

Chapter 8: Key Figures in Juvenile Court Procedures

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Juvenile and family courts are divisions of the circuit court that handle family matters including delinquency matters, neglected or abused children, children charged with status offenses and termination of parental rights cases. These courts also manage domestic violence cases, protective orders, support, adoption, child custody, and visitation matters. The diversity of the cases and the complexity of the issues require specialized personnel. Personnel who are trained in the profession of juvenile advocacy, who are knowledgeable about the programs resources, and treatments available within the community, persons who are familiar with the legal process and professional standards dictated by legislation or judicial fiats, and persons who are dedicated, sympathetic, and trained in the development of children, adolescents and young adults.

The participants in the juvenile legal process are many and each has a special role in providing assistance to meet the needs of each individual child. The key personnel include, the juvenile judge, the juvenile officers, the attorneys, the advocates, the service providers, the parents, guardians and family members and the child. Many others assist in the process as volunteers, trackers, or as private practitioners or professionals under contract to provide services or support for youth. The roles and responsibilities of all the participants center on the well -being and the best interests of child.

Missouri has 45 Judicial Circuit Juvenile Divisions each with a juvenile court judge who is appointed by the circuit court and a juvenile officer who is appointed by the juvenile court (RSMo. 211.351). All responsibility for providing treatment options for children within the juvenile system falls to the Division of Youth Services (DYS). This agency provides assessment, prevention, community-based programs, education, residential options and secure care programs including a highly secure dual jurisdiction treatment facility and maintains a statewide database of juvenile court referrals.

Each Missouri Judicial Circuit has a Deputy Juvenile Officer, who handles delinquency intake screening, prepares a social study of the child, supervises youth on probation, and provides assessment for the court for disposition and placement options. These Deputy Juvenile Officers and other necessary juvenile court personnel are employees of the State Judicial Branch, or in the ten largest counties, employees of that county. Each are hired and supervised by the presiding circuit court judge (RSMo. 211.351).

The center of juvenile court proceedings is not the child but the judge. The judge is the embodiment of the *parens patriae* doctrine. The judge conducts the proceedings as formally or informally as he/she considers desirable; however, the structure of the proceedings must stay consistent with constitutional and statutory requirements. The juvenile court judge determines whether a juvenile offender should be detained or committed to the Missouri Department of Social Services, Division of Youth Services (DYS). However, DHS makes the actual placement decisions for committed youth. The court cannot place a child in a private facility without first committing the youth to the custody and care of the state. The commitments to DHS are indeterminate but, the court may set a minimum review date and in certain situations may determine the release date at disposition (RSMo. 211.171). The open ended sentencing acts as an incentive for youth to take the program commitment seriously. Children must remain in the facility or treatment program until they demonstrate a fundamental shift in behavior (RSMo. 211.231.1).

Further, it is the court that orders a physical or mental examination of the child within its jurisdiction but only after a petition has been filed (RSMo. 211.161). Pursuant to Supreme Court Rule

123.01, no statements made by the child in the course of the examination or follow-up treatment may be admitted in evidence and used against him/her on the issue of guilt- regardless of who made the motion or request. The Constitution protects the juvenile's right against self -incrimination in this instance just as it does for all admissions, confessions and statements made by a child to the juvenile officer and juvenile court personnel (RSMo. 211.131).

In matters regarding serious juvenile offenders, it is the court that certifies transfer to the court of general jurisdiction, adult court. With Missouri's dual jurisdiction or blended sentencing option, it is the adult criminal court judge that imposes simultaneously a juvenile and criminal sentence, with the execution of the latter being stayed or suspended on the condition that the youth successfully completes the term of the juvenile disposition (RSMo. 211.073).

