

Innovation Brief

Addressing the Legal Needs of Youth After Disposition

In most instances, legal representation for a youth ends at disposition, leaving youth on their own to navigate continuing legal obligations while on probation and even while incarcerated. This often lengthy period of the juvenile court process, known as post-disposition, may raise numerous complex legal issues that require the guiding hand of counsel to steer youth toward successful outcomes and away from deeper court involvement. Juvenile defenders involved in the Juvenile Indigent Defense Action Network (JIDAN), developed a number of successful mechanisms to afford post-dispositional representation to young people who are on probation or are incarcerated.

The Issue

After a youth's court disposition, a range of important legal issues persist related to conditions of their confinement, probation compliance, parole review, early release, appeals, access to education, and access to housing, among others. Unfortunately, during this crucial but often overlooked stage of a young person's involvement with the juvenile justice system, access to legal counsel is not readily available or even deemed necessary. Without continued legal representation, a young person may wind up right back in court, or in detention. Moreover, continued legal intervention on behalf of a young person holds institutions to a higher level of accountability in the care they provide youth, and shines a light on areas where institutional policy reform is needed. Post-disposition advocacy is a vital component of a youth's successful re-entry into the community.

Strategic Innovations

With the support of the John D. and Catherine T. MacArthur Foundation's *Models for Change* Juvenile Indigent Defense Action Network, juvenile defenders from California, Florida, Illinois, Louisiana, Massachusetts, New Jersey, Pennsylvania and Washington collaborated on the development of strategic innovations to improve access to and quality of counsel and create more developmentally appropriate policies and juvenile defense practices.

The resulting strategic innovations represent a collaborative effort to offer a variety of approaches tailored to meet specific areas ripe for reform.

Innovations

Juvenile defense stakeholders in New Jersey established a collaboration between the state public defender and Rutgers Law School clinics in Camden and Newark. The public defenders refer incarcerated clients to the clinics where students are then assigned to individual cases. The students, under the supervision of experienced

law professors, advocate to minimize the negative consequences of incarceration, assist in re-entry planning and processes, and argue at administrative hearings, to shorten lengths of stay.

In Illinois, law students at Northwestern's Children and Family Justice Center, under the supervision of juvenile defense attorneys, built a sub-specialty to remove youth from public registries as part of the post-dispositional services they provide. These students also advocate for youth at release hearings.

Massachusetts juvenile defense leaders formed a special program to provide post-dispositional representation for adjudicated youth. Massachusetts convened a statewide panel to provide representation at juvenile parole revocation hearings and created the attorney position of revocation coordinator. All youth facing revocations consult with an attorney and have the option of being represented by an attorney in the proceedings. The panel consists of trained and certified attorneys with a specialization in working with institutionalized youth. Counsel receives ongoing leadership, training, support and oversight from the central office of the Youth Advocacy Division.

7.1 Maintain Regular Contact with Client Following Disposition

Counsel should stay in contact with the client and continue representing him or her while under court or agency jurisdiction. —National Juvenile Defense Standards

7.5 Represent the Client Post-Disposition

Counsel must represent the client after disposition, including at post-disposition hearings.

—National Juvenile Defense Standards

Benefits and Outcomes

In the almost three years of the New Jersey collaboration, more than 150 youth received legal assistance after their disposition. Expanded acceptance and use of post-dispositional representation has decreased institutional barriers to legal access, reduced the time clients spent in debilitating isolation cells, and afforded better access to much-needed services and programs.

In Massachusetts, after an initial launch in the Boston metro, the post-disposition program has expanded statewide and benefited more than 1,400 youth in custody since October, 2011.

Evidence indicates robust post-dispositional advocacy leads to earlier release dates, greater ease in removal from registries, and increased appellate activity. Youth receiving post-disposition representation report a higher level of confidence in completing the terms of their disposition and overall higher rates of client satisfaction, hopefully contributing to their chances for success.

To learn more about the development and implementation of the collateral consequences strategic innovations, contact: National Juvenile Defender Center, 1350 Connecticut Avenue, NW, Suite 304, Washington, DC 20036, 202-452-0010, inquiries@njdc.info

This brief is one in a series describing new knowledge and innovations emerging from *Models for Change*, a multi-state juvenile justice reform initiative. *Models for Change* is accelerating movement toward a more effective, fair, and developmentally sound juvenile justice system by creating replicable models that protect community safety, use resources wisely, and improve outcomes for youths. The briefs are intended to inform professionals in juvenile justice and related fields, and to contribute to a new national wave of juvenile justice reform.