

Juvenile Justice Fact Sheet Series: Specialty Courts

March 2015

Counsel

Girls

Crossover
Youth

African-
American
Youth

Latino Youth

LGBTQ
Youth

Mental
Health/Substance
Abuse

Specialty
Courts

School to
Prison
Pipeline

Overview:

Over the past two decades, specialty courts – also called problem-solving or therapeutic courts and called specialized dockets in Ohio – designed to address specific issues or populations in the juvenile justice system have grown significantly. The most well-known and researched example of specialized courts are drug courts, which have been in existence for 25 years; however, in recent years, specialized courts or dockets have expanded to include issues such as reentry, mental health, sex offenders, truancy, guns, teen courts (where youth are judged by their peers), and crossover youth who are involved in both the child welfare and juvenile justice systems.

Specialty courts originally were designed to serve as less adversarial alternatives and to deal more holistically with youth who are accused of or adjudicated delinquent, typically for non-violent offenses. Several national associations have identified evidence based standards shown to be effective in specific types of dockets, including the 16 Strategies for Juvenile Drug Courts as established by the U.S. Department of Justice. These 16 Strategies include a variety of guidelines for juvenile drug courts, such as developing an interdisciplinary approach and work team, taking into account the effect of court involvement on youth and families, building community partnerships, establishing tailored interventions and treatment for youth, focusing on youth and family strengths, ensuring confidentiality, and having incentives and sanctions in place to encourage or modify the behavior of youth and families.

National Statistics and Research:

The first specialty court – a drug court – was created in 1989 and a 2012 survey found that there were about 2,800 specialized dockets across the country with 34% of these focused on youth or families. For youth, the most common specialized dockets were juvenile drug courts (34%), youth/teen courts (17%), domestic violence-related courts (16%), truancy courts (3.5%), and mental health courts (3%).

There is significant amount of research demonstrating the effectiveness of adult drug courts, but juvenile drug court research has evolved more slowly. Trends are emerging that juvenile drug courts can be effective and recent research is showing promise. Some studies show that certain programs are more effective than others. Juvenile drug courts utilizing evidence-based practices in adolescent treatment and following best practices in delinquency prevention have the best outcomes. Little research is available on the other types of juvenile specialized dockets.

Despite their significant growth in the past three decades, specialty courts may not be fully embraced in all communities. Proponents of specialty courts or dockets argue that specialization and a team approach allow for a more individualized, creative approach for youth that can increase accountability, such as immediate consequences for noncompliance issues (e.g., missing a counseling appointment).

On the other hand, some communities have raised concerns regarding using the court system to deal with issues that can be addressed by other agencies or systems. For example, truancy issues may be handled best by the education system, and mental health or substance use or abuse challenges may be handled best by specialized agencies. Additional concerns for youth involved in specialized dockets can include a lack of attorney representation, lengthened involvement with the court system, and a longer or more serious consequence if a youth does not meet the docket's requirements. Adherence to national evidence based practices are highly

recommended to alleviate these concerns and increase a participant’s likelihood of successfully completing community based treatment and support programs needed for their success.

Ohio’s Approach:

In Ohio, the Ohio Supreme Court defines specialized dockets as a “session of court that offers a therapeutically oriented judicial approach to providing court supervision and appropriate treatment to individuals” (Sup.R. 36.20(A)). Since 2014, the Ohio Supreme Court has implemented a certification process that requires courts with specialized dockets to comply with specific, evidence based standards before starting operation. This process includes a written application, initial certification, a site review, and final certification. A court must be recertified every three years to ensure the docket maintains adherence to the standards.

Courts are required to develop and submit detailed written policies and procedures, participant agreement and participant handbook that document their use of evidence-based strategies, and to engage in on-going data collection to ensure the court is meeting its goals and objectives.

As of March 12, 2015, Ohio had 30 specialized juvenile dockets that were certified or pending certification, including dockets focused on substance abuse, family dependency, mental health, treatment, reentry, education, sex offenders, and truancy. See the references below for a link to the most updated list of specialized dockets.

Conclusion:

Specialized dockets can provide an alternative to traditional juvenile justice court practices and help to address the underlying issues as to why youth are coming to the attention of the juvenile court. However, specialized dockets must maintain adherence to evidence based practices and forge close relationships with community based resources to ensure the needs of their youth are addressed in the best possible means.

Resources:

Ohio Supreme Court, *Ohio Specialized Dockets Certification Status Sheet*, <http://www.supremecourt.ohio.gov/JCS/specDockets/certification/statusSheet.pdf> (last accessed on March 12, 2015) [This website is updated to reflect the status of current specialized dockets in Ohio].

Ohio State Bar Association, *Reentry Courts Aim To Reduce Offender Recidivism*, <https://www.ohioabar.org/forpublic/resources/lawyoucanuse/pages/lawyoucanuse-665.aspx> (last accessed on December 15, 2014).

National Center for State Courts, *Problem-Solving Courts: Resource Guide*, <http://www.ncsc.org/Topics/Problem-Solving-Courts/Problem-Solving-Courts/Resource-Guide.aspx> (last accessed on December 15, 2014).

Huddleston, West and Marlow, Douglas B., J.D., Ph.D., *Painting the Current Picture: A National Report on Drug Courts and Other Problem-Solving Court Programs in the United States* (July 2011), available at <http://www.ndci.org/sites/default/files/nadcp/PCP%20Report%20FINAL.PDF>.

Office of Juvenile Justice and Delinquency Prevention, *Model Programs Guide Literature Reviews - Drug Court, Gun Court, Mental Health Court, Reentry Court, Teen/Youth Court* (2010), available at <http://www.ojjdp.gov/mpg/Resource/LitReviews>.

National Drug Court Resource Center, *FAQs*, <http://www.ndcrc.org/faq> (last accessed December 15, 2014).

Center for Court Innovation, *Drug Court, Families and Children, Juvenile Justice, and Youth Court*, <http://www.courtinnovation.org/> (last accessed December 15, 2014).

National Institute of Justice, *Courts: Specialized and Problem Solving Courts*, <https://www.crimesolutions.gov/TopicDetails.aspx?ID=49> (last accessed December 15, 2014).

U.S. Department of Justice Office of Justice Programs – Bureau of Justice Assistance, *Juvenile Drug Courts: Strategies in Practice* (March 2003), available at <https://www.ncjrs.gov/pdffiles1/bja/197866.pdf>.

This fact sheet is one of a fact sheet series about Ohio’s juvenile justice system by the Ohio Juvenile Justice Association.

If you have any questions, please visit [OJJA’s website] or contact Erin Davies with the Juvenile Justice Coalition at edavies@jjohio.org or 614-400-5548.