

## COVID-19: MINIMIZING IMPACTS ON YOUTH IN THE JUSTICE SYSTEM

### Twitter Q&A

#### **Q: WHAT CAN GROUPS DO TO REMOVE YOUTH FROM CUSTODY AND SEND THEM HOME DURING COVID-19?**

A: “Those of us who have run facilities know what a nightmare [the pandemic will be] be for kids, staff and families when the virus enters. [We] must do all we can to downsize now, before that storm arrives to avoid harm to children, staff and communities,” said Vincent Schiraldi, Co-Director of The Justice Lab and Senior Research Scientist/Adjunct Professor at the Columbia School of Social Work.

To stem the tide, the National Council of Juvenile and Family Court Judges [tweeted](#) that judges can order the release of a youth from local juvenile detention facilities. They can also order youth to be placed on probation or on diversion instead of in detention. A subsequent [tweet](#) stated that Judges can review risk/needs assessments and ask probation to create supervision plans for moderate- to high-risk/needs youth that address risk and needs w/appropriate levels of supervision and support while the youth is in the community.

State agencies, meanwhile, can leverage [statements](#) made by other leading organizations calling on governors, courts and states’ department of juvenile justice heads to bring youth home, and keep them safe while in custody.

When young people are sent home, the National Law Center on Homelessness & Poverty notes that it is important for communities to follow the Center for Disease Control’s guidance on unsheltered homelessness and make sure youth who have no homes to go to are placed in individual housing units (not congregate shelters) for the duration of the crisis.

#### **Q: HOW DO WE SAFELY BRING KIDS HOME IF THEY NEED SHELTER DUE TO AN UNSAFE HOME SITUATION?**

A: When youth are in need of quick placement alternatives—e.g. when residential programs have closed suddenly—many of them are able to find placement with kin if birth families were unable to care for them. (Patrick McCarthy, Former President & CEO, Annie E. Casey Foundation).

The National Council of Juvenile and Family Court Judges, [tweeted](#) that parole officers, and defense attorneys can ask youth to identify caring adults (beyond biological parents) in their lives with whom they could live on a temporary basis. Family-based settings should be developed where young people

can stay. We should not place them in group settings like shelters where they are at higher risk of not being able to stay healthy according to the Juvenile Law Center.

According to the National Association of Counsel for Children, it is also important to understand and fact-check the opinions informing the assessment of an “unsafe” home. Is the information current? The COVID-19 pandemic has dramatically altered many conditions of daily life – who is living in the home, daily schedules, etc. Make sure that “safety” calculations are not based on lingering, non-safety issues (ex. parent’s failure to complete a service that has no nexus to immediate safety). Be aware of any implicit biases - what looks and feels “safe” is often informed by personal experiences and impressions. To check those biases, ask - what makes the home unsafe for this client? Why? What are the imminent risks? How do those compare with safety concerns in the current placement and the ongoing risks of separating the youth from family?

**Q: WHEN KIDS ARE BROUGHT HOME, HOW DO WE CONNECT THEM TO POSITIVE COMMUNITY BASED SERVICES AND SAFE AND SECURE HOUSING AND OTHER BASIC NEEDS SUCH AS FOOD, EDUCATION, AND MEDICAL CARE?**

A: The National Council on Crime and Delinquency recommends collaborating with community agencies and child welfare agencies to identify options to support youth and their families with their transition home. Community-based groups like Youth Advocate Program Inc. and the Community Justice Network for Youth at W. Haywood Burns Institute, for example, are great resources to connect youth to support. The Public Welfare Foundation has been putting out an excellent series of videos on how to truly engage with communities beyond just issuing Requests For Proposals to providers.

Judges can also work with probation departments to reach out to community/cultural centers and faith-based community organizations to learn what resources they have for services and basic needs and help connect them to youth who need those services and supports, according to a [tweet](#) from the National Council of Juvenile and Family Court Judges.

Zoom can be available to remain in compliance with HIPPA requirements for teletherapy. Telemedicine apps such as [VSee](#) and <http://Doxy.me> can be helpful for probation officers and therapists to have virtual face to face contact with youth and families.

