A Message from JJI

Seven hundred beds in Illinois' juvenile correctional system sit empty. Meanwhile, some of the 960 or so youth being held in the state's eight juvenile correctional facilities are receiving inadequate educational or mental health services, or being subjected to excessive discipline practices, according to a federal class action lawsuit filed by the Illinois ACLU in September.

The Department of Juvenile Justice immediately agreed to a provisional plan to address the concerns presented by the ACLU. Still, the lawsuit serves as a sobering reminder of the troubling conditions in the facilities and of the work that still lies ahead.

Illinois must join the rest of the nation in shifting resources from prisons to community-based alternatives. Community-based programs have proven to be more effective at reducing recidivism and rehabilitating juveniles, while costing taxpayers less. Because youth treated in the community are less likely to become repeat offenders, the public is safer as well. Across the nation, 18 states have closed more than 50 juvenile prisons since 2007.

Governor Quinn’s proposal to close two juvenile correctional facilities, at Murphysboro and Joliet, has been temporarily halted by state courts. The Murphysboro facility’s last youth exited in July. The Joliet facility has been scheduled to close by the end of October.

The state’s juvenile facilities are not crowded - the state’s juvenile prison population dropped dramatically from 1,603 in FY 05 to 960 in FY 12 and all the facilities now have vacant beds. But while the population fell, the cost per bed has jumped. In the last five years, the annual cost of incarcerating youth soared from $71,000 to more than $92,000 per youth.

These costs will continue to rise unless the state closes some of the prisons. The state cannot continue to support eight separate juvenile prisons for a population that is rapidly decreasing.

What’s the alternative? Redeploy Illinois provides financial support to counties to provide community-based services to reduce the number of youth sent to state correctional facilities. Preliminary findings suggest Redeploy also reduces recidivism. Only 14.2 percent of Redeploy participants were re-incarcerated after completing the program, compared to 57.4 percent of juvenile-justice involved youth committed to the Department of Juvenile Justice who did not participate in Redeploy programming.

The answer is clear: close juvenile correctional facilities and invest in community-based alternatives.

Elizabeth Clarke
President
Juvenile Justice Initiative
Realignment and Investment Across the Nation

A new report notes the positive impact of Redeploy Illinois in limiting the use of secure confinement while keeping the public safe and reducing costs.


As the report notes, there is a wave of reform of juvenile systems across the nation, on both the state and local level, that is leading to dramatic reductions in confinement, closing of juvenile facilities, and increases in local alternative programming – all while improving public safety. The report cites Redeploy Illinois as an example of a successful wave of reform:

- **Redeploy continues to expand, reduce juvenile incarceration, and reallocate savings toward community-based programming.** … As of 2011, Redeploy has served 27 of 102 Illinois counties and diverted almost 800 juveniles from IDJJ placement.

This wave of reform is in part due to the fiscal constraints facing state and local governments. Across the nation, most government entities are challenged to ensure public safety while reducing costs. Concurrently, research has documented that states such as Ohio that pioneered fiscal policies to shift investment in less costly community alternatives, have successfully maintained public safety at less cost. Additionally, a growing body of research documents the success of “evidence-based” practices, including Multi-Systemic Therapy and Functional Family Therapy, in reducing repeat offending. And, finally, longitudinal research, *Pathways to Desistance*, proves that incarceration is the least effective disposition.

The report concludes that states such as Texas, California and New York that have adopted a “realignment model”, consisting of substantial organizational and structural changes to alter system behavior are most likely to result in sustainable systemic change.

Wayne County, Michigan (Detroit) is cited as an example of a successful realignment model. Wayne County began in 1996 to shift from state control and funding of juvenile incarceration, to a local system based on rehabilitation. The Wayne County reforms were gradual, including development of alternatives to detention and shifting fiscal incentives to local community based programs instead of incarceration in state facilities. Wayne County developed a Juvenile Assessment Center with an independent non-profit agency responsible for assessments throughout a young person’s involvement in the justice system, and maximized Medicaid funds to pay for supervision and treatment, generating significant taxpayer savings. As a result, Wayne County decreased the number of youth in state juvenile prisons from 906 in 1996, to 2 in 2010. This new system halted the repeat offending trend, with more than 70% of the youth successfully completing court-ordered conditions.

