

RESTRUCTURING YOUTH CORRECTIONS SYSTEMS: A GUIDE FOR POLICYMAKERS

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RESTRUCTURING YOUTH CORRECTIONS SYSTEMS:

A GUIDE FOR POLICYMAKERS

by

Ira M. Schwartz
Professor and Director
Center for the Study of Youth Policy

Edward J. Loughran
Commissioner
Department of Youth Services
The Commonwealth of Massachusetts

NCJRS

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ACQUISITIONS

Ira M. Schwartz
School of Social Work
The University of Michigan
1015 East Huron Street
Ann Arbor, Michigan
48104-1689
(313) 747-2556

Judge Frank Orlando (Ret.)
Nova University
The Shepard Broad Law Center
3100 S.W. 9th Avenue
Fort Lauderdale, Florida
33315
(305) 462-8939

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Additional copies may be obtained by contacting:

*Center for the Study of Youth Policy
School of Social Work
The University of Michigan
1015 East Huron Street
Ann Arbor, Michigan 48104-1689
(313) 747-2556*

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FOREWORD

The decade of the 90's will be particularly challenging for governors, state and local lawmakers, juvenile justice and child welfare professionals and child advocates. There will be increased demands for public services in the face of shrinking resources. As a result, policymakers are struggling to find ways to use existing resources more efficiently and effectively.

Juvenile corrections budgets — particularly budgets for institutional care — have historically been treated as “sacred cows.” They have escaped careful scrutiny because questions raised about these institutions, the populations they are really serving, their costs and effectiveness are quickly labeled as being “soft on juvenile crime.” They have also been left untouched because they are often located in small rural communities and are one of the largest employers and economic resources in the area.

Because of the changing fiscal picture, policymakers in a growing number of states are beginning to take a close look at youth corrections. Where this is being done, they are finding significant opportunities to improve the efficiency and effectiveness of their systems. This is particularly the case when they are provided access to information and ideas about how youth corrections systems can best be organized and structured.

This publication, which was made possible through a grant from the Annie E. Casey Foundation, is designed to inform policymakers and professionals about the ingredients for developing a sound youth corrections system. It draws upon experiences from two states recognized as national leaders in the field — Utah and Massachusetts. We hope it will prove to be helpful to those looking for better ways to combat juvenile crime.

Finally, we would like to thank Cindy Guillean for her expert editorial assistance and critiquing of earlier drafts of this paper. Also, we want to thank Danielle Hogston and Robert Ortega for their reviews, comments and encouragement.

Ira M. Schwartz
July, 1991

INTRODUCTION

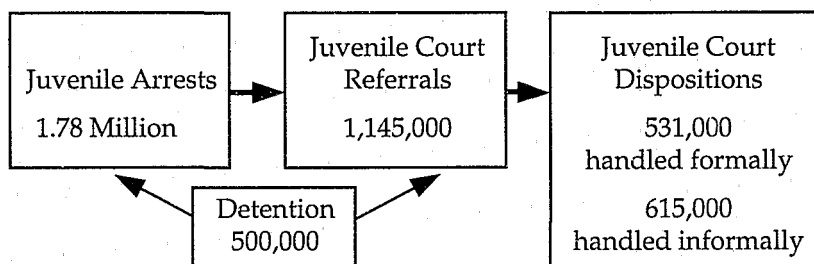
The Center for the Study of Youth Policy has been conducting juvenile justice policy research since its inception in 1983. In addition, the Center provides consultation and technical assistance to policymakers and juvenile justice professionals in selected states who are interested in restructuring and improving their youth corrections systems. In pursuing our work we are often asked, "What should a model youth corrections system look like?" While the perfect model has yet to be designed, there have been some significant developments in the field that can be helpful to decision-makers.

The purpose of this publication is to provide the best available information to policymakers and juvenile justice professionals on the development of a rational and cost effective youth corrections system.

The Juvenile Justice System

A simplified overview of the juvenile justice system is illustrated in Figure 1. As can be seen, there are approximately 1.78 million juvenile arrests each year. Of the total number of arrests, approximately 658,000 were for index crimes*, 909,000 for non-index, and 213,000 for status offenses (Jamieson & Flanagan, 1989).

FIGURE 1
Juvenile Justice System



*Index crimes include murder, rape, robbery, aggravated assault, auto theft, larceny, burglary and arson.

Approximately 1,145,000 cases are referred annually to the juvenile courts. Almost 1,000,000 of these referrals are made by law enforcement agencies with the rest coming from parents, schools, youth correction agencies and youth serving organizations (Snyder, Finnegan, Nimick, Sickmund, Sullivan, & Tierney, 1990).

Of the cases referred to the juvenile courts, most are handled informally or dismissed. Of those that are handled formally, 30% are placed out of their homes (e.g., group home, residential treatment center, foster home, training school, ranch, camp, small secure treatment unit, etc.), 57% are placed on probation, 2% are waived to the adult courts, with the remaining 11% receiving a variety of other sentences (Snyder et al., 1990).

