

# THE AMERICAN BAR ASSOCIATION ADDRESSES THE NATIONAL PROBLEM OF YOUTH AT RISK

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During the 2006–2007 American Bar Association (ABA) year, a special ABA Presidential Youth at Risk Initiative has addressed several important topics: addressing the needs of juvenile status offenders and their families; foster children aging out of the foster care system; increases in girls, especially girls of color, in the juvenile justice system; the need to better hear the voices of youth in court proceedings affecting them; and improving how laws can better address youth crossing over between juvenile justice and child welfare systems. Lawyers are encouraged to use their skills to improve the systems addressing at-risk youth and their families and to help facilitate coordination of youth-related community efforts. Learning how to effectively communicate with youth is an important skill attorneys must learn. Through the Youth at Risk Initiative, the ABA has held continuing legal education programs, hosted community roundtables among youth-serving stakeholders, and developed projects on: juvenile status offenders; lawyer assistance to youth transitioning from foster care; educating young girls on violence prevention, conflict resolution, and careers in law and justice; and provision of useful information to youth awaiting juvenile court hearings. New ABA policy has addressed services and programs to at-risk youth, assuring licensing, regulation, and monitoring of residential facilities serving at-risk youth, enhanced support for sexual minority foster and homeless youth, juvenile status offenders, and improving laws and policies related to youth exiting the foster care system.

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## INTRODUCTION

Youth at risk have represented a special focus of the American Bar Association's (ABA) work during this past year. As is commonly heard, "youth are our nation's most precious resource . . . they are our future." If we don't help them now, who will help us when we are 90 years old? They need our help, and we have the knowledge and commitment as a profession to help them. Far too many of our nation's youth, ages 13 through 19, face problems that are getting wider, deeper, and more complex. They are in peril, and this growing crisis among a significant segment of our citizens translates into potential significant harm to our country, our institutions, and our future.

Youth face wide-ranging, serious issues that place them at high risk for entering the juvenile and criminal justice systems, and we have spent the year addressing some specific law-related aspects of their problems.

- (1) *Youthful status offenders, such as chronically truant students, persistent runaways, and difficult-to-parent teenagers.* Many teens come before the courts because of behavior that would not otherwise subject them to judicial involvement if they were adults. These are teens who often fall through the cracks of the delinquency and dependency systems. We have been working on this in close partnership with the Office of Juvenile Justice and Delinquency Prevention of the U.S. Department of Justice, and we convened the first national videoconference on status-offender reforms in January 2007, followed by the development of a special Web site on

status-offense reform and drafting of the first ABA policy proposals on this topic in over a quarter century.

- (2) *Foster children released to the streets at age 18 with little or certainly inadequate preparation for life.* Thousands of youth are annually forced out of their foster homes, and the assistance of child welfare agencies may stop, when a youth reaches age 18. Would we ever do that to our own children? Far more needs to be done to help 18-through 21-year-olds receive the support they need to establish themselves as productive and responsible adults. We have been examining legal reforms, changes in juvenile and family court jurisdiction and practices, improved educational opportunities for these youth, and enhanced legal advocacy for them. A 2003 study of 659 foster-care alumni in Oregon and Washington State who were ages 18 to 24 found that, among these youth, 22.2 percent had been homeless at some time, 17 percent were on welfare at the time of the study, 33 percent lived at or below poverty level and 33 percent had no health insurance. Even more disturbingly, 54 percent had been diagnosed as having some mental disorder, and 25.2 percent were diagnosed with posttraumatic stress disorder—a rate nearly double that of U.S. war veterans.
- (3) *Increase of adolescent girls, especially girls of color, in the juvenile justice system.* Girl violence, girl gangs, and especially a gender disparity in girl status offenders being held in locked juvenile detention facilities—we have been calling for renewed attention to these issues, especially given the continued escalation of problems in the 5 years since the ABA issued, in collaboration with the National Bar Association, the 2001 report, “Justice by Gender: The Lack of Appropriate Prevention, Diversion and Treatment Alternatives for Girls in the Justice System.”
- (4) *Hearing youth voices in court and providing resources to facilitate communication and encourage their presence.* The final report of the Pew Commission on Foster Care noted a common failure of juvenile and family courts to assure that dependent youth play a meaningful role in the judicial proceedings that can affect their entire lives, as it is not uncommon to find their active in-court participation discouraged. We have been examining how significant involvement of teen clients in all hearings affecting them can be promoted, so that court proceedings become a positive participatory experience for vulnerable youth. We are eager to promote best practices, model programs, and innovative legislation that helps assure a far greater degree of participation of young people in the court proceedings affecting them.
- (5) *Improving how the law addresses system-crossover youth.* Many teenagers spend at least part of their lives in foster care and, as they get older, it becomes more likely they will have interactions with police and shift from the dependency to the delinquency system. Other youth, when arrested, disclose histories suggesting it is far more appropriate to deal with them as victims of abuse or neglect at home, or as youth exposed to domestic violence in the home, rather than as offenders in the delinquency system. We have been examining how the law and legal profession can best serve these dual-jurisdiction youth.