The successful wave of reform in states across the nation embodies a common goal. The reforms all focus on replacing reliance on costly youth prisons with local juvenile justice management, and shifting fiscal incentives to encourage community based alternatives over incarceration – while maintaining public safety. We are all benefitting from the improved outcomes for youth in the system, the reduced costs, and the improvement in public safety.

Pathways to Desistance

The Pathways to Desistance study has tracked 1,354 serious juvenile offenders ages 14-18 for seven years after their offense. The study selected youth from Philadelphia, PA and Maricopa County, AZ and conducted interviews with them every six months for the first three years and annually thereafter.

Importantly, the study has found that youth who commit felonies reduce their offending over time: they age out of offending. Over 90% of the youth in the study decreased or limited their offending during the first three years following their court involvement. Thus, most youth who commit serious offenses are not on track to a pattern of offending as adults.

The study was able to categorize offenders based on their self-reported rates of offending:

- 34% reported low and declining rates
- 24% reported low and stable rates
- 18% reported moderate and stable rates
- 15% reported high and declining rates
- 9% reported high and stable rates

Those in two categories—youth who reported high and declining and high and stable rates of offending—received very similar juvenile justice outcomes, including length of time incarcerated, length of time on probation, and amount of community-based services received. Thus, the type of juvenile justice intervention used, whether incarceration or supervision in the community, appears to make little difference in reducing the rate of offending.

The Pathways study also found that longer periods of incarceration did not reduce subsequent offending or arrests. On the other hand, substance abuse treatment was shown to reduce both drug use and offending, highlighting the importance of drug counseling.

The study grew out of planning efforts of the MacArthur Foundation Research Network. The research team was led by Edward P. Mulvey of the University of Pittsburgh.

More information can be found at [http://www.pathwaysstudy.pitt.edu](http://www.pathwaysstudy.pitt.edu).
Parole to Reentry Summit
Rehabilitative Priorities for Young People Leaving Prison

Panelists (left to right):
Julie Biehl, Director of the Children and Family Justice Center at Northwestern School of Law describes due process and parole.
George Timberlake Chair of the Illinois Juvenile Justice Commission, describes the Commission’s 2011 report with specific recommendations for juvenile parole reform.
Elizabeth Clarke, President of Illinois Juvenile Justice Initiative, provided an historical overview of parole systems and described the current landscape in Illinois ripe for change.
Heidi Mueller, Director of Juvenile Justice Programs for Youth Outreach Services, discussed community-based services: "It's really trying to wrap concerned citizens in the community around each kid coming out," Mueller said, "and giving them the support they need to help them become productive."

The summit was designed to identify best practices, goals and outcomes as Illinois moves forward with this critical shift from a traditional adult parole model to a juvenile aftercare/reentry system.

Speakers at the Summit challenged the role of parole in a model juvenile reentry system, and questioned if re-incarceration is ever appropriate or effective.

The Summit opened with thought-provoking remarks from Randolph Stone and Herschella Conyers of the Edwin F. Mandel Legal Clinic. Both asked the audience to consider how our communities and public safety could be better served when we recognize that juveniles are uniquely different from adults.

A model juvenile reentry system, according to Mr. Lubow, would have a Positive Youth Development framework along with a system of accountability for outcomes.

Overall, he noted that we need to apply the “My Child” test – if this were my child, what system would I want in place. This test necessarily concludes that reentry practices must involve families, include positive incentives and wraparound case management, protect due process rights and hold the system accountable for its outcomes.

Other speakers described individual cases where youth were faced with the challenge of meeting all of juvenile parole conditions over a four to five year parole term, until they age out at 21. Community providers described the dilemma of wearing two hats (provider and enforcer) when trying to earn the trust of a youth.

The general consensus of the Summit participants:
Our current system must shift away from its roots of an adult-oriented parole system to an effective juvenile reentry model system. This model system includes a clear, transparent and proportionate process to complete parole. JJI will be releasing a summit report inclusive of the discussions and recommendations developed as a result.

More information on the event can be found at www.modelsforchange.net/
IL Supreme Court Holds Juveniles Entitled to Zealous Defense

The Illinois Supreme Court recently held in In re Austin M., that it is a per se conflict of interest for an attorney to simultaneously function as both defense counsel and guardian ad litem (GAL) in a juvenile delinquency proceeding.

