

Linda Haskell Memorial Master Class
Arizona State University, College of Nursing
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Any comparison of the utility of the use of a model of the delivery of social services in one part of the world to another part of the world must start with a comparison of societies to be impacted. While similarities between Scotland and Arizona, especially Maricopa County, exist. Some significant differences pose serious questions for policy makers. The most recent population estimate available on the web for Scotland is approximately 5.2 million (Scotland Government website, www.scotland.uk.gov). The most recent estimate for Maricopa County is approximately 4 million and Arizona approximately 6.6 million. (quickfacts.census.gov)

The differences are readily apparent. Scotland has an area of 30, 414 square miles. Maricopa County's area is 9224 square miles. Most of the Scottish population is found in a more highly populated corridor near its southern border with England. Maricopa County's population is concentrated in the Phoenix metropolitan area roughly in the center east part of the county.

Scotland has an under 18 years of age population of 26.3%. While Maricopa County's under 18 population makes up 27.3% of its total. However, the racial make-up is dramatically different. In Scotland:

White	98.19%
Mixed	0.25%
South Asian	1.09%
Black	0.16%
Chinese	0.32%

In Maricopa County:

White (including Hispanic)	87.3%
Black	5.2%
Native American	2.2%
Latino	31.8%

The minority population in Maricopa County approaches 40% of the total population while it is less than 2 % in Scotland. The racial disparities suggest far more dramatic cultural disparities than in Scotland. The racial and cultural disparities require a far higher level of cultural sensitivity in interaction of the court system in Maricopa County than in Scotland.

In addition to substantially greater racial and cultural disparities, Maricopa County's population is far more transient than Scotland's. This creates at least two additional challenges to the court system. It is far harder to keep track of those who end up in the system, because they move around more often. It is harder to find established neighborhoods with citizens in the neighborhoods who are willing to contribute time and energy to be involved with decision making at the neighborhood level. As a corollary the decisions that citizens from less

established neighborhoods make are less likely to be accepted as legitimate by other citizens from the neighborhoods.

The involvement of community in decision making in the juvenile court could include both the delinquency (crimes committed by youth) and the dependency (abuse and neglect of youth) systems. But, questions will arise about the quality of decisions. Community involvement usually means the use of intuitive or common sense decision making. For most cases the intuitive model is appropriate. But, is the intuitive model effective in the less common cases involving serious mental health problems? Finding potential serious and violent offenders is one of the most important goals of the juvenile justice system. Intuitive decision making is not such a good model for youth who present with serious mental health issues that are not part of the common experience of community members. It may, in fact, be counterproductive.

Approximately one half of referred juveniles would probably change behavior and become pro-social adults if no consequences or minor consequences were given. The problem for society is identifying which ones need more intensive intervention and identifying an appropriate intervention for those who need it. In the Maricopa County Juvenile Court approximately 65-70% of referrals receive a consequence, change and do not return. Approximately 20-25% return multiple times but eventually change and do not progress toward serious criminality. But, 5-10% become serious and/or violent offenders as adults. And, the vast majority of serious and violent crimes are committed by a small number of perpetrators. Reducing the number of serious and violent offenders, and controlling serious and violent offenders are key goals for society in the juvenile justice system. The job of the juvenile system is not only to try to divert the lower level offender that can be diverted to a pro-social path, but to identify the serious and violent offenders so they can be controlled and society protected. We cannot identify who will become pro-social with perfectly, but we are able to influence positively the percentage of people who are diverted toward pro-social lives.

Decisions by community participants in the juvenile justice system must be good decisions, that is, they must be accurate and fair. They must separate the trivial offender from the more serious and impose appropriate consequences and treatment. But, they must also do so in a way that is "legitimate" in the eyes of the community members who come before them. A tension exists between community involvement model that increases the legitimacy of decisions, and the professional expertise model that increases the quality and, therefore, the long term effectiveness of the decisions.

In Maricopa County experimentation with community involvement in the delinquency system of the juvenile court has been problematic because of the transient nature of most communities. The community members know less about the young people than in a country with more established communities and the young people know less about and are less deferential toward the community members.

Regardless of the degree of involvement of community members in the formal decision making process of the juvenile court, social workers and nurses who are involved in child abuse and delinquency cases have a responsibility to the community to assist in crime prevention in the future. Abused, neglected and delinquent children will become the serious and violent criminals of the future unless their problems are addressed effectively by someone when they arise. The longer the problems go without being addressed the more difficult and expensive they become to resolve and the more serious the damage they may cause.

Lawyers are involved at all stages of the Maricopa County system. Lawyers represent children in delinquency matters whenever a possibility of incarceration exists. Lawyers represent parents in dependency and parental rights termination cases. Sometimes a child will have a guardian ad litem appointed in addition to a lawyer. The lawyer may represent the child in a delinquency matter to try to obtain a finding of not guilty or not responsible. The guardian may be responsible to advise the court what is in the child's best interest.

Some lawyers are helpful, some are not. Lawyers and judges need training to appreciate the importance of what they do in delinquency and abuse cases. Unfortunately, there exists a lack of community and professional recognition for this very important work in the courts. Greater recognition of the importance will encourage greater training and expertise.

The due process rights of children, especially in delinquency matters, often conflict with their treatment needs. This is why a lawyer and a guardian are often needed at the same time and in the same case. The court also has CASAs who are non-lawyers who have some training in law and treatment needs who will advocate for the best interests of a child or family. Sometimes the needs of the child and the family may not be the same. This is especially true when abuse or extreme neglect exists.

Even in a non-adversarial setting, conflicts of competing interests exist and must be resolved. Conflicts exist between due process and treatment interests, between the interests of the parents and the child, between the interests of one child and another, between the interests of one parent and another, and between the interests of parents and grandparents. Resolving the conflicting interests is often essential to crafting an effective policy response for the child.