**Q: HOW DO WE AVOID INCREASING THE USE OF ELECTRONIC MONITORS DURING COVID-19?**

A: Judges can exercise judicial leadership and engage the justice system, child welfare professionals, and community volunteer sector organizations to identify credible messengers and mentors to connect to young people at home and promote daily communication, according to a [tweet](#) from the National Council of Juvenile and Family Court Judges.

The National Juvenile Justice Network reports that the Massachusetts Supreme Court is leading the way on this front, and has limited electronic monitoring during COVID-19 due to concerns over social distancing. With stay at home orders in place, movement is already extremely limited and supervised by families, which we know works best.

The National Council on Crime and Delinquency explains that community supervision agencies can also use a variety of methods to provide increased supervision to those who require it. Increased phone calls, video calling, mobile phone GPS tracking, and other methods can assist officers with enhanced supervision where needed. Partner with families' support networks and use collaterals. Shifting from an enforcement approach to a case management model can broaden supports and ensure family stability. Case management-based supervision has been proven to be successful. For more information check out: <https://bit.ly/2Uo0eod>.

It is important to remember that electronic monitoring is not a substitute for community-based support from a mentor, notes the Youth First Initiative.

### **Q: ACCESS TO ATTORNEYS IS CRITICAL, HOW DO WE ENSURE YOUTH CAN CONNECT TO THEIR ATTORNEYS AND RETAIN PRIVACY DURING THIS CRITICAL TIME?**

A: The National Juvenile Defender Center's website (<http://njdc.info>) offers a collection of COVID-19 related resources for defenders and advocates working to defend children during this unprecedented time. When speaking with their attorney, whether in person or via technology, youth **must** be in a confidential space, NJDC urges. Facilities must create spaces where youth can communicate confidentially with their attorney. Staff may, of course, maintain visual contact to ensure the youth's safety, but staff may not listen to any portion of the conversation. Where it is not safe for defenders and youth to meet in person, youth must be able to call or video call their attorney, **free of charge**, NJDC said.

Wherever staff or youth have tested positive for COVID-19, attorneys are critical to advocate for young people's health, safety, and wellbeing while they're held in facilities ill-equipped to deal with this global health crisis, NJDC stated.

Eric Tars at the National Law Center on Homelessness and Poverty shared that "Our partners at Baker McKenzie have also helped to develop online legal handbooks in many states for homeless youth to understand their rights: <https://homelessyouth.org>."

### **Q: ARE THERE SPECIFIC STRATEGIES FOR ENGAGING CHILD WELFARE SYSTEMS FOR YOUTH INVOLVED IN BOTH THE JUVENILE JUSTICE AND CHILD WELFARE SYSTEM DURING THIS CRITICAL TIME?**

A: The National Association of Counsel for Children urges individuals to get familiar with the reasonable efforts requirement. This federal mandate requires child welfare agencies to make "reasonable efforts" to achieve permanency for youth in care (42 USC Sec. 671(a)(15)). This means reunification if possible and, if not, another permanent plan. This legal requirement is not new, but the COVID-19 pandemic brings new urgency to ensure it is applied rigorously in every case. In this public health crisis, reasonable efforts to achieve permanency may include new or additional supports to ensure the health, well-being and stability of the family, such as housing assistance, food, telehealth services, respite care and more.

The National Council of Juvenile and Family Court Judges, [tweets](#) that judges can explore child placement with relatives/fictive kin by engaging with child welfare professionals to expedite background investigations so youth involved in both systems can be placed with caring relatives instead of being placed in detention.

**Note:** This document is based on a Twitter chat that took place on March 26, 2020.

Attorneys can help make these system connections and propose services and supports in the child welfare system that could benefit youth as well, according to the Juvenile Law Center. Good case planning between systems is important so that youth can have the benefit of child welfare services to help return home, be in a family-based setting or be connected with community-based services.

### **Q: HOW CAN WE KEEP KIDS CONNECTED WITH THEIR FAMILIES DURING THIS CRISIS?**

The Vera Institute urges people to remember that having families connected not only with visitation/calls but involved in decision-making about their loved ones is not a privilege, it's a right. If young people truly cannot be at home, systems have to adapt so families have information and power.

The Coalition for Juvenile Justice states that apps such as Zoom, Skype, FaceTime, WhatsApp, Google Hangout, or Facebook Messenger are easily accessible and keep both youth and workers safe while still providing needed services.

