

# Vermont Juvenile Defender Newsletter

Winter 2018

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## YASI and Risk Assessment for Youth: Matching Risk Level with Service Need

YASI. You've probably encountered the acronym, but what does it mean and how can you use it to help your clients?

YASI stands for "Youth Assessment and Screening Instrument." It is a standardized assessment tool for use with youth ages 12-18 who are involved in the juvenile justice system. YASI is designed to measure a youth's risk of recidivism. The purpose of standardized assessment is to ensure that youth receive a level of services that is appropriately matched to the individual's

risk of recidivism. Because too-little or too-much intervention can increase the risk of recidivism, it is important to target service provision and level of care to treatment need.

Vermont uses two YASI formats, the "pre-screen" and the "full-screen." The YASI pre-screen consists of 30 items and takes approximately 20-40 minutes to administer. The full-screen version consists of 90 items and takes between 30 and 60 minutes to administer.

To administer the YASI, the youth's social worker must conduct a file review, interview the youth, and interview the youth's family. According to DCF policy, it is very important for the social worker to elicit the youth and family perspective:

"The social worker must recognize and acknowledge that the youth and their family have expertise about their strengths and needs. The social worker should help the youth and their family to see and use the strengths they possess and acknowledge that the greatest power for change lies within the youth and their family, not in other helping systems. Knowledge of and about the youth's ethnicity and culture is important to develop a clear understanding of the meaning of the youth's behaviors, the family's interactions, the family's child rearing practices and the family's

This newsletter is made possible through the Vermont Court Improvement Program with federal funding from the U.S. Administration on Children and Families. This newsletter is intended to provide information and practice pointers for attorneys representing children, youth, and parents in juvenile court proceedings. Written and edited by Kerrie Johnson. Kerrie is a juvenile defense attorney in Montpelier, Vermont. Please send questions and suggestions to [kerrie.johnson@vermont.gov](mailto:kerrie.johnson@vermont.gov).

relationship to support systems.”<sup>1</sup>

DCF Policy requires completing YASI pre-screens with all adjudicated youth, as well as CHINS C (unmanageable) and CHINS D (truant) youth. If the YASI pre-screen indicates a low level of risk, the YASI assessment is closed. However, if the pre-screen indicates moderate or high risk, the social worker should conduct the full YASI assessment.

The YASI measures static and dynamic risk and protective factors across 10 domains including legal history, family, school, community and peers, alcohol and drugs, mental health, aggression, attitudes, social/cognitive skills, free-time, and employment. Once completed, YASI provides a graphic profile of risk, strength, and need for each youth. The results include both static and dynamic risk factors and protective factors. The YASI score should be used to determine service need and match the youth’s level of risk with the intensity of the intervention.

DCF policy states that case plans and probation conditions should be tailored to risk level. The youth’s term of probation is supposed to be based on the YASI score. Youth with high protective factors and low risk should have a probation term of 3-6 months, while youth with low protective factors and high risk should have a probation term of 12-24 months.<sup>2</sup> DCF social workers are not supposed to recommend probation terms in excess of 24 months without supervisor approval, and policy states that terms in excess of 24 months are not

appropriate unless the offense is a listed crime, the youth demonstrates a pattern of delinquent behavior, prior interventions have been ineffective, or community safety is at risk.<sup>3</sup>

Recent legislative changes have increased the age of juvenile jurisdiction in the family court system and will allow more young people accused of violating the law to resolve their cases in family court and avoid the stigma of a criminal record. However, there is concern that the increased volume of cases will overwhelm an already-stressed judiciary. Risk assessment tools can help prioritize the highest-risk cases and ensure that low-risk cases are diverted or resolved with low-level interventions.

### **Children Charged with Violent Crimes: Are Juvenile Detention Facilities the Best Option?**

In October 2017, the National Juvenile Defender Center (NJDC) held its annual Leadership Summit in Albuquerque, New Mexico. One of the workshops included presenters from the Justice Policy Institute and focused on keeping youth charged with violent offenses in the community and out of juvenile detention facilities. Key take-aways from the presentation included:

- Most youth charged with violent offenses such homicide, sexual assault, aggravated assault, and robbery desist (i.e. do not continue to engage in violent crime as adults).

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<sup>1</sup> Family Services Policy Manual No. 161, available at <http://dcf.vermont.gov/sites/DCF/files/FSD/Policies/161.pdf>

<sup>2</sup> DCF Family Services Policy No. 162, available at <http://dcf.vermont.gov/sites/DCF/files/FSD/Policies/162.pdf>

<sup>3</sup> *Id.*

- The offense category is not as relevant as we think it is – most youth can move past violent behavior with relatively little intervention.
- A small group of high-risk youth will need more resources and treatment.
- Risk assessment tools should be used to identify high-risk youth and match them with an appropriate level of care.
- Most youth do not benefit from continued contact with the justice system after 6 months.
- More youth involved in violent behavior should be held accountable through community-based approaches.
- Many youth who engage in violent behavior are victims of trauma. Treat the trauma!