### WHAT CAN LAWYERS DO?

As lawyers, we cannot solve the larger personal, family, and societal problems that greatly elevate risks for youth. We can, however, use our legal expertise and our work as

leaders of the legal profession to enhance policies, practices, and programs that help prevent teens from becoming delinquent or engaging in criminal acts. We can also become better informed on the topic of youth at risk and how legal institutions and laws can be used as significant interventions in helping a young person at risk receive the help needed to become a constructive and psychologically healthy adult—fully participating in our democracy.

We are uniquely positioned because we see youth at critical junctures—some even before they have gotten into the most serious trouble. When families seek legal help because of domestic relations, housing, or criminal justice issues affecting all those in the home, this can become an opportunity to find out how youth in that household are faring and what help they may need. Another example of this is status offenders. They happen to be in court because of their age and behavioral problems, not because they have committed a crime. But we know that persistent truancy and curfew violations, for example, can be indications of larger problems, both within the family ecology and youth mental health treatment needs.

A colleague who found herself in traffic court observed a 16-year-old female who appeared before the judge. The judge asked why a parent had not come with her. The young woman said that her parents were busy, and the judge postponed her hearing. He said he was sending a letter to her parents requesting they be present because she was a minor. There are many ways to look at this incident, but the judge may have seen that this young person had other issues that needed to be addressed and wanted to use the court appearance as an opportunity for an effective intervention.

We must enhance positive and active judicial-system participation of teens and their parents when the courts are involved with these families. And we must shine a bright light on successful evidence-based programs already in existence, to raise their profile and encourage communities and organizations throughout the country to follow their lead and draw inspiration from their actions.

As lawyers, we can use our unique skills and vantage point to play a new role in helping our nation's most at-risk youth. The ABA has utilized its members to help connect the dots, by facilitating schools, doctors, police, courts, foster care providers, youth-serving organizations, and government agencies in efforts to work collaboratively. Our Commission on Youth at Risk has aided these efforts by hosting a series of "Youth at Risk Roundtables" in cities across the country.

We can work with courts to help youngsters before their lives slip hopelessly off course. We can include and listen to the voices of youth, encouraging lawyers and local bar associations to reach out to current and alumni foster youth and encourage and aid them to speak out about systemic reforms and how to better reach out to youth in the foster care system. Our hope is that the ABA can add capacity, directly supporting youth programs. The lawyers that already are making a difference have been an inspiration.

One simple way to make a difference is for us to listen better to the voices of young people. But before we try, we have to assure we know how to talk to youth, that teenagers feel it is safe for them to talk to us about their issues, and that we will listen to them respectfully. As lawyers and courts decide upon actions to take in their cases, we have to be more humane and sensitive in taking the time to *effectively* listen to what youth at risk are telling us.

Young people at risk often know they are at risk. They may not have the resources to address their specific problems, but they know those problems exist. Very often, they also know what solutions might look like. We need to ask them. We need to make sure that our policy decisions and our handling of specific matters begin with our hearing what young people have to tell us.