The case involved a youth tried and found guilty of sexual abuse of a foster child living in his home. The finding of guilt was based on a one sentence confession allegedly made to police. Trial counsel for the youth did not challenge the confession or cross examine witnesses, indicating he was trying to establish the truth and get treatment for the youth. The case presented a dilemma between being a lawyer and winning the case, versus a role as guardian for best interests to address treatment needs. The court found that although the trial court never expressly appointed the minor’s attorney to act as GAL, both the trial court and the attorney perceived that to be his role. The Supreme Court ruled that when defense conflicts with perceived best interests, a lawyer for a youth in a delinquency proceeding must focus on presenting the strongest possible defense, and remanded the case for a new trial.

“The minor is entitled to an attorney who is dedicated to providing the minor with a zealous defense, an attorney who will hold the prosecution to its burden of proof. The time for ‘best interests’ considerations is at the disposition phase,” said Burke, who was joined by three other justices.

Notably, two justices who filed concurring and dissenting opinions, agreed that Austin’s delinquency adjudication should be reversed, but disagreed with the majority’s holding that the State had met its burden of proof and the decision to remand for a new trial. They instead held the evidence presented was insufficient to prove Austin guilty beyond a reasonable doubt.

This opinion is a result of the hard work of Jackie Bullard with the Illinois Office of the State Appellate Defender, and Illinois attorneys involved in an amicus brief filed by Loyola Civitas Childlaw Center and the Northwestern University School of Law Bluhm Legal Clinic’s Children and Family Justice Center.

The opinion is available at: http://www.state.il.us/court/Opinions/SupremeCourt/2012/111194.pdf

The United States incarcerates more youth than any other “developed” nation in the world

A recent report on NPR highlighting promising reforms in juvenile justice, including Redeploy Illinois, noted that the US incarcerates youth at nearly five times the rate of other “developed” nations, despite only marginally higher rates of violent crime. Illinois Rethinks Juvenile Justice, http://www.npr.org/2012/08/159131971/illinois-seeks-new-approach-to-juvenile-justice. The report quoted national experts who said states are increasingly backing away from the adult corrections model in favor of more effective and less costly community alternatives.

Why have other nations been able to avoid the costly juvenile corrections approach? The answer comes from juvenile court judges and juvenile justice officials across the globe.

A team of 24 juvenile justice legal and executive officials from 24 nations visited with juvenile justice advocates in Chicago earlier this year. The officials clarified the single most striking difference between their nations and the US – their nations have ratified the international Convention on the Rights of the Child, “CRC” – the fundamental international declaration of human rights for youth. For juvenile justice purposes, under the CRC, youth under the age of 18 must be tried as juveniles, and sentencing must be proportionate and humane (the death penalty and life without parole have been identified as inhumane).

The CRC has a dramatic impact on juvenile sentencing in “developed” nations that have ratified the agreement, lessening their investment in costly correctional institutions and enhancing investments of limited dollars in community based alternatives.

The CRC was actually drafted in the US and finally entered into force in 1990. While the US has signed the document, it has not yet ratified the convention. The difference is a fundamental distinction in US approach to international law. While the US tries to implement the requirements of an international document prior to ratification, other nations ratify and then try to fully implement.

The US is rapidly implementing the requirements of the CRC in juvenile justice. The U.S. Supreme Court struck down the juvenile death penalty and recently ruled mandatory juvenile life without parole is unconstitutional. In addition, states are rapidly complying with the 18 year old jurisdictional age, with reforms to raise the age (Conn and IL) and reforms across many states to diminish reliance on transfer to adult court. These policies are based as much, or more, on US research on what works as on international human rights concerns.

The US is the leader in research on what works and on development of innovative best practices* including Multi-Systemic Therapy (MST), Functional Family Therapy (FFT), and Positive Youth Development. This innovative and powerful body of research is rapidly reshaping the juvenile justice landscape in the US. Longitudinal studies such as Pathways to Desistance clarify that confinement is a poor investment leading to the most likelihood of recidivism, while community-based treatment, especially substance abuse treatment, is the most effective.

Application of this innovative body of research will soon propel the US. into full compliance with the international consensus around proportionate juvenile sentencing and help the US reduce its investment in costly juvenile prisons.