The bottom-line take-away message is this: ***most youth “age-out” of engagement in violent or otherwise illegal behavior with relatively little intervention.*** So, why do we spend so much money placing kids in secure detention/treatment programs (Woodside, various out-of-state programs) and staff-secure residential programs? The available evidence, at least with respect to secure programs, suggests that such facilities increase recidivism and may delay the natural process of “aging out” of violent or otherwise illegal behavior. According to the Justice Policy Institute, “youth in secure confinement often do not develop social skills, such as self-control and conflict resolution as well as those who remain in the community. Youth who spend time in

facilities have higher recidivism rates; are less likely to naturally age out of illegal behavior; suffer from more mental illness and are at a higher risk of suicide; they are less likely to succeed at education and employment at the same level as youth who were never incarcerated.”<sup>4</sup>

Additionally, youth who are confined in secure facilities have a recidivism rate that is 50% higher than youth who remain in the community.<sup>5</sup> Importantly, the connection between recidivism and placement in a secure facility is more than mere correlation; the experience of placement in a secure facility is the most significant factor increasing the odds of recidivism.<sup>6</sup> According to the Justice Policy Institute, “confinement is not only more likely to reinforce delinquent behavior in those already at-risk, but may also add to more delinquent skills than if they are treated individually in the community. Furthermore, secure confinement can reinforce a young person’s sense that they are not part of mainstream society, further ostracizing them, and leading them to associate with other delinquent peers who also feel that they have been socially isolated.”<sup>7</sup>

So what types of community-based treatment are effective for addressing delinquent behavior? Read on to find out!

## **Effective Community-Based Treatment Modalities for Justice-Involved Youth**

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<sup>4</sup> Justice Policy Institute, *The Costs of Confinement: Why Good Juvenile Justice Policies Make Good Fiscal Sense*, 9 (May 2009) available at [http://www.justicepolicy.org/images/upload/09\\_05\\_re\\_p\\_costsofconfinement\\_jj\\_ps.pdf](http://www.justicepolicy.org/images/upload/09_05_re_p_costsofconfinement_jj_ps.pdf).

<sup>5</sup> *Id.* at 16.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.* at 17.

First, the good news. Studies have identified a variety of community-based treatment protocols aimed at assisting justice-involved youth to remain safely in their communities. According to the Justice Policy Institute, four specialized treatment protocols have shown promising results.<sup>8</sup> These protocols include:

**Functional Family Therapy (FFT):** FFT seeks to prevent and treat delinquent behavior by addressing problems within the family system. A typical course of FFT lasts 8-12 weeks. The underlying philosophy acknowledges that simply removing a youth from his or her home, school, and community will not address the causes of problematic behavior. When administered by properly trained therapists, FFT has been shown to lower recidivism by an average of 15.9 % while providing cost benefits of \$10.69 for every dollar spent.

**Aggression Replacement Training (ART):** ART seeks to treat youth who exhibit aggressive and anti-social behavior. It is an appropriate treatment protocol for youth who are at high risk of reoffending. The protocol includes 30 hours of programming over the course of 10 weeks. The treatment is delivered in a group setting (8-12 adjudicated youth) by a specially-trained provider. ART lowers recidivism by an average of 7.3 percent and provides \$11.66 in benefits for every dollar spent.

**Multi-Systemic Therapy (MST):** Like FFT, MST is a family-centered therapy aimed at identifying and treating the problems within the family system that contribute to the youth's delinquent behavior. Families learn how to improve relationships and utilize appropriate

discipline. The goal is to achieve the desired behavioral change at home instead of in an institutional setting. Over the long-term, MST can reduce re-arrest rates by 24-70 %. The average reduction of re-arrest is 10.5 %. MST provides \$13.36 in benefits to public safety for every dollar spent.

**Multidimensional Treatment Foster Care (MTFC):** MTFC provides a viable (and highly successful) alternative to group homes or secure facilities for youth. Each foster home serves only one youth at a time, allowing the home to provide treatment and programming specific to the youth's individual needs. The MTFC model is based on providing the youth with constant supervision initially. Youth earn more freedom and independence as they demonstrate good behavior and build trust with the foster parent(s). MTFC also includes employment and social skills training with a therapist. In order to facilitate a successful return home, the final component of MTFC includes family therapy for the youth and his/her birth parents or caregivers in order to improve family relationships and teach the family how to use appropriate discipline. MTFC has been shown to reduce recidivism rates for youth by 22 percent on average, and has a cost-benefit ratio of \$10.88 in benefits for every dollar spent.

Now for the bad news. These promising treatment options are largely unavailable in Vermont. Fortunately, momentum for expanding community-based treatment options is building. Concerns about the cost of juvenile detention (Woodside's current operating budget is \$ 6.2 million), in-state group homes and residential programs (the total cost in FY 2017 for DCF-placed

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<sup>8</sup> *Id.* at 20.

children and youth was almost \$9.6 million) and out-of-state locked and staff-secure residential programs (the total cost in FY 2017 for DCF-placed children and youth was nearly \$4.4 million) are driving conversations about how to increase Vermont's capacity to serve youth in their homes and communities.

