

CHANGING THE JUDICIARY'S RELATIONSHIP with a Community

One Child at a Time

By Martha Stone and Emily Breon

Justice Richard Palmer dons his black robe inside the entrance at Hartford Public High School, the second oldest continuing public high school in the country. It is a gritty, large urban school that regularly holds 1,400 adolescents. In 2001, 688 students started the ninth grade; four years later, only 187 graduated. Ninety-two percent of the tenth graders cannot meet the reading goal set by the State Department of Education, and 89 percent cannot meet the math goal. In Hartford, only 29 percent of entrants graduate from high school, and the child poverty rate is second highest in the country per capita. Yet this troubled school is only a mile from the majestic and imposing Connecticut Supreme Court, where Justice Palmer normally starts his day.

But once a month, at 8:00 on a Wednesday morning, Justice Palmer or, alternatively, his colleague, Appellate Court Judge Douglas Lavine, volunteers his time to preside over a unique truancy diversion program aimed at reaching those ninth grade students who are most at risk of dropping out of school. The student cases they hear are not the kind over which they usually preside. What they typically see in their daily judicial lives are criminal appeals involving adults in the correctional system—adults who were once the kind of kids that come before them now as fourteen-year-old truants.

Introducing the Truancy Court Prevention Project

Truancy is an overwhelming problem in Connecticut's major urban areas. The latest statistics show that 3,600 youth are referred to Juvenile Court pursuant to families with service needs petitions. Almost 50 percent of these are for status offenses relating to truancy. Yet, when

the school refers a youth to the Juvenile Court, more often than not it is too late. The court has few resources at its disposal to address the youth's years of academic failures, family dysfunction, and/or unidentified special education needs that may have contributed to the truancy.¹ Faced with a lack of services, the court imposes orders that the youth often violate, bootstrapping the families with service needs petition into a juvenile justice offense.²

In 1998, the Center for Children's Advocacy, a nonprofit organization that promotes and protects the rights of poor children,³ established a Teen Legal Advocacy Clinic at Hartford Public High School in an effort to affect the unacceptably high drop out rate. One of only six school-based legal clinics in the country,⁴ the Hartford clinic provides on-site legal representation to high school students to address those legal issues that hinder them from taking advantage of the educational opportunities available.

Watching truants end up in juvenile detention, with little or no appropriate interventions either before or after their return, propelled the Center to search for a more intense option that would reach youth more effectively, at an earlier point in time. In 2004, the Center launched the Truancy Court Prevention Project (TCPP) in partnership with the Hartford Public Schools, the Connecticut Judicial Department, and community-based social service agencies.⁵ The TCPP leaders recognized that courts in isolation have minimal impact on enforcing attendance, and schools alone often have trouble accessing community resources.

Whereas other truancy court diversion programs view truancy solely as a result of community and family

dysfunction, this project expanded upon those models by responding to truancy as an expression of unmet academic needs. Therefore, each youth is provided with a thorough educational assessment by an experienced educational consultant, and with legal and other advocacy to implement the results of the assessment. Additional services available to the student and family include individual and family therapy, after-school and youth development activities, legal representation, tutoring and/or mentoring, and case management.

With input from the student, his or her parents, and teachers, TCPP members create and implement individualized plans for each student, addressing the barriers to school attendance. Daily monitoring is provided by a case manager from a social service agency. Subsequently, Justice Palmer or Judge Lavine preside over informal meetings or "truancy court" sessions held at the high school. During this time, the judge reviews the student's progress and suggests revisions to the individualized plan of services, if necessary. Students receive incentives, such as movie tickets, if they follow the judge's recommendations. It is a carrot-and-stick approach to accountability. The carrot is the opportunity for services, case management, and other positive reinforcements without going near a courtroom or having any juvenile record. The stick is the ultimate formal referral to Juvenile Court if the youth continues to have poor attendance or drops out of the program without improving his or her attendance.