Missouri, like many other states uses commissioners to assist in case flow management. A commissioner, like a master or referee, has the authority to hear cases in the first instance and make recommendations to the juvenile court judge (RSMo. 211.023). The rule provides that in counties in Missouri operating without a family court, the majority of circuit court judges, en banc, may appoint one or two persons who have the same qualifications as a circuit court judge to act as a commissioner(s). The commissioners are appointed for four -year terms and upon the direction of the juvenile judge hear cases initially. After the hearing is concluded, the commissioner then presents his complete findings and recommendations and documentation in writing to the judge and the parties, minors and their parents (RSMo. 211.027). Any party may request a rehearing by a judge within 15 days of notice of the commissioner's findings. The judge then rules on the motion for a rehearing either sustaining or denying the request. If the judge sustains the request a rehearing is scheduled. If he denies the request, or no request is made, the commissioner's findings become the decree of the court (RSMo. 211.029).

Much of the day -to- day work in the operation of the juvenile court is performed by the Juvenile Probation Officer. The Deputy Juvenile Probation Officer must be older than 21 and have satisfactorily completed four years of college with a major in sociology or a related subject or, in lieu of the academic training, must have had four or more years experience in social work with youth on probation or in allied services. Judicial circuits may adopt other qualifications for the position of juvenile officer (RSMo. 211.361). Currently probation officers are not certified in Missouri, but the certification process is pending and the Office of State Courts Administrator (OSCA) has established minimum educational/training standards for Juvenile Officers through the Juvenile Education Division Committee.

Ten skill sets have been established that Juvenile Officers should possess. Juvenile Officers are expected to be competent or have knowledge of state statutes, the juvenile code, and Supreme Court Rules. They also must understand documentation and have the ability to prepare written reports. Further they must encompass an extensive knowledge of community and statewide resources dealing with juvenile and family matters. Initial and ongoing training is a requirement of employment.

The Deputy Juvenile Officer provides the initial contact between the juvenile and the court process during the intake screen process. As part of this intake screening process, the juvenile officer screens for legal sufficiency, decides whether the matter should be handled formally or informally, files a motion for transfer in appropriate serious felony violation matters, writes the juvenile petition and forwards the case for adjudication processing. Deputy Juvenile Officers, working for the judicial circuits' Juvenile Office, have the authority by statute and Supreme Court Rule to place youth on administrative supervision (informal adjustment with supervision) for a maximum of six months. According to 211.081 RSMo. and Supreme Court Rule 133.01, informal adjustment allows the Deputy Juvenile Officer to provide counseling and advice to the juvenile and his or her parent including sanctions and services with parental consent.

Section 211.083 RSMo. allows the child to make restitution or reparation and complete community service.

Other duties of juvenile officers acting under the direction of the juvenile court include:

1. making investigations and furnishing the court with information and assistance;
2. keeping written records of investigations and supplying reports thereon to the court;
3. taking charge of children before and after hearings as directed by the court;
4. performing other necessary duties as directed by the court including making arrests similar to the power and authority of sheriffs; and
5. cooperating with other officers and agencies in carrying out the purpose of the juvenile court proceedings (RSMo. 211.401).

To assist in the performance of their duties, juvenile officer often conduct a social study of the youth to investigate and evaluate the habits, surroundings, conditions and tendencies of the juvenile. Supplemental social studies may be made at any time or upon court order. The social study, however, may not be considered as evidence in the adjudicatory phase of the hearing if the allegations of the petition are denied. The social study and any supplements may be made available to the parties and shall be made available to counsel.

Many times Deputy Juvenile Officers place youth on informal adjustment with supervision (administrative supervision). Some examples include diversion programs, teen courts, drug courts, and truancy courts. The Juvenile Court Diversion program is an early intervention program designed to divert juveniles from commitment to the Division of Youth Services. The programs are created and implemented at the local level and will be discussed more fully herein in chapter 9.

Deputy Juvenile Officers also work with children who are formally processed. These officers supervise the youth who are placed on probation. The role of juvenile probation is one of a catalyst inspiring development of safe communities and healthy youth and families by addressing the needs of the offenders, the families, the victims and the community. This is accomplished by holding the offenders accountable and by seeking suitable resources and promoting professional development in the probation officers themselves. As was the case in informally handling juvenile matters, the juvenile officer often conducts a social study to determine the best course of action individualized to meet the needs of the specific child while on probation (Rule 119.05).