### **New ABA Policy: Promoting Educational Success for Children in Custody**

In August 2017, the ABA adopted a new policy aimed at promoting educational success for children in custody. Regular communication with your client's GAL and educational surrogate can help you remain in the loop regarding educational issues, while delegating some of the advocacy. The following practice tips are adapted from the ABA policy to reference Vermont-specific program availability:

- Focus on educational stability – generally speaking, kids do better when they remain in their schools and communities. Federal law supports children remaining in their schools, even if they move to a home outside the district. Ensure that “best interest determinations” are completed and accurately account for your client's best interests, and advocate for effective collaboration between AOE and DCF to make transportation and payment arrangements that will allow your client to remain in his or her school.
- Access to Early Intervention – all children in custody under age 6 should be referred to Children's Integrated Services. Find out if your client has been assessed and whether he or she is receiving services.

- Include youth in educational decision-making – encourage your clients to attend IEP and 504 meetings, and clarify that you expect DCF and the educational surrogate to facilitate client participation in educational meetings.
- Encourage post-secondary education – make sure your clients are aware of opportunities for post-secondary education and funding. Ensure that your client has been referred to the Youth Development Program and is connected with a worker. Encourage your client to sign an Extended Care Agreement (also called an “Over-18 Agreement”) to ensure that he or she receives necessary financial support while finishing high school or pursuing post-secondary education.

### **3 Million Dollar Grant Awarded to LUND Family Services to Keep At-Risk Families Struggling with Substance Abuse Together**

Lund Family Services recently secured a \$3 million, 5-year grant to provide home-based services for families with young children who are at high risk of child abuse or neglect due to parental substance use. The goal of the project is to help children remain safely at home while helping parents achieve lasting recovery.

Vermont has the 4<sup>th</sup> highest rate of out-of-home placement in the nation. The Vermont Department of Health estimates that opioid use in Vermont increased 250 percent between 2009 and 2016, and according to data from the Centers for Disease Control, Vermont ranked 23<sup>rd</sup> for opiate overdose deaths in 2015 (the most recent year for which data was available). In the meantime,

the number of children entering DCF custody has increased by 47 percent. This increase in volume has overwhelmed the child welfare system.

The program, called the Vermont Family Recovery Project, will serve two pilot sites – Burlington and Newport. DCF Family Services offices in these two communities will refer families to the program. The program is expected to serve a total of 360 families with children age 6 and under over the life of the grant. Throughout the program's implementation, Lund will collaborate with DCF, the Agency of Drug and Alcohol Programs, Parent Child Centers, Children's Integrated Services, designated drug and alcohol treatment programs, and other community partners to improve service delivery and inter-agency coordination. The goals of program include: (1) improving well-being, permanency, and safety for children; (2) improving stability in recovery, well-being, and family interactions for parents; and (3) improving communication and collaboration within Vermont's systems of care for children who are at risk for out-of-home placements resulting from maltreatment.

## Upcoming Training Opportunities

### **2018 Juvenile Training Immersion Program (JTIP) Summer Academy**

The JTIP Summer Academy is an annual one-week intensive and interactive juvenile defender training program intended for both new and experienced frontline defenders who represent youth in delinquency proceedings. A fillable PDF application with more details is attached to this email and is available [online](#).

This year's [JTIP Summer Academy](#) will be from **June 10-16, 2018 at Georgetown Law in Washington, DC**. Please note that the

Academy begins on a Sunday and ends on a Saturday and selected applicants will need to ensure their plans can accommodate attendance in Washington, DC for the entire program.

Participants must cover their own travel expenses and accommodation, and a nonrefundable \$200 tuition for the JTIP Summer Academy.

### APPLICATION AND DEADLINE

[Applications](#) are to be submitted via email to [lawjtipsummer@georgetown.edu](mailto:lawjtipsummer@georgetown.edu) using the attached fillable PDF. Please save your application with "First Name Last Name" as the file name.

**The deadline for application submission is January 15th, 2018, 11:59 PM EST.**

Late applications will not be considered.

### SELECTION CRITERIA

Selection of participants is based on a combination of factors intended to create a class that reflects the breadth of the juvenile defense community. The following are some of the criteria used in selecting candidates:

- Years and scope of experience in defense practice;
- Years and scope of experience in juvenile defense practice;
- Current juvenile caseload;
- Geographic location;
- Public defenders and private practitioners;
- Diversity.

### ELIGIBILITY CRITERIA

Must be a frontline juvenile defense attorney to apply.

### **2018 Annual Youth Justice Summit**

This year's summit will be held at the Capitol Plaza in Montpelier on May 18, 2018. The summit is free and will focus on human trafficking. A Save the Date will be emailed this winter.