*More information on best practices such as MST, FFT can be found at http://www.csi-online.org/youth_services/

For more information on CRC, visit www.childrightscampaign.org.
Statutory Reforms Across the Nation

The struggles of the past legislative session in Illinois were not unique. Fiscal constraints facilitated discussion about the purported role the justice system should play and how it should operate more effectively. Across the nation, heated debates about the costs of incarceration and how to manage these costs ensued. State legislatures took action: spurred on by budget crises and a surmounting body of brain development research showing young people have differing capacities and needs from adults. Here are just a few highlights adapted from the National Juvenile Justice Network’s Advances in Juvenile Justice Reform, a report released in July 2012.

Arizona judges gain more discretion regarding transfer to adult system- Arizona law, effective as of July 2011, provided judges more discretion in certain cases to decide whether prosecution of youth in adult or juvenile court will best protect public safety and promote rehabilitation. The law expands “reverse remand hearings” to include additional offense types filed through prosecutorial discretion.

Colorado direct-file victory—Youth in trouble with the law have the right to judicial review before being transferred to the adult criminal justice system. Prosecutors no longer have unilateral discretion to transfer. Law provides minimum age of 16 for prosecutorial waiver, limits to most serious crimes, provides for reverse waiver hearings, reforms sentencing.

Mississippi extends jurisdiction of juvenile court to 17-year-olds—Legislation returned 17-year-olds charged with felonies (with the exception of murder, armed robbery and rape) to the original jurisdiction of the juvenile court. Prior to this legislation, all 17-year-olds were automatically prosecuted in adult court for any offense.

Facility closures

Missouri closed six juvenile detention centers in 2011 after extensive review by the Juvenile Detention Facilities Workgroup, created by the Missouri Circuit Court Budget Committee. The state estimates it will save approximately $500,000 in just the first year after the closures.

New York dramatically downsizes number of incarcerated youth—The New York State Office of Children and Family Services (OCFS) has downsized or closed a total of 31 facilities since 2007, with 4 facilities closed and 4 facilities downsized in August 2011 alone. State officials report that facility closures and downsizing have saved New York State $58 million.

North Carolina’s secure detention admissions decrease—In 2011, secure detention admissions in North Carolina decreased 17.7 percent and commitments to Youth Development Centers decreased 14 percent from 2010 rates. The state has made a commitment to evidence-based decision making, for placement and case review decisions, adoption of graduated responses, court reviews of all detention-related decisions, and using community partners to grow alternatives to detention. Effective July 1, 2012, a detention screening tool is instituted statewide with full implementation of graduated response grids for court-involved youth.

Texas shuts youth facilities, decreases number of incarcerated youth—The legislature passed a reform bill in 2007, which barred commitment of a youth to the state agency for anything less than a felony and reduced the age of incarcerated young adults from 21 to 19. Due to budget cuts in 2011, the Texas Juvenile Justice Department (TJJD) closed 3 additional state secure facilities and consolidated 2 more. The closure of 2 facilities in 2009 saved TJJD $115 million, $45.7 million of which was reinvested in diversion funding for juvenile probation departments.

Expungement

North Carolina legislature provides for expungement of youthful offender criminal records—Law provides for expungement of criminal records for 16- and 17-year-olds charged as adults who are first-time offenders. Criminal records will be expunged from court, law enforcement, and state or local government agency records.

Vermont youth convicted as adults before age 21 may have records sealed—Law allows youth convicted as adults for crimes committed before they were 21 years old to petition to have their records sealed.

Best practice, data-driven

Maryland commits to gathering data on outcomes of juvenile justice services—In October 2011, law increases access to information about the outcomes of services provided by the Department of Juvenile Services (DJS). The law requires the Secretary of DJS to report to the General Assembly annually on recidivism rates of children committed to DJS for placement in any type of residential care with breakdowns by each program and placement.

Michigan develops youth reentry infrastructure and services—The Michigan Youth Reentry Initiative provides a multi-dimensional framework designed to stop the cycle of crime among Michigan’s youngest offenders and prepare them for successful transitions into adulthood. The model is a three-phase, seven-point youth model which provides collaborative options to deliver an evidence-based risk-reduction framework in courts, residential facilities, and communities. Initial evaluations for each site indicate significant reductions in recidivism.