The Division of Youth Services employs several levels of professional persons to work with individuals involved in the juvenile system. DYS assigns a case manager to each youth committed to the agency for supervision. This case manager stays with the child throughout the placement. The case managers or service coordinators provide a link between the child and family and the family and the court. The coordinators are responsible for ensuring that the child adheres to the court orders, is appropriately supervised, and is adjusting to school, work, and treatment programs as recommended by the court. Service coordinators are geographically located in close proximity to the communities they serve so that frequent contact and interaction can be achieved. The service coordinators are responsible for preparing a predisposition assessment that is used to develop an individualized treatment plan for each child.

The predisposition investigation is almost always conducted to make a risk and needs assessment of the child prior to disposition. Pursuant to the Juvenile Crime and Crime Prevention Bill of 1995, the Missouri Office of State Courts Administrator (OSCA) developed a comprehensive Juvenile Offender Classification System that assesses juveniles according to their level of risk for future delinquency, determines offenders' psychosocial needs, and links offenders with appropriate sanctions designed to

reduce risk potential with a classification matrix. The system includes three components: 1. an actuarial risk assessment tool that classifies youth into one of three risk levels based on the likelihood he/she will become engaged in future delinquent or criminal behavior; 2. a risk assessment with offense severity to formulate disposition and sanction recommendations to give to the courts; and 3. a needs assessment to help identify treatment needs. For children who are to be supervised in the community, the assessment tool provides guidance as to the level of supervision the juvenile officer provides, intensive probation or otherwise. The Missouri Risk Assessment has been validated on two separate occasions.

If the assessment suggests that the child requires intensive monitoring, the child's case monitoring is done by social service aides known as trackers. These trackers make frequent contact with the DYS youth located either in the community or on aftercare. The trackers are tasked with visiting juvenile offenders throughout the day and evening and providing support, counseling, and supervision to encourage positive development and to diminish the risk of re-offending. The trackers are typically college students or local residents from the community who assist with homework or other activities and serve as a mentor, for the offending youth (Korenstein, A, 2006).

The trackers are supervised by the service coordinators and provide a cost effective means of enhancing supervision. Per the 2006 Missouri DYS Annual Report, 3,424 children received case management services and 880 of the youth were served by the intensive case monitoring program utilizing trackers. Each child, regardless of whether they require intensive or regular supervision are placed on aftercare status when they transition from a residential facility back into the community. The case managers continue to monitor their behavior for success and continue to counsel and refer them for services as needed.

Not all children can be cared for or monitored either informally or in the community. Hence DYS also administers a range of programs for delinquent youth who require a more structured setting than the community. All youth committed DYS are assigned a case manager who acts as an advocate for the youth during confinement and then as a service coordinator through aftercare (Korenstein, Amy, 2006). Since the Missouri system values deinstitutionalization, placement in any institutional setting should be the least restrictive appropriate placement for the child and shall be recommended upon a psychological or psychiatric evaluation prior to disposition with a certification that the funds are available (RSMo. 211.081). The least-restrictive residential placements available within the DYS system are group homes.

Most group homes are small housing about 10 youths in a cottage-like setting with 24 hour supervision. Most of the children attend school, either public or on site, and participate in activities within the community. Each facility offers intensive counseling, life skills training, and a fully accredited education program. "Treatment comes in 'group builders' - sessions in which detainees open up to one another about traumas, crimes and family conflicts that have scarred them. Kids can also call a "circle," in which team members stand and face each other to air grievances, fears, and anguish. Two staff specialists, college graduates in counseling, psychology or social work, sit in on the circles, but the kids generally run them" (Lewan, T. 2007) Missouri essentially employs the proverbial carrot-and-stick techniques. Groups or individuals that interact positively are rewarded. Rewards include day furloughs to visit family, fishing or bicycle excursions, or an afternoon volunteering at a food bank or a soup kitchen. Individuals who buck the program or act inappropriately soon find themselves pressured by their peers to shape up (Lewan, 2007).

