

---

# **Unique Challenges, Hopeful Responses**

---

**A Handbook for  
Professionals Working with  
Youth with Disabilities in the  
Juvenile Justice System**

**Second Edition**

---

# Contents

**Preface** ..... iv

**Introduction** ..... 1

**Chapter I—Common Disabilities Among Youthful Offenders: Accommodations in the Justice Process** ..... 4

    Conduct Disorder ..... 5

    Depression ..... 11

    Case Study: Allie ..... 15

    Post Traumatic Stress Disorder (PTSD) ..... 16

    Attention Deficit Hyperactivity Disorder (ADHD) ..... 18

    Case Study: Jeff ..... 22

    Oppositional Defiant Disorder (ODD) ..... 23

    Learning Disabilities (LD) ..... 25

    Developmental Disabilities (DD) ..... 29

    Communication Difficulties Confronted by Individuals with Mental Retardation ..... 35

    Questions to Ask If You Suspect a Defendant Has Mental Retardation ..... 36

    Case Study: Ben ..... 37

**Chapter II—Entitlements for Youth with Disabilities in the Justice System Individuals with Disabilities Education Act (IDEA)** ..... 38

**Chapter III—Promoting Family Involvement** ..... 52

**Chapter IV—Systems and Services: Looking to More Hopeful Responses** ..... 56

    Systems and Service Problems in the Juvenile Justice System ..... 57

**Conclusion** ..... 64

**Appendix** ..... 65

    Resource List of National Organizations Related to Youth and Juvenile Justice ..... 65

    References ..... 69

    Parent Training and Information Centers ..... 74

---

# Chapter III

## Promoting Family Involvement

*Most studies confirm that maintaining family ties while youth are incarcerated and establishing positive family relationships correlate with a successful transition back into the community, and ultimately, with reduced recidivism.*

Most studies confirm that maintaining family ties while youth are incarcerated and establishing or preserving positive family relationships correlate with a successful transition back into the community, and ultimately, with reduced recidivism (Dague & Tolin, 1996). Yet, according to one report (*Residential Facilities*, 1995), most surveys of correctional staff indicate that not enough is done to involve families.

Families often have a wealth of information about the youth that is important to professionals as they work with the youth throughout the justice process. This information, particularly as it relates to a youth's strengths and needs, can be valuable when justice and corrections personnel are making assessment decisions, programming and placement determinations and aftercare and transition plans. Also, the family is likely to be a part of the youth's life long after the role of justice professionals has ceased and can have an impact on the youth's future success.

Family involvement in the justice process can promote positive, long term outcomes for the youth and family, including:

1. The youth and family members will have made an investment in correctional planning and may feel ownership and commitment to follow through.
2. The youth and family members learn how to respond to situations and behaviors and how to resolve conflicts.
3. Family members maintain or strengthen their relationship with the youth, facilitating a successful transition home.

In order to participate meaningfully in juvenile justice processes, families of youth with disabilities need information about the juvenile justice system and how the system works, and their youth's rights to special education services and disability-specific accommodations. However, there are limited opportunities for families and professionals to effectively share valuable information about the youth in the juvenile justice system.

---

One process that does exist in which parental participation is required is in planning for a youth's special education program. Under IDEA, parents of students with disabilities, both in and out of the juvenile justice system, have the right to participate in decisions about their students' education. (See Chapter II.)

Despite the importance of, and legal requirement for, family participation in special education planning, families of youth in the justice system generally are underinvolved at all stages of the judicial process. Some things professionals can do to involve families include:

- Consult regularly and positively with families about the needs and progress of their youth who have been incarcerated. Parents have legal rights regarding educational planning for their children with disabilities. Also, involving parents in their youth's correctional program increases the likelihood of a successful transition back into the community for the youth.
- Consider the use of new technologies, such as telephone conferencing, to assist families in being informed and involved with their youth while in a correctional placement. Family attendance at meetings may not be possible due to lack of transportation, distance from home to the facility, cost of the trip, nontraditional work schedules, illness, disability, or child care issues. In addition, a youth's phone privileges may be restricted and, if the youth has communication disabilities, use of the telephone may be a challenge. A case manager, probation officer, social worker, counselor, or other corrections staff may assist a family in overcoming these barriers.
- Youth who are wards of the state, or whose parents cannot be located, are legally entitled to a surrogate parent to act on their behalf in the area of special education program planning. The youth can benefit from the involvement of an advocate who cares about the youth and his or her educational program within the correctional setting.
- Family members of youth with disabilities in the justice system need access to, and regular progress reports on, all medical, mental health, and educational services their youth receives.
- Aftercare program planning with family, schools, corrections, and social services should begin well before a youth returns to the community, and coordination of the plan needs to be continued and monitored upon a youth's return to the community.

