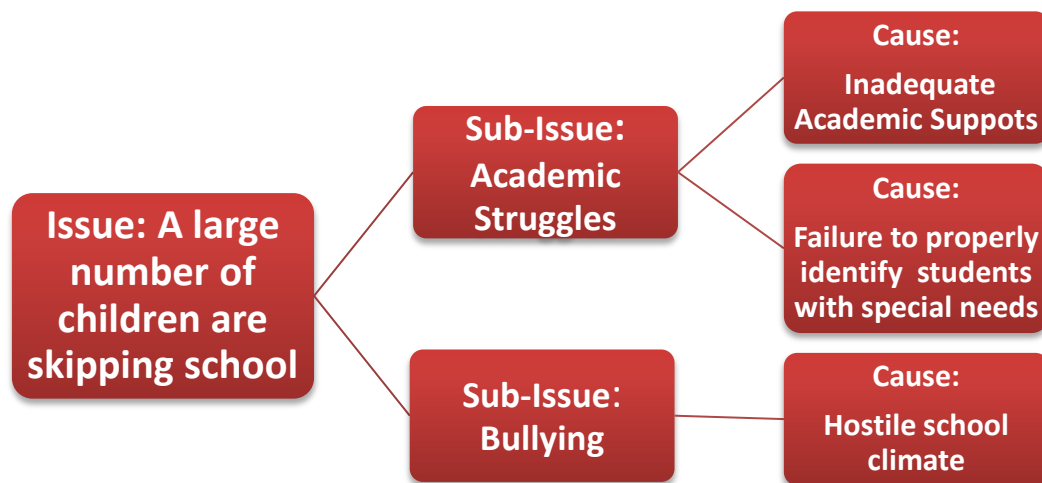
Issue-mapping in this context simply means identifying the key questions and the source of conflict or inefficiencies that your collaborative problem-solving process seeks to address. It then begins the process of breaking these issues apart to reach the core problem, which may be more easily solved in pieces rather than as a much more formidable whole. It helps to ensure that all potential issues and causes are clearly identified so that they can be properly addressed and remedied.

Some of the benefits of issue-mapping are:

- **Looks beyond the immediate and toward the long-term**—the impetus for collaborative problem solving processes is often a triggering event. In one jurisdiction, the school-based arrest of a pregnant teenager precipitated a conversation about truancy; in another, the disproportionate confinement of youth of color for status offenses led to extensive publicity. An issue-mapping process helps the core coordinating group define the purpose of the process well beyond solving the immediate problem.
- **Identifies root causes**—in the case of the arrest of the pregnant teenager in school, there may have been many root causes for the event—a dearth of clear policies on health-related absences, or a communication system between the school and court system that does not lend itself to discretionary decision-making on the part of the truancy officers or school resource officers. A superficial response might mean the implementation of a new policy that prohibits the arrest of pregnant teens, and while that might be a positive policy to implement, it would leave unaddressed the root causes, or core issues that

caused the arrest in the first instance. Issue mapping would permit the parties to go beyond the surface.

- **Focuses effort when resources are limited**—in the case of the disproportionate confinement of minority youth, the measures that may seem necessary to address the problem may seem insurmountable. In fact, issue mapping could reveal smaller, incremental but meaningful steps that could be taken that will go a long way toward solving the ultimate problem. The juvenile court system may have made confinement decisions without the use of a validated assessment tool. This is a “sub-issue” that a mapping process would reveal, and would give the parties a smaller, more focused goal that could more reasonably be accomplished if resources are limited.



Stakeholder mapping is a process of identifying stakeholders and assessing their power, influence and interest.

Here are some of the benefits of mapping stakeholders:

- **Identifies Influencers** —the judge-convenor is one influential party, but probably not the only one. By identifying the ‘influencers’, their opinions can be used to shape the process, improve engagement, maximize the likelihood that agreements will be implemented and improve the quality of the ultimate product(s) of the process.

- **Gains support**—the support of powerful stakeholders could help garner resources for implementation of the agreements of the group and increase its credibility.
- **Anticipates response**—a well-conceived agreement and action plan could very easily be derailed, if stakeholders feel they were not engaged early enough, or not utilized effectively for their knowledge and expertise. The more extensive and thorough your stakeholder map, the more likely you are to anticipate and answer objections and plan for them.