One example of such a group home is the Rosa Parks Center, a detention home opened in 2001 on the campus of William Woods University. At this center, girls are provided with counseling, schooling, and a sense of belonging. The girls co-mingle with college students in the campus' dining hall and attend campus activities and other cultural events. The residents are not unsupervised or unwatched in the community: "College students or other volunteers who live in the released youths' community track these

youths for three years, helping with job placement, therapy referrals, school issues and drug or alcohol treatment” (Lewan, 2007).

Another crucial component and participant within the juvenile justice system is the parent or guardian. The family’s role in providing support and guidance to children to foster successful and law-abiding citizens has long been recognized. Thus, under Missouri statutes the court may require a parent or guardian to participate in any activity the court finds is necessary to carry out the purposes of the juvenile code including attending counseling sessions, participating in any institutional treatment program and supporting the child by paying the reasonable costs of support, maintenance and treatment that the parent is financially able to pay (RSMo. 211.134) and 211.241.)

Initiatives requiring parents to participate in activities with their child or after their child has been involved in inappropriate behavior has been attacked as being a violation of the parents’ right to privacy in child rearing as established by the Supreme Court in *Meyer v. Nebraska*, (1923) and *Pierce v. Society of Sisters*, (1925); however, thus far, these arguments have proven unsuccessful (*Williams v. Garcetti*, 1993). The right to parental privacy is acknowledged in that parents must be notified as soon as possible whenever their child is taken into custody and whenever the state seeks to remove the child from the home, the parents must be provided an opportunity to be heard by the court. But the right of the parent is not per se, superior to the rights of the child. Parental rights can be controlled and terminated.

Grounds for termination may exist whenever: a parent abandons an infant (child less than one year old); a child has been abused or neglected or in circumstance when chemical dependency prevents the parent from providing consistent care and control of the child. Termination of parental rights has also been ordered when a parent committed murder, voluntary manslaughter of another child or aided, abetted, conspired or solicited one of those acts. Before, however, the parental rights may be terminated, the court conducts a hearing consistent with due process rights of the parent (notification, right to an attorney, and right to confront witnesses, etc.) and considers evidence pursuant to the following factors:

1. emotional ties to the birth parent;
2. extent to which the parent has maintained regular contact or visitation with the child;
3. extent of payment by parent for cost of care and maintenance of the child when financially able to do so;
4. whether additional services would be likely to enable the child to return home within an ascertainable time;
5. parent’s disinterest or lack of commitment to the child;
6. conviction of parent of a felony such that the child will be deprived due to the incarceration of the parent to a stable home for a period of years; and
7. deliberate acts of parent or another of which the parent knew or should have known that subjects the child to a substantial risk of mental or physical harm (RSMo. 211.447).

Upon consideration of these factors or events, the court may award termination when it finds it is in the best interest of the child and when it appears by clear, cogent and convincing evidence that grounds exist for termination.

Courts also may order a judgment of restitution against both the parent and child if the court finds that the parent has failed to exercise reasonable parental discipline or authority to prevent the damage or loss caused by the child. Again, due process requires that the parent must be advised of the right to obtain counsel for this hearing and be afforded a reasonable opportunity to be heard and to present evidence on his/her behalf at a hearing for restitution. The maximum restitution that can be ordered against a parent is \$4000(RSMo. 211.185).

Although parents/guardians are required to be notified, and in some instances, to participate in the juvenile justice process, other key stakeholders such as foster parents, teachers, counselors, and relatives are encouraged to participate in the process. In the course of treatment regularly scheduled conferences called “family support team meetings” discussing permanency plans are reviewed. These other participants are invited to attend these meetings that must occur within 72 hours and at 30 days intervals after the child is removed from the home prior to adjudication and thereafter at 6-month intervals. Per the Missouri Juvenile Court Improvement Project in its Re-Assessment of Proceedings in Foster Care and Adoption Cases, (2004), foster parents reported the need for judges, juvenile officers, and guardians ad litem to seriously consider their opinions concerning placement of the children; however only 35 percent of the foster parents indicated that they rarely or occasionally participated in the team meetings. Foster parents also reported that they were only rarely or occasionally interviewed as to their opinion. The report indicated that social workers and guardians ad litem, individuals who are mandated to act independently in the best interest of the child, usually or always interviewed the children 66 % of the time compared to 12 % who interviewed the foster parents and 18 percent who investigated alternative services. Many guardians ad litem reported having limited contact with the child/foster parent except at court and assessments by foster parents in 2004 concluded that only 32% of the guardians ad litem knew the child and family well enough to make recommendations compared to 15 % in 1996.