*Under IDEA, parents of students with disabilities, both in and out of the juvenile justice system, have the right to participate in decisions about their students' education.*

---

Parents may feel that because of their youth's alleged criminal behavior, they too are being judged by the school, the court and the community. For some parents, especially those who have disabilities similar to their youth's, the youth's negative school experiences may mirror their own. Parents who may have experienced negative interactions with schools and service systems may be hesitant to work with some professionals. Other parents may simply have no experience working with professionals, may not know how to proceed, or may become overwhelmed by the complexity of the system. Professionals can reach out to underinvolved families in the following ways:

1. Encourage parents to learn all they can about their youth's disability and what it might mean for the entire family. Refer them to a disability resource such as PACER Center in Minnesota or other parent centers (see list in Appendix) and encourage parent-to-parent contacts as sources of support and information.
2. Regard families as the experts they usually are by listening and acknowledging their insights about their youth, their experiences, and their feelings.
3. Consider families as allies in meeting the needs of the youth within a challenging system.
4. Avoid prejudgments of families and sincerely attempt to establish effective working relationships with them.
5. Develop an understanding of the distinct cultural behaviors of each family. Non-minority professionals may misperceive the behaviors of a culturally or racially diverse family. Seek cultural competency training and resources, if necessary.
6. Support parents in learning and applying consistent, appropriate discipline techniques that take into consideration the youth's disability.
7. Model and encourage parents to reinforce the youth's positive behaviors and accomplishments.
8. Encourage parents to be involved with and monitor their youth's activities and friends.
9. Facilitate parental involvement in their youth's education planning and help parents understand the importance of continuing involvement with schools as a way to model commitment to education for their youth.
10. Model and assist parents in learning how to work with educators, service providers, and other professionals in setting goals and resolving issues related to their youth.

- 
11. Provide information and resources regarding the juvenile justice adjudication process to parents, guardians, or surrogates in language they can understand.
  12. Include information about court procedures, terminology, and timelines; the roles of families and professionals throughout the process; the legal rights of the youth and his or her parents, including their rights to special education services and appeals processes; judicial standards regarding competency; and referrals to advocacy, disability, medical and counseling providers.

### **Recommendations for More Hopeful Responses**

1. Rehabilitation, treatment, and functional, vocational, and academic skill competencies should remain primary goals in developing appropriate consequences for youth in the juvenile justice system.
2. Depending on a youth's disability, he or she may benefit from a correctional and probationary approach that incorporates the concepts of restorative justice. That is, community-based efforts that bring offender and victim together to explore accountability, mediation, and reparations.
3. Develop, implement, and monitor a consistent screening process including:
  - A checklist for attorneys to assist them in prescreening youth for possible assessments;
  - An assessment tool that will be used statewide to identify young offenders in need of more comprehensive evaluations and possible special education services. This tool should incorporate self-reports and information from parents, educators and other people familiar with the youth.

# **UNIQUE CHALLENGES, HOPEFUL RESPONSES**

**A Handbook for Professionals Working with  
Youth with Disabilities in the Juvenile Justice System**

**Prepared by PACER Center:**

Lili Frank Garfinkel, Juvenile Justice Project Specialist  
Dixie Jordan, Emotional and Behavioral Disorders Project Coordinator  
Paula Goldberg, PACER Executive Director  
Caryn Pernu, Editor  
Lissa A. Bill, Assistant Editor



4826 Chicago Ave. S.  
Minneapolis, MN 55417-1098  
(612) 827-2966 Voice; (612) 827-7770 TTY  
E-mail: [pacer@pacer.org](mailto:pacer@pacer.org)  
Web site: [www.pacer.org](http://www.pacer.org)

© 1999, 1997 by PACER Center. All rights reserved.

No portion of this book may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording or otherwise, without express written permission of PACER Center, except for brief quotations or critical reviews.

**Special thanks to:**

Kathy Boundy, Center for Law & Education, Boston, MA

Dr. Jonathan Jensen, Director of Training & Education, Department of  
Child Psychiatry, University of Minnesota Medical School

Lori Davis Sonneck, Probation Officer, Red Wing, MN

For information about ordering Unique Challenges, Hopeful Responses in its entirety, contact PACER at [www.pacer.org](http://www.pacer.org)