Not every family has access to technology though. In such instances, support should be given to help families. Letters, phone calls, and other communication avenues should also be explored, notes Justice for Families.

According to Justice for Families youth should be tested before release to make sure they are healthy from this contagious epidemic, out of concern for the safety and well-being of family members living at home. Our kids belong at home and in their communities with their families, sending kids home is the most ideal solution, but families need necessary support to help ensure youth success at home. Families need financial resources to support children returning to their care such as medication (at least 30 days), and other essential goods to ease burdens on families who are already facing a unique set of stressors.

### **Q: YOUNG PEOPLE HAVE A RIGHT TO AN EDUCATION. HOW ARE YOUTH BEING EDUCATED IN DETENTION CENTERS OR JAILS WHILE SCHOOLS ARE CLOSED DUE TO COVID-19?**

A: The National Juvenile Justice Network reports that just like schools across the country, facilities are increasing access to e-learning and virtual learning amidst this crisis. New approaches and creative thinking are critical during this time. The Center for Educational Excellence in Alternative Settings is helping with this process by sharing quality, relevant educational resources that are fully practitioner ready. To learn more, visit <http://ceeas.org/covid-19>. Additional resources from the Juvenile Law Center are available at: <https://jjeducationblueprint.org>.

“Schools have an affirmative duty under the McKinney-Vento Act to identify homeless students and remove barriers to their education. More information about the rights of children to stay in school can be found here: <https://nlchp.org/wp-content/uploads/2019/02/mvtoolkitfederal2019.pdf>,” Eric Tars at the National Law Center on Homelessness and Poverty shared. “These rights to education for homeless youth are applicable even in disaster situations like COVID-19. Advocates can see our guide here: [http://nlchp.org/wp-content/uploads/2018/10/education\\_disaster\\_manual\\_2017.pdf](http://nlchp.org/wp-content/uploads/2018/10/education_disaster_manual_2017.pdf).”

**Q: FOR THE VERY FEW YOUTH WHO MAY BE CONSIDERED TOO HIGH RISK TO RETURN HOME, WHAT CAN FACILITIES DO (OR WHAT ARE THEY DOING) TO ENSURE THEY ARE PROTECTED AND TO REDUCE THEIR ANXIETY AND STRESS?**

A: The National Center for Crime and Delinquency urges facilities to ensure youth can interact with each other throughout the course of the day. Maintaining access to games, reading materials, and other resources is important. Providing alternative access to families through video conferencing and extended and/or free phone call options is also essential NCCD reports. For youth, coordinate with local school districts for virtual classrooms and course work. Visit <https://bit.ly/2JdOsGB> for more information.

Stress & Anxiety are natural responses to uncertainty, & CDC guidelines on teens and youth call for a lot of reassurances from adults. Deliver positive podcasts, online streaming, breathing and yoga techniques to your local detention/jail staff says the Campaign for Youth Justice. Justice for Families board member Sue Badeau has created a couple of short videos that might help families at this time. [https://www.youtube.com/watch?v=P6mQyeeH\\_ec&t=7s](https://www.youtube.com/watch?v=P6mQyeeH_ec&t=7s)

The Office of Juvenile Justice and Delinquency Prevention's "[Emergency Planning for Juvenile Justice Residential Facilities](#)" is also a useful resource.

**Q: HOW CAN FUNDERS HELP FAMILIES AND YOUTH WHO ARE JUSTICE INVOLVED DURING THIS TIME?**

Funders play an important role, by supporting research that can drive evidence-based advocacy efforts. Funders can also support direct-service organizations that are providing support and services to justice-involved kids and their families, including those helping with basic needs. The National Council on Crime and Delinquency also suggests funding communications efforts that elevate the voices and experiences of justice-involved kids and their families.

Funding for direct legal advocacy to help keep youth out of the justice system, including fighting for #HousingNotHandcuffs and to help young people access their rights upon discharge is also critical, notes the National Law Center on Homelessness & Poverty. Funding for advocacy efforts to ensure appropriate administrative and legislative responses to the pandemic is also essential

Vera Institute tweeted that funders can reshape current grants and deliverables to allow grantees to pivot to COVID response and/or have general support to maintain staff during the crisis.

Others noted that existing grants and deliverables should be reshaped to allow grantees to pivot to COVID-19 response and/or have general support to maintain staff during the crisis.