

# Youth Referred to Family Court

## DEFINITION

Youth referred to Family Court is the percentage of youth ages 10 to 17 referred to Rhode Island Family Court for wayward or delinquent offenses.

## SIGNIFICANCE

Risk factors for juvenile delinquency and involvement in the juvenile justice system include association with other delinquent youth, cognitive impairments, academic and learning difficulties, poor parenting, child maltreatment, and high levels of community disorganization and violence.<sup>1</sup>

The Rhode Island Family Court has jurisdiction over children and youth under age 18 referred for wayward and delinquent offenses. When a police or school department refers a youth to Family Court, a petition is submitted, accompanied by an incident report, detailing the alleged violation of law.<sup>2</sup> During 2014 in Rhode Island, 2,713 youth (3% of Rhode Island youth between the ages of 10 and 17) were referred to Family Court for 4,904 wayward and delinquent offenses, down from 2,926 youth and 4,964 offenses in 2013, and continuing a downward trend over the last five years. Of the juvenile offenses in 2014, 213 (4%) involved violent offenses (54% of which occurred in the four core cities). An additional 702 probation violations also came before the Family Court in 2014.<sup>3,4,5</sup>

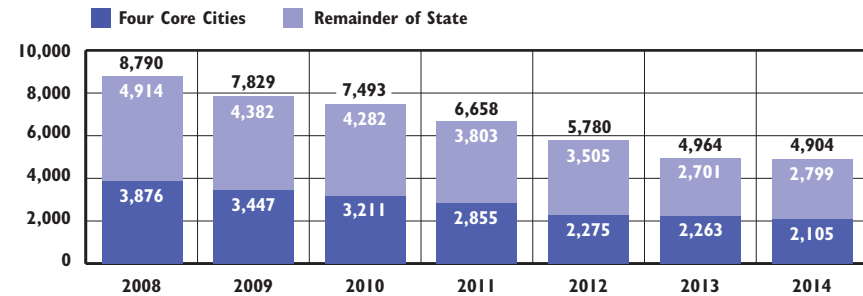
Youth in the four core cities are more likely to be referred for wayward or delinquent offenses; however, the majority of youth referred to Family Court lives in the remainder of the state. In 2014 in Rhode Island, 23% of juvenile offenses referred to Family Court were committed by youth from Providence, 20% were committed by youth from the other three core cities and 57% were committed by youth living in the remainder of the state.<sup>6,7</sup>

Assessing the risk of re-arrest and intervention needs of each youth is necessary for providing appropriate supports to prevent recidivism.<sup>8</sup> Seventeen percent of youth referred to the Family Court in 2014 had been referred once before and 23% had been referred at least twice before.<sup>9</sup>

Research shows that an over-reliance on incarceration of youth is not cost-effective and leads to worse public safety outcomes and higher recidivism rates than the use of community-based alternatives to incarceration.<sup>10,11</sup>

Key components of successful community-based programs to prevent juvenile recidivism are the provision of family therapy and an acknowledgment of the critical role families, homes, and communities play in resolving delinquency. Successful programs also work with youths' strengths and provide a wide range of services and resources tailored to the needs of youth and their families.<sup>12</sup>

**Juvenile Wayward/Delinquent Offenses Referred to Rhode Island Family Court, 2008-2014**



- ◆ The number of children and youth referred to Family Court for wayward and delinquent offenses declined 48% between 2008 and 2014, from 8,790 to 4,904. During the same period, the number of juvenile offenses declined by 44%, from 8,790 to 4,904.
- ◆ In 2014, offenses referred to the Family Court involved males and 31% females. Forty-eight percent of offenses involved White youth, 22% Black youth, 16% Hispanic youth, 1% Asian youth, and 13% of offenses involved youth of some other race or an unknown race.
- ◆ In 2014, 8% of offenses referred to Family Court involved youth ages 12 or younger, 42% youth ages 13 to 15, 49% youth ages 16 to 17, and 1% of unknown age.

## BY TYPE OF OFFENSE

23%	Status Offenses*	3%	Alcohol and Drug Offenses
23%	Property Crimes	4%	Violent Crimes
21%	Disorderly Conduct	4%	Motor Vehicle Offenses
11%	Simple Assault	4%	Weapons Offenses
		7%	Other**

n=4,904

\*Status offenses are age-related acts that would not be punishable if the offender were an adult, such as truancy and disobedient conduct.

\*\*Other includes offenses such as conspiracy, crank/obscene phone calls, computer crimes and possession of a manipulative device for automobiles, etc. Probation violations, contempt of court, and other violations of court orders are not included in the offenses above.

Source: Rhode Island Family Court, 2008-2014 Juvenile Offense Reports. Percentages may not sum to 100% due to rounding.