Since the juvenile court process was created to serve the child, one would expect the child to participate fully in the decision making process, particularly since the Supreme Court has identified a child’s right to privacy. That development has not universally occurred. Children are not always afforded a full opportunity to participate in court proceedings. Again, per the Missouri Juvenile Court Improvement Project in its Re-Assessment of Proceedings in Foster Care and Adoption Cases, (2004), fewer than half of the youth who responded to the survey reported that someone always let them know that a hearing was scheduled and when and where the hearing was to be held. In fact 35 % of the juveniles reported that they had never been notified that a family support team meeting was to be held. Forty percent of them had never attended such a meeting. Additional findings indicated that in both 1996 and 2004, the child appeared at approximately one third of the court hearings and in 2004, only 6 out of 10 children who appeared at the hearings were asked their opinion or if they had any questions, comments, or recommendations.

Since the *Gault* decision in 1967 the practice of law for children has developed from a requirement to a calling demanding legal specialty and training. Children now have rights. Per *Gault*, rights of due process, not benevolent intentions, produce justice. Initially, *Gault*’s rights extended only to delinquency hearings. Dependency and abuse and neglect hearings were void of mandated legal processes. Then, a series of child welfare acts and another Supreme Court case brought those hearings into the fold, requiring legal proceedings before addressing child and family matters. The Adoption Assistance and Child Welfare Act of 1980 tied federal funding on foster care to mandatory procedures requiring reasonable efforts be asserted before removal from a home could be ordered. The Adoption and Safe Families Act of 1997 and the Promoting Safe and Stable Families Act Amendments of 2001 further fostered the requirement of procedures of reasonable efforts to preserve family interests and promote child safety and welfare. Family rights as to parentage were officially affirmed as a protected and legitimate fundamental liberty interest when the Supreme Court decided the *Santosky v. Kramer* decision. Thereafter, the Court held that clear and convincing evidence of unfitness must be shown before parental rights could be terminated.

Missouri’s concession to the legal requirement that a right to counsel exists in juvenile matters is codified in RSMo. Section 211.211. That section requires that the court appoint attorneys for children as soon as they are taken into custody and become part of the juvenile system. But the requirement of the presence of an attorney does not automatically translate into the resolution of all legal problems pertaining to children. Professional standards, interest, and aptitude for child related issues is also

necessary. “Children’s law has become an increasingly complex area of practice. Advocates must understand complex federal and state law and procedure. In addition they must understand detailed institutional information regarding child welfare funding streams, treatment and placement options, medicine, mental health, and child development” (Ventrell, M. 2003).

Missouri also recognize that in many instances children in need of services may be petitioned into court for counseling, for removal from the home or for other special circumstances. In some of these instances, an advocate for the child is required; thus, the court will appoint a guardian ad litem to advocate for the child’s best interests in the court proceedings. Specifically, Supreme Court Rule 111.13, effective January 1, 1999, requires that the court immediately appoint a guardian ad litem when presented with a petition or motion alleging that a juvenile be placed or continued in protective custody. The guardian’s appointment continues until the matter is resolved.

Under the law juvenile courts may appoint either a lawyer licensed by the Supreme Court of Missouri or a court appointed special advocate (CASA) volunteer to serve as the guardian ad litem in Missouri’s juvenile or family court. Lawyers are the obvious choice as their duties involve knowledge of the role as an advocate, an understanding of the court processes and judicial rules. However, the roles of a guardian ad litem and a lawyer for the child are distinguishable. A lawyer acting as a guardian ad litem is not the lawyer for the child. The roles are different. A guardian ad litem advocates for the best interests of the child and exercises independent judgment on behalf of the child, whereas the lawyer for the child represents and advocates for the child’s preferences.

