

Innovation Brief

Model Juvenile Court Colloquies

Despite the rehabilitative nature we ascribe to the juvenile justice system, research indicates that when young people are in court, surrounded by authority figures, they are often frightened or intimidated. Much of what is being said about them, to them, or in connection with their case, is spoken in complex legal terms and complicated courtroom jargon. It is no wonder they may not really understand what is happening and what is expected of them, thus reducing their ability to be compliant with the court's order. Using developmental and age appropriate language can dramatically increase a child's likelihood of success. To improve youths' understanding of court processes and their obligations, juvenile defenders involved in the Juvenile Indigent Defense Action Network (JIDAN) developed model judicial colloquies that adopt more developmentally appropriate language.

The Issue

Court proceedings, rules, and on-going legal requirements are often explained through a formal high-level conversation, known as a "colloquy." Studies of random adolescents interviewed immediately following hearings showed many of the youth were confused or mistaken about the instructions they had just received through the colloquy and they retained only 3.5 of the 10 instructions given by the court. In many instances, this lack of understanding led to non-compliance and resulted in unnecessary sanctions, including loss of liberty.

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

In Washington State, defenders drafted model colloquies to intervene at two crucial points in a youth's court involvement: 1) the initial appearance hearing, which determines the conditions a youth must adhere to if released pending adjudication of the matter, and 2) the disposition hearing, which outlines the conditions of probation for those youth placed on probation by the court. Following a review of literature and research on adolescent development, the team convened an advisory council that included youth who reviewed the existing court forms and judicial statements. Based on the language suggested by the youth as well as meetings with several stakeholders, model colloquy scripts and

2.6 Overcoming Barriers to Effective Communication with the Client

Counsel must recognize barriers to effective communication. Counsel must take all necessary steps to ensure that differences, immaturity, or disabilities do not inhibit the attorney-client communication or counsel's ability to ascertain the client's expressed interests. Counsel must work to overcome barriers to effective communication by being sensitive to difference, communicating in a developmentally appropriate manner, enlisting the help of outside experts or other third parties when necessary, and taking time to ensure the client has fully understood the communication. —National Juvenile Defense Standards

companion products, written at a 6th grade level, were developed. The team secured the participation of juvenile court judges in six pilot sites to administer the colloquies from the bench.

They also developed a tool-kit for defenders and other court stakeholders to use to replicate the work in other jurisdictions. Simultaneously, they began to collect data to support their initial hypothesis that a better understanding of the court processes can ultimately prevent youth from becoming further involved in the juvenile court system.

Benefits and Outcomes

At the end of the six-month pilot, youth randomly surveyed immediately following their hearings reported they went from understanding 35% of the conditions

of release or probation ordered by the judge, to understanding 90%. That percentage represents a 158% increase in the level of understanding of the conditions set forth by the court, when compared to the level of understanding prior to the colloquies project.

In addition, the project demonstrated that use of developmentally-appropriate colloquies results in higher levels of compliance and lower rates of detention.

Resources

Washington Judicial Colloquies Project

A Guide for Improving Communication and Understanding in Juvenile Court www.modelsforchange.net/publications/343/Using_Language_in_Court_That_Youth_Can_Understand_the_Washington_Judicial_Colloquies.pdf

Before Colloquy Project



Average number of conditions ordered by the judge at first appearance and the average number of conditions recalled by juveniles interviewed within five minutes after their hearing.

After Colloquy Project



Average number of conditions ordered by the judge at first appearance and the average number of conditions recalled by juveniles interviewed within five minutes after their hearing.

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.