Education

Colorado legislature limited court involvement in school truancy issues—Judicial proceedings to compel a youth to attend school may only be used as a last resort for addressing the problem of truancy. To minimize the need for court action and the risk of detention, such proceedings are now allowed only after a school district has attempted other options for addressing truancy that employ best practices and research-based strategies.

Colorado juvenile justice task force collects data on school discipline strategies—Juvenile Justice Task Force of the Colorado Commission on Criminal and Juvenile Justice must study and collect data on the use of criminal justice sanctions and specific school discipline strategies in Colorado public schools. The task force submitted a report to the Legislative Council recommending that the legislature pass a law limiting mandatory expulsion, discouraging referrals to law enforcement, implementing graduated sanctions, and increasing training for school resource officers.

Connecticut works to streamline reentry retnery to school—The law allows students to re-enroll in his or her old school district after being sent to a juvenile detention center, the Connecticut Juvenile Training School, or another residential placement for committing an expellable offense. Prior to discharge, educational providers must assess the schoolwork the youth completed while incarcerated and determine academic credits; credits must be accepted by the school to which the student returns.

Visit www.njjn.org to access Advances in Juvenile Justice Reform and related resources. For additional information see the NCSL Trends in Juvenile Justice State Legislatures. http://www.ncsl.org/issues-research/justice/juvenile-justicen-
In the News

Juvenile Justice Issues:

A Sampling of National and Illinois Media

Associated Press
Illinois to improve conditions at youth prisons
September 12, 2012
http://hosted.ap.org/dynamic/stories/I/IL_JUVENILE_JUSTICE_ILOL?
SITE=ILBLO&SECTION=HOME&TEMPLATE=DEFAULT
The Illinois Department of Juvenile Justice has agreed to work with the American Civil Liberties Union of Illinois to evaluate and improve services for incarcerated youth. The announcement of the provisional agreement came on the same day that the ACLU filed a federal class action lawsuit against the DJJ over what the ACLU claims are inadequate services and conditions for youth in prison, including education, special education, mental health services. The ACLU also alleges that incarcerated youth are subject to excessive solitary confinement.

Rockford Register Star
Letter: Consolidate juvenile prisons
Aug. 31, 2012
By George W. Timberlake, Chair, Illinois Juvenile Justice Commission
http://www.rrstar.com/opinions/
whatyouresaying/x578041732/Letter-
Consolidate-juvenile-prisons
With Gov. Pat Quinn and Illinois AFSCME locked in a protracted lawsuit over the governor’s intention to close state prisons, the public debate often focuses on overcrowding in the state’s adult prison system.

WUIS (Springfield Public Radio)
Ill. Supreme Court Defends Juvenile’s Access To Defense Att’y.
Aug. 31, 2012
http://wuisnews.wordpress.com/
2012/08/31/ill-supreme-court-defends-
juveniles-access-to-defense-att’y/
The Illinois Supreme Court ruling says juveniles charged with crimes have the same right to a zealous lawyer as adults do.

Chicago Tribune
Juvenile detention center population keeps falling
But reform work not finished, officials say
Aug. 20, 2012
http://articles.chicagotribune.com/
2012-08-20/news/ct-met-cook-county-
juvenile-detention-20120821_1_detention-
center-earl-dunlap-mentally-ill-youths
Cook County has been able to reduce the number of teens locked up in its juvenile detention center, but there’s still much to be done before the mission to reform the long-troubled facility is complete, officials said.

LA Times
Lawmakers OK letting minors appeal life terms after 15 years
Aug. 20, 2012
http://latimesblogs.latimes.com/california-
politics/2012/08/lawmakers-ok-minors-life-
sentence-appeal.html
The state Senate on Monday sent Gov. Jerry Brown a measure that would allow minors sentenced to life in prison to apply for a new sentence after 15 years if they show remorse and take steps toward rehabilitation.

NPR - All Things Considered
Kids Behind Bars: Illinois Rethinks Juvenile Justice
Aug. 18, 2012
http://www.npr.org/
2012/08/18/159131971/illinois-seeks-new-
approach-to-juvenile-justice
About 1,000 juveniles are locked up in residential facilities in Illinois, with an additional 1,600 on parole. But many of those kids would be better off in treatment or educational programs, state officials say. A report by the state’s Juvenile Justice Commission found that more than half of young offenders who were detained returned to the system within three years of being released, many times because of technical parole violations such as skipping school or staying out late. The state’s budget problems are also adding to the push to decrease the number of juveniles in state prisons.