Key Actions

- ✓ **Identify potential participants**
 - Who add legitimacy to the process
 - Who can influence the outcome
 - Who would be directly affected by the outcome
 - Consider prior relationships among stakeholders and potential participants, and the effect this might have on the process
- ✓ **Identify Issues**

- How does the problem present itself?
- How is the problem currently framed and defined?
- What are some of the potential solutions that have been tried?
- What were some of the stumbling blocks to success in the past?

Step Four. “Setting the Table” and Conducting the Dialogue

Key Issues

Once the core coordinating group has conducted an assessment and completed the issue and stakeholder mapping process, the judge-convenor may begin to extend invitations to participants in the process. Up until this point, the stakeholders may not have worked together as a group, and this step in your process—which involves the first meeting(s) of the collaborative problem-solving group—should be dedicated to defining the process to the group, including the roles of participants, the facilitator and any chairs or co-chairs, reviewing the purpose and goals of the group, and clarifying any decision points and outputs. These elements of your process should not be hard-and-fast, but should be open to modification based on participant needs and feedback.

Some of the key questions and considerations as you get to this step are as follows:

What is the nature of the judge-convenor’s participation?

Once the collaborative process has been convened, the role of the judge-convenor may transition to that of participant. Part of the assessment and stakeholder mapping process should have revealed whether the group is better served by the continued active involvement of the judicial leader as a co-equal participant, or whether they might serve as a chair or facilitator for the group. It is also important for the judge-convenor to keep in mind that the process is collaborative in nature and that despite the deference the judge usually receives, equality of participation is important. One potential stumbling block arises when the judge-convenor is wed to a particular process design, or issue. Once the full group has been convened it is important to remain open to their modifications to both, or risk disengagement over time.

A **facilitator** should impartially implement and manage meetings to enable participants to focus on substantive issues and goals. Facilitators develop the agenda for each meeting, enforce the group rules, promote interaction and communication and help bring issues to closure. Should the judge-convenor decide to be an active participant in the problem-solving process, he/she should consider how and whether it is possible to reconcile that position with the responsibilities of a facilitator.

The judicial leader may also choose to act as a **chair** of the process. The chair is distinguishable from the facilitator in that he/she focuses on the movement and development of substantive

issues, rather than on process and logistics. While facilitators need not be experts on the substantive issues, the chairs should be very knowledgeable about what they are and understand them sufficiently to recognize when there are stumbling blocks or areas ripe for potential agreement.

What level of accountability to the process do you require of stakeholders?

Many collaborative problem-solving processes fall apart because the expectations of participants are not clear at the outset, leading to complications such as disparate levels of engagement, stark differences in the stature and decision-making authority of participants, and inadequate representation of key interests. To avoid those pitfalls, key issues that should be addressed when clarifying the required level of accountability to the process include:

- Rules of attendance
- Duty of diligence
- How attendance impacts ability to participate in decision points
- Confidentiality and attribution
- Membership in the group and use of proxies
-

The last point—membership and use of proxies— is particularly important in this context. If, for example, the ‘member’ of the collaborative problem-solving group who was invited to, and consented to participate is the head of youth and family services in the jurisdiction who can make *ad hoc* policy decisions and bind the agency, participants should be reminded that a social worker supervisor is not an adequate proxy. An adequate proxy may however be the deputy to the head of youth and family services agency if that deputy is empowered to make decisions on the head’s behalf.

Confidentiality and attribution are issues that are likely to be important if public officials are among the participants in the process. In a process where they may play with novel ideas and approaches some degree of confidentiality will almost certainly be required. Participants should decide at the outset whether they want their process to be public or private.

A **public process** may have one of several variations. It could mean that it is open for whomever has an interest to attend, or it could mean that the fact of the collaboration is public, but the meetings themselves are open to members only. And finally, it may mean that even the substance of the discussions can be shared so long as that sharing is done without attribution.

A **confidential process** could mean that neither the fact of the collaboration, nor the substance of the meetings is accessible to the public. The relative value of having a public or confidential process should be decided on by the group with due consideration given to how the nature of the process might impede or facilitate progress toward an agreement.