This past fall, the TCPP was introduced to Quirk Middle School in an attempt to prompt diversion at an earlier grade. Judge Curtissa Cofield, a judge

sitting in Hartford's Community Court, was more than willing to donate her time to help the eighth graders.

Gaining Trust through Personalization

Students are obviously apprehensive when they first realize that they will be seeing a judge as part of the TCPP. Like several students in the program, José's⁶ first interaction with a judge had been negative. At an early age, a court had ordered his removal from his mother's care because of abuse and neglect. When he first met Judge Lavine, José was guarded and mistrustful. "I thought that he was going to have an attitude," said Natasha, another participant in the program, whose first impression of a judge was formed when her older brother was sentenced to prison. "Instead, he is respectful of me and my grades, even though they were low."

As with other students, José and Natasha have begun to see the judge as a positive influence in their lives. Students talk to a judge in an informal setting and receive his or her undivided attention. In a recent exchange, José had to explain to Judge Lavine why his grades had slipped. Instead of chastising him, the judge questioned him to discover the cause of the decline. "What's been going on at home? Are things OK with friends?" José admitted to the judge—and to himself—that he had not been putting forth enough effort and has had a hard time concentrating because his class is very disruptive.

Every student offers a different reason for his or her absences. Some have to stay at home because siblings are sick. Another has no transportation and must walk two miles to get to school, even in the rain. Still another student has a conflict with a teacher.

José and Judge Lavine brainstorm, hoping to unearth an answer to the problem. In the TCPP, judges go beyond what is involved in a traditional courtroom and, as in other restorative justice models, engage the "wrongdoer" in developing a solution to the problem. The judge asks, "What classes can you catch up in on your own? Which ones do you need extra help in?" Together, they decide that José will stay after

school with his TCPP case manager once a week to ensure that he completes his homework and that he also needs the extra assistance of a math tutor. The judge requests José's case manager to investigate his disruptive classroom situation and ends with words of encouragement for José, emphasizing his faith in José's ability to succeed.

The positive feedback that José receives from the judge means more to him than the advice that he receives from many other adults in his life. The judge is a person of authority, and for that reason the compliments and encouragement that José receives from him carry far more weight.

Across town, during her lunch hour, Judge Cofield rushes to the room Quirk Middle School has designated for truancy court. Here, in dealing with a younger population, she is allowed to express herself to the students with vigorous assurances and hugs, gestures that would be inappropriate in a formal court setting. Her commitment to engaging the student is similar. "Typically, in a courtroom, everyone is on one side of the bench and is being acted upon. Here, we have a non-adversarial team, where the student is a part of the process," emphasizes Judge Cofield. Students like José cite their unique relationship with the judge as the reason for their success in the TCPP. The positive relationship motivates them to try harder. As José says, "I start to fail, and I meet with the judge, and he gets me back on track. After I see him, I have a positive attitude throughout the whole day. You want to make him happy. You are like his children. You want to do good for him." Another student, Aisha, explains, "The judge has motivated me to keep going when I thought that there was no way that I could make it to the tenth grade. I know that he will listen to me, and I know that I can trust him. I see him as my dad since I don't have a dad."

Everyone Benefits

In 2005–06, the majority of TCPP participants decreased their absences by an average of 44 percent. In addition to students receiving the benefits of improved attendance and linkages with needed services, the community and the

judges benefit from the TCPP. Judge Cofield notes that, "[a]s a trial judge, gratification is often delayed. You must wait to hear from the appellate court as to whether you got it right. Here, people say thank you."

The positive relationships between judges and students also have an infectious effect on the way that the community views the judiciary. As Judge Lavine states, "In order to be effective, the judiciary needs credibility with the community." This has occurred as families have realized the important and positive role that the TCPP judges play in their children's lives. At the beginning of the project, because judges represent the system, they were sometimes viewed with parental skepticism. As time went on, however, they have come to be seen as one of the strongest supporters of the children.