# Youth Referred to Family Court

## Alternatives to Incarceration for Juvenile Offenders in Rhode Island

- ◆ Juvenile courts have a wide range of options for handling juvenile offenders, including restitution, community service, revocation of driving privileges, counseling, substance abuse treatment, and probation.<sup>13</sup> In 2014 in Rhode Island, 20% of all cases referred to Family Court were diverted instead of proceeding to a formal court hearing.<sup>14</sup>
- ◆ The Rhode Island Family Court administers several alternatives to traditional court hearings, including the Truancy Court and the Juvenile Drug Court. In 2014, 1,192 youth were referred to the Truancy Court by schools. In 2014, 86 youth who committed drug offenses or had highlighted drug issues were diverted to the Juvenile Drug Court pre-adjudication.<sup>15</sup> Youth referred to the Drug Court undergo a six- to twelve-month program that includes intensive court supervision, drug treatment, and educational and employment services.<sup>16</sup>
- ◆ In 2013, there were 34 Juvenile Hearing Boards in Rhode Island. Five communities did not have Juvenile Hearing Boards (Central Falls, Little Compton, North Providence, Richmond, and South Kingstown). Comprised of volunteer community members, these Boards permit the diversion of youth accused of status offenses or misdemeanors. Sanction options in this process include but are not limited to community service, restitution, and counseling. Rhode Island Juvenile Hearing Boards reported hearing 404 cases in 2013 (the most recent year for which data are available).<sup>17,18</sup>

## Lesbian, Gay, Bisexual, and Transgender Youth in Juvenile Courts

- ◆ Many lesbian, gay, bisexual, and transgender (LGBT) youth experience family rejection, conflicts at home, and bullying and harassment in school due to their gender identity or sexual orientation. These factors increase LGBT youth's risk of family court involvement for status offenses (like running away), survival crimes (like shoplifting and prostitution), truancy related to safety issues at school, and assault charges related to self defense. Training and resources for adults working in the juvenile justice system about the specific family, social, and developmental challenges faced by LGBT youth can help support positive outcomes for these youth.<sup>19</sup>

## Juveniles Tried as Adults

- ◆ Youth tried and punished in the adult court system are more likely to re-offend and to commit future violent crimes than youth who commit similar crimes but who are in juvenile systems. Adolescents in the adult criminal justice system are at risk for sexual and physical victimization and disruptions in their development, including identity formation and relationship skills.<sup>20,21</sup>
- ◆ Behavioral research shows that most youth offenders will stop breaking the law as part of normal development and that adolescents are less able than adults to weigh risks and consequences and resist peer pressure. Research also shows that judgment and decision-making skills do not fully develop until the mid-twenties.<sup>22,23</sup>
- ◆ When a juvenile has committed a heinous and/or premeditated felony offense or has a history of felony offenses, the Rhode Island Attorney General may request that the Family Court Judge voluntarily waive jurisdiction so that the juvenile may be tried as an adult in Superior Court. Waiver of jurisdiction is mandatory for juveniles who are 17 years old and who are charged with murder, first degree sexual assault, or assault with intent to commit murder.<sup>24</sup>
- ◆ In 2014, the Attorney General's Office filed 19 (17 discretionary and two mandatory) motions to waive jurisdiction to try juveniles as adults. Eight youth were waived voluntarily, three were waived after a hearing, three waiver motions were dismissed, and five were pending before the Family Court at the end of 2014. One additional waiver motion was filed during 2013 was decided in 2014 (this youth was waived after a hearing).<sup>25</sup>
- ◆ A juvenile in Rhode Island also may be “certified,” allowing the family court to sentence the juvenile beyond age 19 if there is otherwise an insufficient period of time in which to accomplish rehabilitation. There were five certifications in 2014 (four resulted in a certification and one was pending at the end of 2014).<sup>26</sup> While the child is a minor, the sentence is served at the Training School. The youth can be transferred to an adult facility upon reaching age 19, if the court deems it appropriate.<sup>27</sup>

### References

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<sup>2</sup> Rhode Island Family Court. (n.d.). *About the Family Court*. Retrieved February 25, 2013, from [www.courts.ri.gov](http://www.courts.ri.gov)

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<sup>4,7</sup> U.S. Census Bureau, Census 2010 Summary File 1.

<sup>5</sup> Rhode Island Family Court. (2014). *2013 Juvenile offense report*. Providence, RI: Rhode Island Family Court.

<sup>8</sup> National Research Council. (2012). *Reforming juvenile justice: A developmental approach*. Washington, DC: The National Academies Press.

<sup>10</sup> *No place for kids: The case for reducing juvenile incarceration*. (2011). Baltimore, MD: Annie E. Casey Foundation.

<sup>11,20,22</sup> *A road map for juvenile justice reform: 2008 KIDS COUNT essay summary*. (2008). Baltimore, MD: Annie E. Casey Foundation.

<sup>12</sup> *The costs of confinement: Why good juvenile justice policies make good fiscal sense*. (2009). Washington, DC: Justice Policy Institute. Retrieved February 25, 2013, from [www.justicepolicy.org](http://www.justicepolicy.org)

<sup>13</sup> Rhode Island General Laws, Sections 14-1-32.1, 14-1-32.4, 14-1-33, 14-1-51, 14-1-67.