I am reminded of the story about a teen who was a chronic truant. The school and eventually the court kept giving the truant student heavier and heavier penalties for not showing up at school. The high school administrators were genuinely concerned, but they refused to believe the student when he said, “My mother is sick.” They had quite a surprise when the mother finally died, and the student was old enough to drop out of school—which he did to help his grandmother take care of his younger siblings. What would effective listening have meant in that case? Could we have made a difference?

This story also reflects the truancy crisis in America. Lawyers regularly working with youth know that the currently structured legal system does not have the time or resources to deal with the vast scope of this problem. We cannot simply declare truancy a crime. Yet there is a clear, long-established link between truancy and *future* crime, with young people becoming caught in the juvenile justice or criminal justice systems. Teens who are truant are on track to become high school dropouts when they are no longer compelled by law to attend school. In my home state of Colorado, for example, in 2003, seven percent of Colorado teenagers ages 16–19 were high school dropouts. What does the future hold for them? What does it hold for any young person without a high school diploma?

As Jodi Heilbrunn, a research economist with The Colorado Foundation for Families and Children, writes, “Regardless of fluctuations in the overall level of employment rates over the last decades, unemployment rates have hovered around 20 percent higher for high school dropouts than for graduates.” Those who are employed make significantly less than 75 percent of their counterparts with diplomas. But we know that the cost is greater than economic well-being. It is a price we all pay. This crisis requires a sensitive and thoughtful response.

One example of a successful intervention is Atlanta’s Truancy Intervention Project (TIP), which works in partnership with the Georgia Bar Foundation. Since the project’s inception in 1992, TIP has served 2,254 students, and of those, 77 percent have remained safe from truancy. In 2003–2004, 80 percent of the students served did not return to juvenile court for *any* reason.

### THE ABA YOUTH AT RISK INITIATIVE

To shape its Youth at Risk Initiative, the ABA convened a conference at Hofstra University School of Law in February 2006. It was a collaborative gathering of 60 nationally recognized experts: sociologists, psychologists, law enforcement experts, juvenile court judges, lawyers, youth organizations, youth, and educators. Over an intensive 2 days, we developed several key recommendations for the ABA and the legal profession. In sum: help assure that youth voices are better heard in court, provide enhanced resources to facilitate communication with them and encourage their presence in court, improve the quality of teen legal representation, recognize their need for continuity in placement and services, develop teen-related specialized training for lawyers and judges, increase lawyers’ civil involvement with youth as a preventive measure, and have lawyers involved in far more community outreach and participation related to teenagers in trouble.

We have also collaborated with other organizations on conferences related to youth. A workshop encouraging lawyers to aid youth transitioning from foster care was held at the Equal Justice Conference. A session of a national conference on Unified Family Courts addressed how such courts can better address cases involving at-risk teens. Youth at risk was also a theme at the ABA’s 12th National Conference on Children and the Law, held in partnership with Harvard Law School. For the first time, the annual Centers for Disease Control and Prevention summit conference on health law issues included a youth at risk focus.

As mentioned earlier, one of our key deliverables for this initiative has been the Youth at Risk Roundtable series. This is a national service project to conduct a series of community meetings that raises awareness regarding the legal issues surrounding at-risk youth and the need to build capacity as we collaboratively address these concerns. These informal meetings have provided an ideal forum to facilitate the collective work of youth advocates, youth-serving organizations, and youth themselves, along with lawyers as their partners in reform. Roundtables have been held in: Atlanta, GA; Chicago, IL; Honolulu, HI; Memphis, TN; Miami, FL; Milwaukee, WI; Philadelphia, PA; Phoenix, AZ; San Antonio, TX; San Francisco, CA; Washington, DC; and in other communities. We made hosting one of these easy to do. We created a comprehensive free online toolkit that provides step-by-step instructions, including a sample invitation letter, suggested agenda, and frequently asked questions. Access the toolkit at [www.abanet.org/initiatives/youthatrisk/roundtables.shtml](http://www.abanet.org/initiatives/youthatrisk/roundtables.shtml).

