

Judicial Council Briefing

February 2020

**Juvenile Collaborative Court Models:
Girls' Court and CSEC Court**

Information about girls' courts and CSEC courts

Judicial Council Briefing

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Introduction

The Collaborative Justice Courts Advisory Committee of the Judicial Council of California makes recommendations to the council for developing collaborative justice courts, improving case processing, and overseeing the evaluation of these courts throughout the state. As part of the committee's purview, it also works to provide information about collaborative courts to relevant stakeholders around the state.

This is the fifth in a series of briefings providing an overview of juvenile collaborative courts, including what types of courts exist, how they work, and how they can be replicated.¹ These briefings are not intended to be an exhaustive review of the research; rather, they are meant to be an overview. Like their adult counterparts, juvenile collaborative courts are geared toward high-risk, high-needs individuals whose offenses stem from an underlying, treatable cause. Juvenile collaborative courts take into account adolescent brain development, unique ways that substance abuse and mental health issues manifest in youth, and other issues unique to youth, including the original rehabilitative nature of juvenile court.

Included in this series of briefings will be information on juvenile drug courts, juvenile mental health courts, juvenile domestic violence courts, girls'/CSEC courts, youth courts, and dependency drug courts. The last two briefings in this series include information about starting a juvenile collaborative court model and potential impacts of new laws on juvenile collaborative courts. This briefing covers girls' court and CSEC court.

Girls' Court and CSEC Court

Girls' courts are juvenile courts that have a dedicated calendar and judge for female youth who may have been exploited or suffered trauma or be at risk for these things. Some girls' courts are for any at-risk girl who enters the juvenile delinquency system, while others are specifically for girls at risk of being involved in the commercial sexual exploitation of children (CSEC) and who have been arrested, especially for crimes related to their exploitation. The goal of a girls' court is to have an alternative track for these youth that recognizes their unique and gender-specific risks and needs. This track, like other collaborative courts, builds on their strengths and reconnects them with healthy relationships and behaviors.² The court focuses on providing services rather than on convictions or detentions.

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Each girls' court may operate slightly differently from another, but all follow collaborative justice principles of combining judicial supervision, often on a weekly or biweekly basis, with intensive social and treatment services to at-risk girls or girls who have been victimized or exploited. These collaborative justice principles include a multidisciplinary, nonadversarial team

approach with involvement from justice system representatives, mental health providers, specialized trauma services, educational advocates, and other support systems in the community. Many girls' courts offer evening and Saturday programs for girls to have group therapy or to discuss issues ranging from self-worth and body image to the legal system and the court process.

Like all collaborative courts, girls' courts use a continuum of sanctions for repeat offenses or not adhering to program rules. However, girls' courts are also aware that exploitation is similar to domestic violence and thus girls may go "AWOL" and return to their exploiter several times before leaving for good. Some courts use detention as a sanction more than other courts, depending on the jurisdiction's philosophy, politics, and culture. Although there is a movement to expand safe harbor laws, in which exploited youth are always treated as victims rather than criminals, concerns about the safety of youth in an unlocked facility remain. California is also one of the few states that permits the court to seal the records of exploited youth. Some girls' courts in California seal the records of girls who successfully complete the program as a matter of course.

As court stakeholders recognized that the nature and causes of girls' delinquency is different from that of boys, they began to consider creative approaches to dealing with the differences. Researchers have found that gender-responsive approaches in juvenile justice work best for girls with histories of trauma and who have high levels of depression, anxiety, anger, irritability, and substance abuse.³ There is also some evidence suggesting that abuse and neglect, particularly sexual abuse, are more predictive of delinquent behavior in girls than in boys,⁴ and up to 95 percent of sexually exploited girls report being physically or sexually abused.⁵ In addition, researchers have noted that girls in the juvenile justice system have higher rates of mental health disorders than do similar boys.⁶ As attention to the importance of gender-specific responses for these girls and public awareness of exploitation increased, so did resources and laws. The 1992 reauthorization of the Juvenile Justice and Delinquency Prevention Act required states to assess gender-specific services for youth, and laws began to reflect the growing epidemic of exploitation and human trafficking in the 2000s. The first girls' court in the United States was opened in 2004 in New Mexico. The same year, Hawaii opened its girls' court. The first girls' court in California opened in San Mateo County in 2006. As of this writing, there are 11 girls' courts in nine California counties. Seven of them are specifically for CSEC survivors. There is also one boys' court.