Juvenile Justice Initiative news release
JJI Urges Congress to Ban Solitary Confinement of Juveniles
June 19, 2012
http://jjustice.org/jji-comments-on-
congressional-hearing-on-solitary-
confinement/
The Juvenile Justice Initiative (JJI) of Illinois urged Congress to ban solitary confinement of juveniles.
Support JJI’s Juvenile Justice Reform Efforts

The Juvenile Justice Initiative is an independent, non-governmental advocacy entity that exists on contributions from foundations and individuals. Through the printing of research reports, newsletters, and a website, as well as the provision of workshops and conferences, we have been able to share current research and legislative information. Please consider a donation to JJI so we can keep providing you with timely information on juvenile justice issues. In an effort to update our database, please fill out the form below and return it with your donation. Please call us if you have any questions at: (847) 864-1567.

Juvenile Justice Initiative Donation Form

Name: ___________________________ Organization: ___________________________
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Support JJI Newsletters: $35
Juvenile Justice Initiative Friend: $50
Juvenile Justice Initiative Supporter: $100
Juvenile Justice Initiative Patron: $500

Please mail this form and cash, check or money order payable to:

Juvenile Justice Initiative
518 Davis
Evanston, IL  60201

Or donate securely online using PayPal -  www.jjustice.org

Upcoming Events

September 13th-December 12th
**Juvenile-in-Justice photos by Richard Ross**
Gage Gallery  18 S. Michigan Ave., Chicago (312) 341-6458

Thursday, October 4, 2012, 8 am
**Evanston Community Forum**
Council Chambers at the Civic Center, 2100 Ridge Ave, Evanston
RSVP: Voices for Illinois, http://action.voices.org/site/Calendar?id=103646&view=Detail

Thursday, October 4, 5:30 pm
**Chain Reaction: Alternatives to Policing**
Gage Gallery  18 S. Michigan Ave., Chicago (312) 341-6458
RSVP: Nancy Michaels, nmichaels@roosevelt.edu
Mansfield Institute for Social Justice and Transformation & Project NIA

Monday, October 15th 10a-1:30 pm
**Eleventh Annual CARRE Policy Conference**
University of IL at Chicago
Contact Anthony Lowery for further info: Anthony.lowery@saferfoundation.org

Tuesday, October 16th
**Dept of Juvenile Justice Advisory Board Meeting**
Pere Marquette, Illinois Youth Center

Friday, October 19th 12:30 pm
**What Works in Juvenile Justice: Cook Discussion Series**
Chicago-TBA Contact Nora Collins-Mandeville nc@jjustice.org

Sunday, October 21 time TBA
**National Youth Justice Awareness: Illinois Rally**
Chicago-TBA Contact Grace Warren gracewarren@sbcglobal.net

Tuesday, October 23, 5:30 pm
**Alternatives to juvenile detention and incarceration**
Gage Gallery  18 S. Michigan Ave., Chicago (312) 341-6458
RSVP: Nancy Michaels, nmichaels@roosevelt.edu
Mansfield Institute for Social Justice and Transformation & Project NIA

Thursday, November 8, 5:30 pm
**Youth with disabilities need education, not incarceration**
Gage Gallery  18 S. Michigan Ave., Chicago (312) 341-6458
RSVP: Nancy Michaels, nmichaels@roosevelt.edu
Mansfield Institute for Social Justice and Transformation & Project NIA

Friday, November 9th 12:30 pm
**What Works in Juvenile Justice: Cook Discussion Series**
Chicago-TBA Contact Nora Collins-Mandeville nc@jjustice.org

Friday, November 16th 1pm
**Redeploy Illinois Oversight Board Meeting**
401 Clinton Bldg, 7th Fl, Chicago; Harris Bldg, 3rd Fl, Springfield

November 27-29th & December 4th-6th
**Illinois General Assembly Veto Session**
Capitol, Springfield  For more information, ilga.gov
The Juvenile Justice Initiative is Tweeting Juvenile Justice News.
Follow us at http://twitter.com/jjinitiative

COURT PROCEEDINGS FOR JUVENILES

POLICY, TRENDS, MONITORING

EDUCATION