<sup>14,15,17</sup> Rhode Island Family Court, 2014.

<sup>16</sup> Rhode Island Family Court. (n.d.). *Juvenile drug court*. Retrieved February 8, 2011, from [www.courts.ri.gov/family/drugcourt.htm](http://www.courts.ri.gov/family/drugcourt.htm)

<sup>18</sup> 2013 Juvenile Hearing Board data, Rhode Island for Community and Justice, 2015.

<sup>19</sup> Majd, K., Marksamer, J. & Reyes, C. (2009). *Hidden injustice: Lesbian, gay, bisexual, and transgender youth in juvenile courts*. Washington, DC: Legal Services for Children, National Juvenile Defender Center, and National Center for Lesbian Rights.

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<sup>23</sup> Gottesman, D. & Wile Schwarz, S. (2011). *Juvenile justice in the U.S.: Facts for policymakers*. New York, NY: Columbia University, National Center for Children in Poverty.

<sup>24</sup> Rhode Island General Laws, Sections 14-1-5; 14-1-7; 14-1-7.1; 14-1-7.2 & 14-1-7.3.

<sup>25,26</sup> Rhode Island Office of the Attorney General, January 2014.

<sup>27</sup> Rhode Island Office of the Attorney General, January 2007.

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<sup>7,9,17,19,20,25,32</sup> Rhode Island Department of Children, Youth and Families, Rhode Island Children's Information System (RICHIST), Calendar Years 2013 and 2014, and January, 2015.

<sup>8</sup> Rhode Island House Fiscal Advisory Staff. (n.d.). *FY 2009 budget at a glance*. Retrieved February 24, 2011, from [www.rilin.state.ri.us/genmenu](http://www.rilin.state.ri.us/genmenu)

<sup>10</sup> Szymanski, L. A. (2004). Minimum and maximum age of juvenile correctional custody. *NCJJ Snapshot*, 9(5), Retrieved February 26, 2015, from [www.ncjj.org](http://www.ncjj.org)

<sup>11</sup> Puzanchera, C. & Kang, W. (2014). *Easy access to FBI arrest statistics 1994-2011*. Retrieved June 14, 2014, from [www.ojjdp.gov](http://www.ojjdp.gov)

<sup>12</sup> KIDS COUNT. (2013). *Data snapshot: Reducing youth incarceration in the United States*. Baltimore, MD: The Annie E. Casey Foundation.

<sup>15</sup> Chappell, A. T., Maggard, S. R. & Higgins, J. L. (2013). Exceptions to the rule? Exploring the use of overrides in detention risk assessment. *Youth Violence and Juvenile Justice*, 11(4), 332-348.

<sup>16</sup> Rhode Island General Laws, Section 14-1-11.

<sup>18</sup> Rhode Island Department of Children, Youth and Families, Juvenile Correctional Services Division, February 2008.

<sup>21</sup> Rhode Island KIDS COUNT. (n.d.). *Juvenile Detention Alternatives Initiative*. Retrieved February 26, 2015, from [www.rikidscount.org](http://www.rikidscount.org)

<sup>23</sup> Leiber, M., Bishop, D. & Chamlin, M. B. (2011). Juvenile justice decision-making before and after the implementation of the disproportionate minority contact (DMC) mandate. *Justice Quarterly*, 28(3), 460-492.

<sup>24</sup> Watson, L. & Edelman, P. (2012). *Improving the juvenile justice system for girls: Lessons from the states*. Washington, DC: Georgetown Center on Poverty, Inequality and Public Policy.

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<sup>27</sup> Rhode Island Department of Children, Youth and Families, Rhode Island Training School for Youth, 2014.

<sup>28</sup> Rhode Island Department of Children, Youth and Families, Rhode Island Training School, Alternative Education Program, 2014.

<sup>29</sup> Sedlack, A. J. & Bruce, C. (2010). *Youth's characteristics and backgrounds: Findings from the Survey of Youth in Residential Placement*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

<sup>30</sup> Rhode Island General Laws, Sections 14-1-11 and 14-1-27.

<sup>31</sup> Coalition for Juvenile Justice. (n.d.). *Alternatives to detention in the juvenile justice system*. Retrieved February 22, 2013, from [www.juvjustice.org](http://www.juvjustice.org)

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<sup>7</sup> United States Government Accountability Office. (2011). *More information and collaboration could promote ties between foster care children and their incarcerated parents*. (GAO Publication No. GAO-11-863). Retrieved January 18, 2013, from [www.gao.gov](http://www.gao.gov)

<sup>8</sup> *When a parent is incarcerated: A primer for social workers*. (2011). Baltimore, MD: The Annie E. Casey Foundation.

<sup>9</sup> *Mothers behind bars: A state-by-state report card and analysis of federal policies on conditions of confinement for pregnant and parenting women and the effect on their children*. (2010). Washington, DC: The Rebecca Project for Human Rights & The National Women's Law Center.

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<sup>11,12,13,14</sup> Rhode Island Department of Corrections, October 1, 2014.

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