Since juvenile court was designed for boys and does not traditionally take into account issues such as trauma, girls' courts may be better than traditional juvenile courts to serve girls impacted by trauma, such as trafficking victims. These gender-responsive models address girls' needs and can prevent the retraumatization that the juvenile justice system often triggers.^{7, 8} Girls' courts address the specific trauma that girls in the juvenile system encounter, as well as the female-specific reactions to that trauma.

Between 15,000 and 18,000 people are estimated to be trafficked into the United States annually from other countries,⁹ and more than 300,000 American youth have been sold into sex slavery or

are at risk for sexual exploitation.¹⁰ In California, 72 percent of trafficking victims are estimated to be American citizens.¹¹ Among those most at risk for trafficking are youth in the child welfare and juvenile justice systems, unaccompanied undocumented foreign national youth, American Indian and Alaska natives, and runaway and homeless youth.¹² The National Center for Missing and Exploited Children estimates that approximately one in six runaways are likely sex trafficking victims.¹³

Between 80 and 90 percent of trafficking victims have a history of sexual abuse, and between 70 and 80 percent had prior involvement with the child welfare system.¹⁴ There are no estimates about how many girls in the juvenile justice system are trafficking victims or at risk of sexual exploitation. However, girls account for approximately 30 percent of juvenile arrests annually.¹⁵

Due to the relative novelty of girls' courts, there has not been enough research to determine these courts' effectiveness. There has been only one published study to date. An evaluation of Honolulu's girls' court, which is a general girls' court not specific to CSEC, found positive results and encouraged its replication.¹⁶ The researchers found that the Honolulu girls' court significantly reduced overall recidivism compared to a matched comparison group. Participation in the court also resulted in fewer incidents of running away between the period before starting the court program and after. Those who did run away spent significantly less time on the run than they did before starting the court program. Although the program did utilize secure confinement, the number of times it was used dropped between the pre- and post-court periods, and the number of days in secure confinement also dropped. In interviews and focus groups, participants also reported positive outcomes. For example, they talked about making connections with others who have had similar experiences and engaging in healthier behaviors. However, parental participation in the program is mandatory, and this created strain on parents who had to modify or quit their jobs to comply with the requirements. There was no conclusive evidence as to whether this had an impact on participation in the program.

There are other programs and girls' courts offered around the state and around the country that have reported informal positive results. The Second Judicial District Court in New Mexico offers the Program for the Empowerment of Girls, referred to as PEG. Although it has not been formally evaluated, the program manager has reported low recidivism rates among girls who have participated in the program. They prefer to measure the program's success in a positive, rather than negative, way. For example, the program manager reported that the participants tend to stay in their educational programs, counseling, and substance use treatment.¹⁷ The program takes into account the reality that many of the mothers of the participants have also been traumatized and victimized and mandates parental participation with wraparound services and family treatment. Parents can be held accountable and sanctioned for their daughters' noncompliance with the program. This judicial purview is not the same in every state, however. For example, in California, the parent of a juvenile offender in court is generally not a party to the case. Although the court can order a parent to participate in services, the court does not have jurisdiction to enforce that order.

The Sacramento girls' court, called the "Friday Court," has also reported anecdotal positive results. Members of the court team noted that the court has resulted in better collaboration among the professionals who work with the youth. Several members also suggested that having a consistent team—the judge, defense attorney, prosecutor, and probation officer—increased trust in the system and allowed for stronger relationships between the youth and the court team. This in turn resulted in better identification of sexually exploited youth.¹⁸

The girls' court in Orange County, California, is unique in that it is part of the dependency system rather than the delinquency system. Administrators for this court found that participants had increased placement stability, fewer runaway incidents, and increased school success.¹⁹ The number of placements after entering the program decreased by almost 42 percent compared to the number prior to entering the program. In the same time period, the number of girls who went AWOL decreased by 57 percent. The average GPA of the participants also increased from 2.36 to 2.52, with 58 percent of the girls improving their GPAs.