What level of preparation is necessary for stakeholders to participate?

Much of the work around status offense issues is data-driven, and many different agencies may collect and use data about these youth for a variety of purposes. Rather than have the process devolve into a debate about the relative accuracy of data being used to guide decision-making, it is advisable for the participants to reach preliminary agreement on what data sets will be used and for what purpose.

Further, there may be many key points of information known to some participants but not to others, so some consideration should be given to the preparation that may be necessary even in advance of the first meeting. Are there, for instance, facts and statistics that community participants may be unaware of about status offenders in the jurisdiction?

Key Actions

- ✓ **Introduce the participants and process**
 - Share preliminary process design, road map and proposed goals and objectives
 - Review, discuss and modify process design and goals based on stakeholder input
 - Assess the goals, and objectives of the process with the group, invite modification
- ✓ **Develop ground rules or a charter for the collaborative problem-solving group**
 - Clarify meaning of participation/membership
 - Address key questions of confidentiality, proxies, attendance and decision-making
- ✓ **Decide on information sources**
 - Fill information gap for less-informed participants

Step Five. Implementation, Evaluation and Sustainability

Key Issues

The purpose of initiating a collaborative problem-solving process to reform the treatment and care of these youth is to implement and see changes occur in the real world. One of the most common pitfalls of collaborative processes in general is that groups emerge after many hours and sometimes months of work with solid agreements on principles, but very little that is actionable. On an issue as large and as complex as this one, there is considerable potential for that unsatisfying outcome.

An example of an **agreement on principle** might be as follows: *Youth in Mercer County who are not charged with a delinquent act should not be securely confined and best efforts should be made to find alternative community-based services.* While important to reach agreement on this principle, the parties will leave the table with very little guidance on how to implement it. Conversely, an **actionable agreement** might be something like: *Non-delinquent youth, at the first point of contact, will be referred to the Mercer County Youth Services Diversion Unit where an assessment will be conducted before a charging decision is made by the Mercer County Prosecutor's Office.*

Although separated in this *Guide* for purposes of discussion, it should be noted that the process should be designed with implementation in mind. This means, for example, that included among stakeholders should be parties who are essential to implementing, or who can block implementation if they don't support or have sufficient buy-in to the process. Consider also that even parties who were included in the process could later challenge or attack the agreements reached. To preempt this possibility, the process should include adequate structures or mechanisms for participants to provide feedback and or change course if necessary. As the problem-solving process commences the parties' preconceptions about the nature of the problem and the likely solutions may change. If this occurs, the process should also change to accommodate new developments.

Finally, because the question of how to address the needs of these youth is of national significance, mechanisms should be put in place to capture and record unexpected outcomes—positive and negative—of the process. For instance, while a consensus agreement may not be reached, the process may lead to new collaborations and relationships between or among agencies that did not previously share information. Further, this kind of information about outcomes will undoubtedly be useful should the collaborative wish to later develop

partnerships with individuals and entities that can champion the results of the process, or if necessary provide resources to support it.

Key Actions

- ✓ **Come to an actionable agreement**
 - Ensure participants reach more than an agreement in principle.
 - Draft a concrete goal that can be put in place through measured actions.
 - Develop a work plan with milestones and action items to help reach your final goal.
- ✓ **Review and revise the plan to allow for modifications if needed**
 - Make sure there is buy in from stakeholders, and that they are active in developing your plan.
 - Ensure there are regular opportunities for participants to provide feedback.
 - Allow for a change in plans if it becomes necessary.
- ✓ **Monitor outcomes**
 - Obtain feedback from stakeholders after a plan has been created and implemented.
 - Track outcomes to determine if they are different than anticipated.
 - Follow through on new collaborations that have developed.

Judicial convenors have the ability to create real change in their communities by engaging stakeholders, developing consensus, establishing concrete action items, and continuing to monitor and adjust their plans as necessary. No doubt, each jurisdiction will face its own challenges. In one community, convenors may encounter roadblocks associated with costs and resource availability. Another community could encounter difficulty obtaining stakeholder buy-in. The tools and processes provided in this publication, however, provide convenors with methods that other judicial leaders have found effective. These suggestions can help improve outcomes and address the needs of children and teenagers who engage in behaviors that are considered status offenses.