In any event, children deserve quality representation be it as counsel or as a guardian ad litem. This requires special education, training and experience. The lawyer and the guardian ad litem must have a working knowledge of Missouri practices and programs, family dynamics, and be able to perform their duties consistent with the facts, observations, reports and documentation collected throughout the juvenile process regarding the child and the child’s family. Missouri rules require that prior to appointment as a guardian ad litem they must first complete twelve hours of specialized training with six hours of additional specialized training annually. The specialized training should include training on topics such as:

1. Dynamics of child abuse and neglect issues;
2. Factors to consider in the determining the best interests of the child, including permanency planning;
3. Inter-relationships between family system, legal process and the child welfare system;
4. Mediation and negotiation skills;
5. Federal, state and local legislation and case law affecting children;
6. Cultural and ethnic diversity and gender-specific issues;
7. Family and domestic violence issues;
8. Available community resources and services;
9. Child development issues; and
10. Guardian ad litem standards.

In addition to the formal training received by lawyers and the training required of guardian ad litem outlined above, the standards of service should include, at a minimum, the ability to intelligently and independently assess the situation with a view toward the best interests of the child. Both the attorney and the guardian ad litem should be knowledgeable of the facts and circumstances surrounding the matter and the intricacies and the personal information, problems and perspectives relative to each of the parties. Access to the parties and all the relevant records and files should be available in a timely fashion and as often as necessary to ascertain and represent the child’s best interests. The guardian ad litem and the

lawyer should comply with all appropriate codes of ethics and conduct including those regarding confidentiality and should review the progress of the case through the court. The advocates should explain the court process and the purpose of each court proceeding and should be present and participate in all meetings or hearings that impact the life of the child, including, but not limited to, court proceedings involving the child, including depositions and other pre-trial proceedings, permanency planning review team meetings and staffings within the educational and mental health settings. Finally, the advocates must avoid any conflict of interests that interferes with their appointed purpose.

How well the practice adheres to the premise was recently evaluated by the Missouri Juvenile Court Improvement Project in its Re-Assessment of Proceedings in Foster Care and Adoption Cases, (2004). Some of the interesting findings include:

- Although appointment of counsel for parents has increased, court observations suggest that overall hearing attendance by these attorneys has dropped. Forty-five percent of the mothers and 24 percent of the fathers in the cases reviewed in 2004 had been represented by court appointed counsel, whereas in the 1996 reviews, 31 percent of the mothers and 12 percent of the fathers had attorneys appointed by the court. Father's attorneys appeared at 6 percent of the hearings observed in 1996 and 10 percent of the hearings observed in 2004. Hearing attendance for the mother's attorney dropped from 41 percent in 1996 to 24 percent in 2004.
- While Supreme Court Rule 111.13 requires immediate appointment of counsel, more than 40 percent of the attorneys for parents entered the case after the child had been in care at least 3 months.
- Further, an estimated 15 percent of the parents had no attorney at the adjudication/disposition hearing and there was no attorney representing the parent[s] in more than 10 percent of the termination of parental rights proceedings.
- Attorneys for indigent parents generally appear at the adjudication, dispositional and the termination of parental rights hearings but a reduced participation was reported for other proceedings.
- Some attorneys for indigent parents also serve as guardians ad litem for children in child abuse and neglect cases even though the roles and the responsibilities are different.
- Supreme Court Rules also requires immediate appointment of a guardian ad litem, but 15 % of the judges/commissioners and juvenile officers admitted that the appointment order does not always include the ex parte order in the order for protective custody.
- 32 % of the foster parents who responded in 2004 said the guardian ad litem knew the child and family well enough to make good recommendations about the child's future, compared to 15 percent in 1996.
- 50 % of the youth in 2004 thought the guardian ad litem was equipped to make good recommendations to the court, up from 30 percent in 1996.

