

# A Developmental Framework for Juvenile **Disposition** and **Post-Disposition Advocacy**

SCIENTIFIC FINDINGS ON ADOLESCENCE	DEVELOPMENTAL CONCERNS	UNDERSTANDING THE OFFENSE DEVELOPMENTALLY	SUPPORTS AND SERVICES THAT PROMOTE SUCCESS	INCARCERATION CAN EXACERBATE PROBLEMS AND INHIBIT SUCCESS	DEFENSE CONSIDERATIONS FOR COUNSELING ADOLESCENT CLIENTS		
<b>Immaturity</b>							
<i>Immature Thinking</i>							
<ul style="list-style-type: none"> <li>Behavioral immaturity mirrors brain anatomical immaturity</li> <li>Frontal lobe — responsible for impulse control, judgment, decision-making — develops slowly until early 20s</li> <li>Rely on amygdala, primitive emotion center of brain whereas adults process similar information through frontal cortex</li> <li>Prone to risk-taking; it is statistically aberrant to refrain from risk-taking in adolescence</li> <li>More susceptible to stress, which further distorts already poor cost-benefit analysis</li> <li>Most adolescent delinquent behavior occurs on a social stage where immediate influence of peers is the real motive</li> <li>More vulnerable to peer influence. Importance of approval makes already risk-prone impulsive teen even more so</li> <li>Trauma makes youth hypervigilant in response to threat</li> <li>Character is not fully formed, and adolescents' signature qualities — including their susceptibility to peer influence and weaknesses in self-regulation — reflect their incomplete identity</li> <li>Generally adolescents cannot be expected to operate with maturity, judgment, risk aversion, or impulse control of an adult</li> <li>Teen who has suffered brain trauma, family trauma, abuse, or violence cannot operate at standard levels for adolescents</li> <li>The vast majority of adolescents who engage in delinquent behavior desist from crime as they mature</li> <li>Even the highest risk youth can succeed with appropriate opportunities</li> <li>Youth crime participation may be necessary to avoid threat</li> <li>Adolescents need clear information to assist counsel and make important legal decisions</li> </ul>	<ul style="list-style-type: none"> <li>Unable to anticipate</li> <li>Unable to see choices</li> <li>Minimizes risk</li> </ul>	<ul style="list-style-type: none"> <li>Did not plan: "it happened." Impulsive</li> <li>Had weapon with no plan to use</li> <li>Saw no danger in street activities, getting high</li> <li>"It's just talk." Sexting/social media=harmless</li> </ul>	<ul style="list-style-type: none"> <li>Instruction in anticipating consequences</li> <li>Instruction in how to see choices; pros and cons</li> <li>Instruction in decision-making: think before acting</li> <li>Learning how to manage stress</li> </ul>	<ul style="list-style-type: none"> <li>Learns to live by "institutional code" rather than within societal norms and social etiquette during key period of identity and moral development</li> <li>Focus on compliance and control instead of providing teaching relationships with positive adult role models invested in youth achievement</li> <li>Likely to experience exploitation and retaliation while moral reasoning is developing</li> <li>Absence of regular interaction with prosocial peers</li> <li>Lack of opportunities and adult guidance for autonomous decision-making and critical thinking</li> <li>Youth 12 and under and developmentally delayed youth have special needs for emotional support, careful guidance and safety precautions due to their immaturity and physical vulnerability</li> </ul>	<ul style="list-style-type: none"> <li>Sees offense as unintended, accidental — insists on innocence</li> <li>No future time perspective to understand years of probation or incarceration</li> <li>Doesn't see future risk: "I'm sure I'll never get arrested/be detained again"</li> <li>Just wants to go home; or says, "I'll just do the time and get it over with"</li> <li>Frightened: options are scary, shuts down so doesn't have to think about them</li> <li>Feels dumb; hides ignorance; embarrassed to ask for clarification</li> <li>Dependent — wants parent/defender to tell what to do</li> <li>Wants to be liked; wants to give "right" answer even if not true or thought out</li> <li>Embarrassed; can't explain why acted that way</li> <li>Big identity issue: can't face being type of person who did offense, especially if in media</li> <li>Wants more attention from defender; lonely; hard not to be able to talk to anyone</li> <li>Preoccupied by what friends/family think; distracted by family/friend problems</li> <li>Stuck on police/detention unfairness; can't focus on legal issues</li> <li>Shocked by what happened and consequences; hard to conceptualize a person was harmed as a result of what they did</li> <li>Heartbroken by friend's betrayal; can't snitch; may never be able to tell everything</li> <li>Feels court process is unfair, so has less faith in defender</li> </ul>		
	<i>Immature Identity</i>						
	<ul style="list-style-type: none"> <li>Not successful</li> <li>Unstable self-definition</li> <li>Needs acceptance</li> <li>Can't function independently</li> </ul>	<ul style="list-style-type: none"> <li>Sensitive to being picked on; vulnerable to bullying</li> <li>Does not ask for adult help</li> <li>Wants to belong even with negative peers</li> <li>Needs supervision</li> <li>Influenced by more mature codefendant</li> </ul>	<ul style="list-style-type: none"> <li>Being successful at something and opportunities to show it</li> <li>Guided process for defining self; becoming a leader</li> <li>Instruction in how to think without being influenced</li> <li>Improved social skills to be accepted by positive peers</li> <li>Preparation for work, given talents and challenges</li> <li>Developing job skills; support on the job for good decisions</li> </ul>	<ul style="list-style-type: none"> <li>Facilities often ill-equipped to:                             <ul style="list-style-type: none"> <li>Implement IEPs or effective services to help youth learn to compensate for their disabilities</li> <li>Provide instruction to ensure youth experience school success and increase their academic skills</li> <li>Provide necessary speech/language and executive function interventions</li> <li>Provide adequate or individualized adaptive or ameliorative therapies</li> <li>Provide preparation for meaningful reentry jobs for youth with disabilities</li> <li>Connect youth with appropriate special education services on reentry</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>May have difficulty comprehending even simply presented information</li> <li>Struggles to consider two things at once, so can't compare options</li> <li>May have difficulty with strategic decision-making, especially with either/or thinking and unfairness focus</li> <li>Doesn't retain previous discussions; poor logical connections between discussions</li> <li>Can't tell what happened in normal sequence; leaves out/adds details each time</li> <li>Easily distracted; can't concentrate on lengthy legal discussions</li> </ul>		