Useful Links

- The Vera Institute of Justice's Status Offense Reform Center toolkit, Toolkit for Status Offense Reform:
<http://www.statusoffensereform.org/toolkit/introduction-a-toolkit-for-status-offense-system-reform>
- For more information about the role a convenor plays visit:
http://www.policyconsensus.org/tools/practicalguide/docs/role_convenor.pdf.
- For a list of potential stakeholders and board members' roles and responsibilities please view the Delaware Legislature's task force resolution at:
[http://legis.delaware.gov/LIS/lis147.nsf/vwLegislation/HR+10/\\$file/1031470040.docx?open](http://legis.delaware.gov/LIS/lis147.nsf/vwLegislation/HR+10/$file/1031470040.docx?open).
- For additional resources on how to build consensus among stakeholders visit: www.policyconsensus.org.
- To learn more about stakeholder mapping visit:
http://www.bsr.org/reports/BSR_Stakeholder_Engagement_Stakeholder_Mapping.final.pdf.
- To learn more about how to identify stakeholders and their potential interests in the process visit:
<http://ctb.ku.edu/en/table-of-contents/participation/encouraging-involvement/identify-stakeholders/main>.
- For more information on how to collaborate and build consensus visit:
http://web1.ctaa.org/webmodules/webarticles/articlefiles/ct/fall_2007/Collaboration_Techniques.pdf.
- For information about how Delaware has addressed the school-to-prison pipeline visit:
<http://www.juvjustice.org/sites/default/files/resource-files/Kuhn%20Wolf%20Fightin%20and%20Fussin.pdf>.

TOOLS & RESOURCES

Sample Documents

Sample Ends/Outcomes for Board Meeting

Board Retreat

Potential Board Ends/Outcomes

Child and Family Outcomes

- # of students graduating from high school will increase
- Parents/guardians are more involved with their children
- # of truant youth have decreased
- Children reach appropriate developmental milestones
- Families are healthier: medical, safety, etc.
- Children have developed social skills

System Outcomes

- Services are more available (more services, more counselors, transportation, etc.)
- Services/programs are mapped and understood (providers, families, community, networking)
- Crime has decreased
- There is positive development of youth

Community Engagement

- The community knows who we are & why we exist (branding, strong marketing, media contact)
- The mindset of the community – professionals, parents, etc – is improved (not just a “good enough” mentality)
- Elected officials make successful children a top priority

Sample Board Meeting Summary Report

Children and Youth Planning Board

May 23-25, 2014

Proposed Retreat Outcomes:

- Board membership and infrastructure is clear.
- Board has identified key groups and constituencies with which it must collaborate or at least communicate in its work (agencies, other initiatives, policy bodies, etc.)
- Board understands its mission and ends/outcomes and how they relate to the work of each participating agency.
- Board has committed to developing a marketing concept for its work.
- Board has a work plan for the upcoming year.

Target Population:

- Children and youth at risk for, or identified with, social, emotional, or developmental problems, including, but not limited to educational failure, abuse, neglect, exposure to violence, juvenile or parental mental illness, juvenile or parental substance abuse, poverty, developmental disabilities and delinquency.
- Three or more of these conditions should be present on part of child or parent:
 - Truant,
 - Open family services,
 - Mental health diagnosis / substance use by child or parent,
 - FINS,
 - Delinquent
 - Academic concerns (truancy, suspensions, expulsion, academic failure)
 - *Six and younger included in scope of this board*

Scope:

- Assist in the development, implementation, and operation of services that encourage positive development, diversion of children and youth from the criminal justice and the foster care system, reduction in the commitments of youth to state institutions, and providing community response to the growing rate of juvenile delinquency.
- Not direct service intervention
- Coordination, assessment, planning of services and providers

Focus areas:

(Diversion runs through all steps)

1. Prevention

General public

School
Alternate school programs
Boys & Girls Clubs
YMCA

2. Early Intervention / Secondary prevention

Target population:

Boys & Girls Club
YMCA
After-school programs

3. Assessment / Identification

4. Intervention

Formal processing
Agency referral

5. Rehabilitation

Board's place is to:

Facilitate purposeful discussions re:

1. problems facing youth
2. issues facing service providers
 - consortium of community advocates
 - knows what the needs of the community are
 - identifies the gaps in services
 - Influence policy and practice to address youths' needs

Additional Membership of Board?