The increase in the formality of the proceedings and the presence of advocates has perhaps improved the timing and performance of the court. Now most (98%) Missouri court judges/commissioners report holding the adjudicatory hearing within 60 days of the child's removal from the home compared to 44% reported in the 1996 review. (Effective July 1, 2004, HB 1453 requires that the adjudication hearing now occur within 60 days.) The timing of dispositional hearings has also improved considerably since 1996. Judges/commissioners report that when a dispositional hearing did not immediately follow the adjudication hearing, 96 % of the dispositional hearings were still held within 90 days of the child's removal from home. Additionally, more than 70 percent of the judges/commissioners and juvenile officers reported that judicial inquiry into reasonable efforts is made even if none of the parties raise the issue to insure that a reasonable efforts finding is entered within 60

days of a child's removal from the home and reasonable efforts findings are most likely to be made at the dispositional and permanency hearing (Re-assessment, 2004).

The observations reported above that legal representation for parents is lacking even though overall attorney appointments has increased, may be due to the limited budgetary restrictions for all participants in the child welfare system. Adequate compensation is reportedly lacking to pay attorneys for indigent parents, to support legal staff for the agency, and to provide guardian ad litem services for abused and neglected children. The Re-Assessment Survey (2004) reported that 45 % of the budgets for attorneys for indigent parents were depleted, resulting in attorneys not being paid or being paid at a reduced rate. The budgetary restrictions may have an impact on the quality of representation.

Since the early 1990s Missouri state law extends victims of serious and violent crimes certain rights in the juvenile justice system. These rights are found in the Missouri state Constitution and in Section 595.209 of Missouri Revised Statutes. The rights include certain notification and participation rights and it is the responsibility of DYS to provide victim notification as specified by statute. Additionally, an organization entitled, Missouri Victim Assistance Network (MoVA) exists that develops a statewide coalition of victim service providers. MoVA's mission is to promote fair treatment for victims of crime by identifying and addressing issues of concern to the field to the public and sharing this information with MoVA members, victims, law enforcement personnel, other members of the criminal justice system, and the interested public in responding to the needs of victims of crime.

Per MoVA's website, the organization has made significant contributions and accomplishments towards improving the treatment of victims of crime in Missouri including legislation concerning victims' rights in juvenile court. Their other accomplishments include:

- Missouri Victims' Bill of Rights;
- New Revenues for State Assistance to Victims of Crime;
- New Revenues for Crime Victim Compensation;
- Increased Federal Funds for Victim Assistance;
- Adult Abuse Act;
- Missouri Crime Victims' Constitutional Amendment;
- Passage of Enabling Legislation for the Constitutional Amendment;
- Changes in the Crime Victims' Compensation Fund;
- Establishing Working Guidelines with the Board of Probation and Parole; and
- Establishing a Rural Outreach to Crime Victims of Missouri.

An important part in the success of the programs and the performance of the duties of the participants in the juvenile justice system involves training. Missouri has established training requirements, protocols and funding resources in the implementation of their system. Training is conducted regarding state and federal statutes and court rules with which juvenile or family court judges, commissioners and practitioners must contend. Per the Re-Assessment survey (2004), most judges/commissioners had training on juvenile child abuse and neglect cases before assignment to that docket in their county or circuit and all reported receiving training since their assignment, reflecting in part the Supreme Court's order mandating training. Most judges also reported attending applicable courses at the judicial college/Judicial Conference.

More than half of the juvenile officers had pertinent education or training in advance of assuming responsibility and all had attended relevant training programs since employment, with most participating in courses offered by Judicial Education, in conferences sponsored by the Missouri Juvenile Justice Association and in training on the *Missouri Resource Guide for Best Practices in Child Abuse & Neglect Cases*. In 2004 almost half of the children's service workers reported participating in training programs compared to 13% in 1996. Most attorneys and foster parents (92%) also reported that they were

adequately trained; however, foster parents believed that additional training was needed on dealing with behavioral problems and understanding specific aspects of the system such as the rights of foster parents, resources, the process for removal/reunification and dealing with birth parents. In fact, for the most part training for all key personnel has been conducted. In May and June 2003, seven regional multidisciplinary workshops were conducted throughout Missouri. resulting in training of more than 900 participants, including judges, commissioners, juvenile/family court staff, attorneys, guardians ad litem, CASA volunteers, and Children's Division staff. Since then, additional training has been conducted involving personnel from the juvenile courts and providing legislative updates throughout the state.