This newfound positive perspective has also influenced the students' attitudes toward the legal system. As José remarks, "At first I thought the system wasn't fair, but now I know that the judges will be fair because I have been able to talk to them. The bad guy is the person committing the crime. The judge is there to help you and to understand what happened." The judges represent the system, but a kinder and gentler one. "We are symbols of both authority and encouragement," says Justice Palmer. "Students learn that someone in the system cares."

Many of the stories that await the judges in the TCPP evoke emotional responses: reports of abuse and neglect, poverty, and classrooms that lack such basics as textbooks. The students who were involved in the TCPP in its first year walked through the hallways with lanyards around their necks, displaying the faces of classmates killed by gunfire. The second year it was "RIP" (rest in peace) T-shirts with pictures of their slain friends. "It is an opportunity to have a window into another world that most judges don't occupy," says Judge Lavine. "I didn't realize the breadth of issues that confront these students," notes Justice Palmer, "the environment, family problems, lack of family support, lack of school resources, and even lack of transportation."

The experience deepens the judges' understanding of the social problems that confront them in their courtrooms. For Judge Cofield, who routinely sees young adults in her community court, her experience with the TCPP has helped her to better understand the obstacles that her defendants face, and why so many of them have a difficult time succeeding. As she says, "I understand that these are strong kids who are working hard to do what they have been assigned to do by life." After hearing about the real life issues that compete with school, like the responsibility to care for siblings, the lack of appropriate clothes, or the necessity of responding to a death from the violence in the community, all the judges have gained an admiration for the students. They describe them as having "guts and gumption." "Even trying," says Justice Palmer, "is to their credit."

The TCPP has also deepened the judges' appreciation of the role that services play in helping truant students turn the corner and start coming to school on a regular basis. Truant students cannot change their behavior without a significant amount of support, including mentors, tutors, and people to transport them to and from school, not to mention resources as basic as school supplies. Knowing the struggles that many students face, the judges understand that no system, including the juvenile justice system, can be truly effective without providing services to help students so that they can begin to speak up for themselves.

The judges also note that their experiences with the TCPP have helped them to become better judges. Stepping into an unfamiliar milieu, particularly one where the judges are not operating from a position of complete control, brings a fresh perspective to their current position. In addition, the experience provides them with the opportunity to interact with young people "off the record," in a setting where there is no physical distance between judge and student.

The judges believe that the TCPP is an opportunity to use their position, outside of court, to improve the community they work in. As Judge Lavine comments, "The judge has an

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educational role and a duty to become involved in civic activities." Judges have a number of choices when determining the best way to break down the barriers between the judiciary and the streets outside their courthouses. These judges have made a choice that has resulted in a tremendous positive impact on the lives of the most vulnerable young people among them.

Endnotes

1. See ANDREA SPENCER & EMILY BREON, TRUANCY: A CLOSER LOOK (Center for Children's Advocacy, Dec. 2006), http://www.kidscounsel.org/legalresources_specialied.htm
2. Connecticut will be at the forefront of the movement to decriminalize status offender violators, beginning Oct. 1, 2007, with the implementation of Public Act 05-250.
3. For a full description of the Center for Children's Advocacy, see Martha Stone, Stacey Violante Cote, Christina Ghio, Ann-Marie DeGraffenreidt, Jay Sicklick, and Lori Nordstrom, *Providing Holistic Legal Services to Children in Their Communities*, 39 CLEARINGHOUSE REVIEW J. OF POVERTY L & POL'Y 244 (July-Aug 2005), <http://www.kidscounsel.org/news.htm>.
4. For a description of in-school legal clinics across the country, see Margaret Graham Tebo, *Lessons in Law*, A.B.A. J. at 26 (Apr. 2002).
5. The TCCP is based upon a national model that has been implemented in seven other states. See J. Byer & J. Kuhn, *A Model Response to Truancy Prevention: The Louisville Truancy Court Diversion Project*, JUV. & FAM CT. J. 59 (Winter 2003). TCPP partners include the Village for Families and Children, Hartford Public Schools, the Capitol Region Education Council, the Center for Children's Advocacy, and the Connecticut Judicial Department.
6. Student names have been changed to preserve their confidentiality.

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