Youth member (graduate of programs)

Substance abuse

Mission:

Provide guidance and direction for the positive development of children in the community.

Outcomes (see handout):

Child and Family Outcomes

1. # of students graduating from high school will increase
2. Parents / guardians are more involved with their children
3. # of truant youth decreases
4. Children reach their appropriate developmental milestones
5. Families are healthier: medical, safety, etc.
6. Children develop social skills
7. Fewer youth are removed from the home or placed in custody
8. Parents are more involved in family-strengthening programs
9. More youth are involved in prevention and leadership programs
10. More children and families participate in and receive sexual abuse services
11. Children are ready to start school (developmental milestones)
12. Increased number of children enrolled in preschool
13. All children have a permanent home
14. Fewer kids removed from their home schools

Measurements

Ready to start school:

- a. Head Start
- b. Public pre-K
- c. Private pre-K
- d. Additional parent involvement
 - Meets licensure
 - Include mental health in curriculum
 - Goes to 5 stars
- e. Quality child care initiative

Increased # of kids enrolled in preschool

Fewer children are hospitalized for mental health reasons

Strategies for reducing mental health problems:

- a. Get clear on present benchmark number
- b. Special committee of involved agencies develop a protocol for responding to a mental health emergency
- c. Set a benchmark or goal to achieve
- d. Encourage development of alternatives to MH hospitalization – multi-agency group to strategize / influence policy. Include special residential for all kids in custody. Note need for separation to

recognize level of care needs and separation of MH children who need residential care.

- e. Develop screening tools to help ID what door kids come in for services (broader than MH)
- f. Quasi-judicial process to address MH cases and medications to support the families (MH Court)

System Outcomes

1. Services are more available
2. Services/programs are mapped and understood
3. Crime has decreased
4. There is positive development of youth
5. Establishment of a “mental health court” ~ quasi-judicial ~ monitoring medications
6. Establishment of a rewards system for FINS youth who return to school successfully
7. Protocol for victims of child sexual abuse ~ one that works
8. Multi-disciplinary teaming of high risk kids
9. Increased access to sexual abuse services, where perpetrator is out of home
10. More services are available for child sexual abuse victims and child sexual perpetrators
11. Information sharing opportunities increased for care coordination
12. Law enforcement would have knowledge of community programs
13. More programs available after school to address teens who are at risk of unlawful behavior
14. Decrease disproportionate minority contact with system
15. Increased access and use of alternatives to informal processing
16. Increased access and use of evidence-based practices
17. Funding streams are agreed on importance of evidence-based practices; coordinate approaches
18. Ensure that the community gets its share of any funding available for children and youth programs
19. Create a grid with information that should or should not be shared, and when
20. Reduce homelessness
21. Coordination and case management for children in group care and their families (emphasis on families)
22. Better service delivery

Community Engagement Outcomes

1. The community knows who we are & why we exist (branding, strong marketing, media contact)
2. The mindset of the community – professionals, parents – is improved (not just a ‘good enough’ mentality)
3. Elected officials make successful children a top priority

Marketing Strategy

2. GIS plotting of ‘hot spots’ ~ determine outreach strategies consistent with those areas
3. Networking of cities and municipalities
4. Core message:
5. Identify funding streams interested in these outcomes; present a unified front

Governance Issues

1. How often do we meet? For how long? (3 hours in each month of May, June, & July)
When? (Wednesday mornings?) Where? (TBD)
2. Role of the Executive Committee? Relationship to the Board?
3. When do we want to have our unfinished work completed? (September 1? Report is due in October)
4. To whom do we report? How often?

Upcoming Meeting Dates

Wednesday, June 4, 2014

Wednesday, July 2, 2014

Steps for June 4 Meeting

1. Report on Mental Health referral group
2. Notes from meeting to be distributed the week following the retreat
3. Members to begin thinking about and identifying constituencies (churches, memberships, other boards)
4. Each member to come to June meeting with written list of constituencies
5. Information sharing matrix
6. Each member to look over the list of outcomes, along with the individual framework, including outcome, measure, strategy, monitoring/reporting. These need to be identified as a group.