Despite the dearth in research on girls' courts specifically, there is some evidence that gender-specific court responses in general have a positive effect. For example, gender-specific programs

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have shown positive outcomes in the areas of education, employment, interpersonal relationships, self-esteem, self-efficacy, self-awareness, body image, and social development.²⁰ These are all things that empower girls and that have been shown to be particularly problematic for trafficking victims. Good programs that are not gender-specific seem to be effective in reducing

recidivism for both boys and girls, however.²¹

Many girls' courts offer girls' groups to their participants as part of their service provision, such as Girls Circle and Girl Power. Researchers exploring the impact of these girls' groups found that although these groups do not necessarily affect recidivism, participation increased the likelihood that the girls would subsequently complete an evidence-based program. Participants also reported improvements in their interpersonal relationships.²²

The results of the Honolulu court pointed to some lessons in developing a girls' court. Qualitative data from that evaluation indicated that firm graduation requirements and aftercare would be helpful. A major obstacle to developing the girls' court was finding probation officers who were willing to adhere to a unique approach to the court process and to gender-specific modalities.

Additional models have emerged for creating gender-responsive, trauma-informed programs:

They should be *holistic*, targeting girls' needs in multiple areas of life; *safe*, through building trust and using trauma-informed principles; *strength-based*, encouraging the development of confidence and competencies; *relational*,

recognizing the ways the female development hinges on positive relationships; and *culturally responsive* by addressing girls' needs and risks in the context of diversity related to culture, race, ethnicity, religion, class, and sexual orientation. In addition, unique concerns related to girls' sexual health—including the needs of girls who are pregnant or are already mothers—require special attention and accommodations.²³

Others have highlighted the critical need for providing trauma-informed and culturally competent care. There can be various forms of this type of care, but the premise is care that addresses the consequences of any trauma to facilitate healing, which includes understanding vulnerabilities and triggers to avoid re-traumatization or re-victimization and focusing on supporting recovery and interrupting the trauma cycle.²⁴ Judges have recognized how common it is for girls in their courtrooms to have been traumatized and are concerned about appropriate treatment for them. There are now resources for judges for handling trafficking victims and trauma in their courtrooms.²⁵

Several researchers have also noted the importance of including a mother-daughter relationship component in any girls' programming. Some have found that conducting mother-daughter groups had a powerful impact on the quality of both mothers' and daughters' interactions.²⁶ To the author's knowledge, no similar impact exists for father-daughter relationships; however, any family or other relationships in a girl's life are important and must be acknowledged. It is preferable for any important and positive adult to be involved in the program to strengthen those relationships since such a person will likely be in the girl's life and can help with continued success after she completes the program.²⁷

Any program for girls must address physical and sexual abuse and neglect and must respond to mental health problems such as depression, anxiety, and posttraumatic stress disorder. Family-centered programming can be helpful when dependable and trustworthy family members are available, particularly since a lack of family supervision and ineffective parenting practices are integral factors in girls' exploitation.²⁸

An additional consideration for developing a girls' court is staffing. Since men are often the source of girls' trauma, girls' court participants may be more open to beginning treatment with the court's female staff, from the judge to the attorneys to the probation officers to the treatment providers. Later in the treatment it could be useful to include male staff, such as treatment providers, because participants can learn how to have relationships with men who do not want anything from them.²⁹

Researchers have noted that measures of success for girls' court may vary with the courts' structure and implementation. Future research should take into account these various measures and examine not only recidivism, but also other measures related to success in this population.

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- ¹ The Center for Families, Children & the Courts maintains a roster of all collaborative courts in California at www.courts.ca.gov/programs-collabjustice.htm. Court data are voluntarily provided, so the roster is a living document that changes regularly as the agency learns of courts opening and closing around the state.
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