The system still has its flaws and improvement is needed. Per the Reassessment 2004 report, there is still a need for resources and earlier intervention and prevention services including drug court and related services. More qualified foster care providers is needed as well as more staffing. Legal representation still needs to be improved and funding increased.

References

Adoption Assistance and Child Welfare Act, 1980. P.L. 96-272; 42 U.S.C. Section 420.

Adoption and Safe Families Act, 1997. P. L. 105-89.

Hayes, Lindsay M. 2004. Juvenile Suicide in Confinement: A National Survey, *National Center on Institutions and Alternatives (NCIA)*,
<http://www.ncianet.org/suicideprevention/publications/index.asp>.

<http://www.ncjj.org/stateprofiles/profiles/MO06.asp?print=yes&topic=Profile&state=MO06.asp>

In re Gault, 1967. 387 U.S. 1.

Lewan, Todd. 2007. Missouri tries a new approach on teen offenders, *The Olympian*, 12/30/07. <http://www.theolympian.com/national/story/312267.html>Mo. tries new approach on teen offenders

Korenstein, Amy, 2006. A closer look at The Missouri Model, An Analysis of the Missouri Model in Comparison to the Ohio Department of Youth Services Final Report, November 30th 2006 referencing a 1969 federal report;
http://www.cleveland.com/teentrouble/pdf/final_report.pdf.

Meyer v. Nebraska, 262 U.S. 390 (1923).

Missouri Juvenile Court Improvement Project in its Re-Assessment of Proceedings in Foster Care and Adoption Cases, (2004). Supreme Court of Missouri, September 2005.

Missouri Victim Assistance Network (MoVA); <http://mova.missouri.org/>.

Pierce v. Society of Sisters, 268 U.S. 510 (1925).

Promoting Safe and Stable Family Amendments of 2001, P.L. 107-133.

www.acf.hhs.gov/programs/cb/laws/index.htm.

Santosky v. Kramer 1982. 455 U.S. 745, 753.

Ventrell, Marvin 2003. From Cause to Profession: The Development of Children's Law and Practice. *The Colorado Lawyer* 65 Vol. 32, No. 1.

Williams v. Garcetti, 853 P.2d. 507 (1993).

Internet Links for Additional Information:

<http://www.ncjj.org/stateprofiles/profiles/MO06.asp?print=yes&topic=Profile&state=MO06.asp>

<http://www.courts.mo.gov/page.asp?id=246>.

<http://www.dss.mo.gov/dys/index.htm>.

<http://www.google.com/search?q=Participants+in+Juvenile+court+missouri&hl=en&client=firefox-a&channel=s&rls=org.mozilla:en-US:official&start=20&sa=N>.

Missouri Resource Guide for Best Practices in Child Abuse & Neglect Cases

<http://www.courts.mo.gov/pressrel.nsf/78445e29916a36df862565ec0067e96b/ae27ff40bf65da9886256b6b00650b1c?OpenDocument>.

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Review Questions

1. To what extent and at what age should the child be able to participate in the juvenile justice process?
2. How has a Constitutionally recognized right to privacy assisted the child in protecting his/her rights?
3. Discuss how the *parens patriae* concept has evolved in juvenile court proceedings and whether the changes have truly helped the state to act in the best interests of the child.
4. Define the role of a *guardian ad litem* and distinguish that role from the role of counsel for the child.
5. Discuss whether the State of Missouri should do more or less in terms of requiring parents to bear the burden for raising and being responsible for their offspring.

6. To what extent should foster parents', teachers', victims' and extended family members' opinions be used in determining permanency plans and placements for children?
7. What areas of training still need to be developed to improve the juvenile justice system and its care of youth in Missouri?