The Commission on Youth at Risk also planned two new national projects, to be staffed out of the ABA Center on Children and the Law. The first involves continued work on juvenile status-offender reform and plans to develop a special Web site, resource center program, and possible technical assistance activities related to this issue. The second, called "Bar-Youth Partnerships to Aid Teens In and Exiting Foster Care," hopes to mobilize bar associations and lawyers to, on a pro bono basis, reach out to foster youth and foster youth alumni advocacy organizations, other youth empowerment groups, and organizations working with current and former foster youth to provide law-related support that addresses both the individual needs of foster youth transitioning to adult independence and the systemic improvement of the foster care and transitional services systems.

We formed a partnership with the Chicago Girl Scouts Council that has been embraced nationally by Girl Scouts of America. Using volunteer lawyers as trainers, we developed an eight-session program that teaches young girls about violence prevention, conflict resolution, and possible careers in the law and justice fields. The girls' troops were in some of the city's most at-risk neighborhoods. We are working to bring this program to other areas of the country.

I am also proud of our juvenile court waiting room video project through which we have been striving to provide monitors and DVD players for waiting rooms in the Cook County, Illinois delinquency court, and hopefully elsewhere, that will be playing looped videos on violence prevention and other issues helpful to the youth and families awaiting their courtroom hearings. In Cook County, approximately 350 kids per day—the majority of whom are boys—visit that delinquency court. That means we have been hoping through this project to reach 40,000 kids per year. Judge Curtis Heaston, the presiding judge of the Juvenile Justice Division of the court, has been working with the ABA on this plan, and the law firm of DLA Piper has sponsored this. We have developed a Youth at Risk Corporate Roundtable to also aid this work, including representatives of McDonald's Corporation, Wal-Mart Stores, Inc., Qwest Communications International, DLA Piper US LLP, Allstate Insurance, LexisNexis, and Association of Corporate Counsel Chicago—all civic-minded businesses.

Our House of Delegates, in August 2006, approved ABA policy stating that youth at risk should be served by the most effective and appropriate programs. It says that advocates, both within and outside the organized bar, should have access to information about those programs as a first step in helping replicate them. This information is needed to help demonstrate the beneficial impact of changes made to the youth intervention system in order to convince the public of the need for better resources, lessened caseloads, and new procedures in the courts. In our new policy we also urged attorneys to help develop legal strategies to promote enhancement in services while protecting youth rights to confidentiality

and privacy, and urged support of government and private investment in coordinated, community-based mental health and other services to at-risk youth and families that are available without the necessity of involvement in juvenile justice or child protection systems.

Related to this policy, here is one other idea that you—individually or collectively—can use to aid our youth at risk. Collaborate with other organizations to inventory the best youth-serving programs in your area, as well as best practices for local attorneys in cases involving teens. Once again, using my home state as an example, the Colorado Bar Association is now doing this type of inventory. It recently launched its own Youth at Risk Task Force that is compiling a comprehensive resource list of existing programs in the state that benefits and/or promotes helping youth at risk. This resource list will help Colorado Bar members get involved with existing programs—ranging from local tutoring programs to more complex at-risk prevention efforts. This Colorado Bar Task Force is also working on developing a program that will train bar members to specifically serve youth. They have been focusing their efforts on developing programs to train bar volunteers to provide legal representation (or consultation) to youth and their families stuck in the truancy system or to provide consultation services for youth aging out of the foster care system.

During the past year we also introduced new ABA policy on the topic of youth protections when they are placed in what currently are unlicensed and unregulated private residential treatment facilities. We have encouraged efforts to require the licensing, regulating, and monitoring of residential treatment facilities that are not funded by public or government systems, but rather are privately operated overnight facilities that offer treatment to at-risk children and youth for emotional, behavioral, educational, substance abuse, and social issues and problems, including strenuous athletic, mental health, and tough love programs.