<i>Moral Development</i>							
<ul style="list-style-type: none"> <li>Fairness fanatic</li> <li>Empathy</li> <li>Fragile moral reasoning</li> </ul>	<ul style="list-style-type: none"> <li>May have been righting a wrong</li> <li>Did not realize someone might get hurt</li> <li>Under stress, can't use usual moral beliefs</li> <li>Can't walk away, especially when high, even though knows right from wrong</li> </ul>	<ul style="list-style-type: none"> <li>Learning positive ways to deal with unfairness</li> <li>Practicing good moral reasoning under stress</li> <li>Empathy awareness for those who have been harmed by the child's actions</li> </ul>					
<b>Disabilities</b>							
<ul style="list-style-type: none"> <li>Processing problems (digesting information)</li> <li>Expressive/receptive language</li> <li>Executive function deficits</li> <li>Impaired sequencing</li> <li>Difficulty concentrating</li> </ul>	<ul style="list-style-type: none"> <li>Can't comprehend others' intentions</li> <li>"Things happened too fast"</li> <li>Poor communication. Stories out of order.</li> <li>Poor planner; organizing difficulties</li> <li>Couldn't envision what would happen next</li> <li>Became agitated under stress</li> </ul>	<ul style="list-style-type: none"> <li>Specialized instruction to:                             <ul style="list-style-type: none"> <li>Improve reading by learning how to decode words</li> <li>Improve comprehension</li> <li>Improve self-talk and communication skills</li> <li>Improve sequencing: seeing cause and effect</li> <li>Practice comprehending instructions</li> <li>Improve organization; learn how to prioritize</li> <li>Learn how to concentrate and manage distraction</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Facilities often ill-equipped to:                             <ul style="list-style-type: none"> <li>Implement IEPs or effective services to help youth learn to compensate for their disabilities</li> <li>Provide instruction to ensure youth experience school success and increase their academic skills</li> <li>Provide necessary speech/language and executive function interventions</li> <li>Provide adequate or individualized adaptive or ameliorative therapies</li> <li>Provide preparation for meaningful reentry jobs for youth with disabilities</li> <li>Connect youth with appropriate special education services on reentry</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>May have difficulty comprehending even simply presented information</li> <li>Struggles to consider two things at once, so can't compare options</li> <li>May have difficulty with strategic decision-making, especially with either/or thinking and unfairness focus</li> <li>Doesn't retain previous discussions; poor logical connections between discussions</li> <li>Can't tell what happened in normal sequence; leaves out/adds details each time</li> <li>Easily distracted; can't concentrate on lengthy legal discussions</li> </ul>			
<b>Trauma (causes delayed development)</b>							
<ul style="list-style-type: none"> <li>Overreacts to threat</li> <li>High anxiety</li> <li>Depressed</li> <li>Numbs feelings with substances</li> </ul>	<ul style="list-style-type: none"> <li>If victim aggressive, responds as if a repeat of past maltreatment (reflex reaction)</li> <li>Controlling and reacts to change; can't soothe self</li> <li>Feels worthless; self-destructive</li> <li>Lowered inhibitions, poor judgment if high during offense</li> </ul>	<ul style="list-style-type: none"> <li>Trauma treatment to:                             <ul style="list-style-type: none"> <li>Help in writing complete trauma history</li> <li>See connections between triggers, feelings, and actions and learn to respond differently</li> <li>Separate past maltreatment from present provocations</li> <li>Learning not to blame self; stop self-destructive acts</li> <li>Not assume others are hostile; not act like a victim</li> <li>Learning to anticipate loss of control and how to manage</li> <li>Learning to soothe self when agitated without substances</li> <li>Positive view of self in future</li> <li>Incorporate families into ongoing therapy; help with family where there is conflict or substance abuse</li> <li>If psychiatric medicine can ameliorate symptoms, consistent labs and side effect monitoring must be supervised by child psychiatry staff with consent from the youth and parent.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Loss of existing community-based support systems can itself cause trauma or trigger past trauma</li> <li>Sense of victimization by the system may trigger past victimization trauma</li> <li>Fear, stress, isolation, and sense of abandonment can create new mental health issues or exacerbate existing issues</li> <li>Vulnerable youth more susceptible to violence and abuse by residents or staff</li> <li>Youth who are reactive to perceived threat or controlling because of anxiety, both due to past trauma, receive more discipline, are more often physically restrained, have more suicidal behavior and spend more time in isolation; all of these interfere with positive development and may lengthen incarceration</li> <li>Skilled trauma treatment, involvement of family in the youth's trauma recovery and combined trauma-substance abuse treatment are seldom provided</li> </ul>	<ul style="list-style-type: none"> <li>Trouble trusting anyone</li> <li>Feels helpless — gives up; not fighting for self</li> <li>Feels all options are so depressing, can't think about any of them; strong denial</li> <li>Can't tolerate not being in control; uncertainty causes anxiety, impairs rational talk</li> <li>Anxiety and depression worsen concentration; sinking into hopelessness interferes</li> <li>Embarrassed they can't explain thinking because was under the influence of alcohol or drugs</li> </ul>			