GLOSSARY

A

Actionable agreement: An agreement that results from collaborative decision-making which group members can take concrete steps to implement and achieve. It may result in an action plan or a list of action items for members to accomplish either individually or as a group.

Agreement on principle: An agreement by group members on an underlying principle or concept. (i.e. children should not be incarcerated for skipping school.) Such an agreement is often a step towards an actionable agreement.

C

Chair: Chairs may be designated by the group. They are similar to mediators or facilitators. They oversee a meeting's agenda, and help facilitate the meeting.

Collaboration: A process that involves parties agreeing to work together and to cooperate to solve a common problem or address a shared need.

Collaborative decision-making: A process in which facilitators receive input from stakeholders in order to reach a decision that will achieve a common objective and help address a shared need.

Committee: A group of people who are chosen to undertake a particular task or make decisions about a specific matter.

Consensus: A general agreement that is reached by all members of a group.

Consensus-building: A process in which people work together to address a common goal or problem in a cooperative manner. This technique can include representatives from different stakeholder groups and can occur early in the decision-making process. Facilitators are often incorporated into the process to help participants design and implement their strategy for developing group solutions.

Convening: The act of bringing parties together for a meeting or series of meetings to address an issue.

Convenor: A person, generally of stature, who is respected by all stakeholders. The primary role of a convenor is to invite stakeholders to participate in the process. This word is also sometimes spelled convener.

Core coordinating group: A small group of stakeholders who are agreed upon by the larger group of stakeholders to assist in managing the process and handling the preparatory stages of a multi-stakeholder decision making effort. This group, for example, helps establish processes, sets methods for internal and external communications, determines fundraising efforts, and establishes a common agenda.

D

Dialogue: A structured conversation or series of conversations that are intended to create and build relationships and understanding.

F

Facilitator: A party who may be engaged as part of the collaborative process. Facilitators help ensure that conversations and meetings are constructive. The facilitator may help the parties set ground rules for their discussions, seek out creative options, and/or help keep the group focused and on track.

M

Moderators: An individual who is ideally impartial. They enforce the structure of a meeting, call on speakers, follow the agenda and guide the meeting. They may also be referred to as the Chair.

S

Stakeholder: A person, community, or group who will likely be affected by a particular decision, or a person or group who thinks they will likely be affected by a particular decision. These individuals, communities and agencies are affected by both the success and failure of a particular decision and include those who have the ability to block or hinder implementation of the decision.

T

Task force: A temporary grouping of people under a common leader in order to perform a specific task or accomplish a set objective.

About the Coalition for Juvenile Justice

The Coalition for Juvenile Justice (CJJ) is a nationwide coalition of State Advisory Groups (SAGs) and allies dedicated to preventing children and youth from becoming involved in the courts and upholding the highest standards of care when youth are charged with wrongdoing and enter the justice system. CJJ envisions a nation where fewer children are at risk of delinquency; and if they are at risk or involved with the justice system, they and their families receive every possible opportunity to live safe, healthy and fulfilling lives.

About the Project

The CJJ Safety, Opportunity & Success: Standards of Care for Non-Delinquent Youth Project (“SOS Project”) is a multi-year partnership that engages CJJ members and other key stakeholders to:

Highlight and broadly educate about policies and practices aimed at eliminating the use of locked detention for status offenders and other non-delinquent youth; and

Highlight and broadly educate about policies and practices to divert these youth and their families from the court in the first instance to connect them to family-centered and community-based systems of care to more effectively meet their needs.

The SOS Project builds on more than two decades of CJJ leadership to advance detention reform and promote detention alternatives that better serve youth involved with the courts, including youth charged with status offenses – or those offenses that would not be crimes for adults, such as ungovernability, running away, truancy, curfew violations and minors in possession of alcohol and tobacco.

The SOS Project is made possible with the generous support of CJJ’s more than 1,800 members nationwide and the Public Welfare Foundation.

Coalition for Juvenile Justice

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