The ABA also formally recognized the special needs of young and teenage children of deployed American military service members. With nearly 160,000 members of the U.S. armed forces serving in Iraq and Afghanistan alone, more military families are facing higher stresses than ever before. Adolescents in these families may be especially vulnerable, because the unusual strain of having a deployed parent is layered onto those strains that teenagers are already facing. Therefore, we approved new ABA policy this year calling for federal and state laws to entitle parents and other caregivers to use employment leave or sick time to provide direct care and support to these children and youth. We also urged that all school residency laws ensure that children of deployed parents—who are living with temporary caretakers, such as grandparents, other relatives, or family friends—and who are not able to attend their predeployment school, not be encumbered in attending a local school tuition-free while residing with temporary caretakers. We hope that any requirements for proof of these special circumstances be made as nonintrusive and simple as possible.

We have developed proposed ABA policy to address juvenile status-offender reforms and protection and services to sexual minority youth who are especially at risk in schools, homeless and runaway shelters, foster and residential care facilities, and other settings. We want government and youth services providers to help in preventing violence against lesbian, gay, bisexual, and transgender kids who often, after revealing their sexual preferences to their parents, get a negative, hostile, or even violent response and then run away from home and wind up in homeless shelters or other vulnerable settings where they are targets of both violence and discrimination.

Finally, we are presenting to the ABA, at the annual meeting in August 2007, a series of recommendations addressing how interventions and services to youth transitioning from foster care can be significantly improved. We are hoping the ABA House of Delegates will approve a call for amendments to federal law that expand services to youth who age

out of foster care, including support after they reach age 18, more aid to transitioning youth living with relatives, and enhancing health and educational opportunities that assist these youth. We want local, state, federal, and territorial jurisdictions to support law and practice reforms that expand services to youth aging out of foster care, including encouraging, among other things, foster care support up to age 23 and allowing youth who have exited the foster care system to opt back in to it. We also want state and local bar associations and attorneys to better support young adults transitioning from foster care by addressing education, employment, and credit issues among this population and helping enhance the role of courts in assisting youth leaving foster care for adult independence.

## CONCLUSION

If it seems like a great deal needs to be done, it does. But working together, we can make a real difference. “Youth at Risk” is a bit like the leg of an elephant. Individually, one person or group nibbling at it is not going to bring it down. But if we nibble together, we can make it stumble or fall.

Lawyers and judges are uniquely poised to help address many issues of youth at risk—if we ask ourselves this question: What role can we play in the legal setting that improves the chances for this at-risk youth to move past the problems he or she is facing? For some, this may be a new way of looking at our work. For others, it may describe exactly what they are already doing. Regardless, it is important to share what we know, to learn from each other’s experience, and to capture what seems to be working best so that we can thrust our collective strength at solving the many problems that youth at risk face in our nation.

We have the power to make a big difference if we can see our courts as critical intervention points for youth at risk. I invite you to share your ideas for how we can continue to do this at the ABA’s Youth at Risk Web site, [www.abanet.org/initiatives/youthatrisk](http://www.abanet.org/initiatives/youthatrisk).

Our investment in these teenagers today is our best work toward building the future we all want to see.

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*Karen J. Mathis began her one-year term as president of the American Bar Association in August 2006. She is the third woman to serve as an ABA president, and the first president from Colorado. Ms. Mathis is a partner in the Denver office of McElroy, Deutsch, Mulvaney, & Carpenter, LLP, and has over 30 years of experience as a business, commercial, and estate planning lawyer. She has long been an advocate for our nation’s youth, serving on the Colorado Commission on Child Care and as a member of the Mile Hi Council of Girl Scouts. She has spoken on five continents about the future of the law and women’s place in the profession. Her presidential initiatives are Youth at Risk, Second Season of Service, Direct Women Institute, and Rule of Law. Ms. Mathis earned her law degree from the University of Colorado School of Law in 1975 and her Bachelor of Arts from the University of Denver in 1972, cum laude. She has received honorary degrees from Siena College, the University of Denver, Michigan State University College of Law, and Southwestern Law School, and an honorary Order of the Coif from the University of Colorado.*