This publication focuses on those cases that are formally disposed or sentenced by the juvenile courts.

Youth Corrections Goals

Armstrong, Maloney, and Romig (1990), three respected researchers in the juvenile justice field, suggest that

...The purpose of juvenile probation is to protect the community from delinquency, to impose accountability for offenses committed and to equip juvenile offenders with required competencies to live productively and responsibly in the community (p. 10).

These goals, discussed below, are applicable to all delinquency cases formally disposed by the juvenile courts (Streit & Barton, Forthcoming).

Goal 1: Offender Accountability/Punishment

It is generally understood that the disposition or punishment a youth receives should be proportionate to the harm done. Policymakers and juvenile justice professionals interested in developing a rational disposition scheme for juveniles should consult the Institute for Judicial Administration/American Bar Association Standards relating to dispositions (Institute of Judicial Administration and the American Bar Association, 1980).

Goal 2: Public Safety Protection/Risk Control

No one can predict which youths will continue to commit delinquent acts — including those adjudicated for violent crimes. Despite this, the risk of future offending and concern for public safety are key issues. Given these concerns, decisions must be made regarding the type and intensity of supervision various youths should receive.

Research suggests that current offense, prior offense history, age at first adjudication, school adjustment, substance abuse, peer relationships and the ability of parents to provide adequate control and supervision are important factors to take into account (DeMuro & Butts, 1990; Krisberg, Austin, & Steele, 1989; Van Vleet, Ortega, & Willis, 1991; Van Vleet & Steketee, 1990).

The National Council on Crime and Delinquency (NCCD) has been doing pioneering work in the development of risk assessment instruments. A sample of such an instrument is included in the appendix section.

Goal 3: Competency Development

Youth corrections agencies and services must be designed to equip young people with the skills and resources needed to both survive and thrive in an increasingly technologically advanced society.

Youth corrections agencies must be able to carefully and comprehensively assess the needs of youths under their control (see appendix section for a sample needs assessment instrument). They must also have a broad array of options available to meet the needs of every individual youth. This should include funds that can be used to purchase specialized services for those who may need them.

The Standard Bearers in Youth Corrections

Massachusetts and Utah are considered the standard bearers in youth corrections. This was not always the case. At one time, the youth correctional systems in these states were scandalous and characterized by abusive and unprofessional practices which resulted in class action lawsuits. They are now widely recognized as leaders in the field — a fact that should be encouraging to policymakers and professionals throughout the country. The following discussion highlights ingredients of these two systems which place them in a leadership position in the field.

Youth Corrections in Massachusetts

The National Council on Crime and Delinquency released a study in 1989 that tracked 820 Massachusetts Department of Youth Services (DYS) youths during a four-year period. The study found that the Massachusetts DYS had been more successful at reducing crime among juveniles than other states studied, citing a 23% recidivism rate for DYS youths compared to a 62% recidivism rate for youths released from

California institutions (Krisberg, Austin, & Steele, 1989).

DYS currently has approximately 1,650 youths committed to its long-term care and custody, and another 200 being held on bail awaiting trial. In 1990, there were 830 new commitments to DYS and 2,993 pre-trial detention admissions (Massachusetts Department of Youth Services, 1991).

Of those committed to DYS, approximately 30% are considered dangerous by virtue of their crime and are eligible for secure treatment. In order to make consistent and fair placement decisions, DYS established a classification panel in 1981 to review the cases of serious offenders and ensure a uniform method for placing them in secure facilities. The panel was also designed to increase accountability within DYS, as well as increase credibility in the public arena. Prior to this, placement decisions about serious offenders were made at the regional level, which resulted in disparity from one case to the next.

The panel is appointed by the commissioner, and consists of three members designated to review a youth's case and determine the need for security, the length of stay, and the specific program placement, based on evaluations from the caseworker and clinicians. The panel's knowledge of DYS youths, programs and services reduces the potential for disparity in sentencing, and makes the decision-making process uniform and fair. Panel members' familiarity with the strengths and specialized services of each program enables them to match youths to programs that will address their specific needs (e.g., sex offenders or substance abuse treatment).

Based on a classification grid, certain crimes qualify as mandatory referrals to the panel, such as murder, rape, or armed robbery. Approximately 30% of the DYS population is presented to the panel each year, with a 70% acceptance rate. The remainder are returned to the regions and placed in residential group homes or community-based alternatives.

Public/Private Partnership

The Massachusetts youth corrections system includes small secure treatment programs for serious offenders and a diverse array of community-based residential and non-residential programs for less serious offenders.

This network of programs is operated primarily by private providers under contract with DYS, while DYS operates several small

secure treatment and detention units for violent or serious offenders. Each provider functions autonomously, but adheres to state and Department regulations. Program managers are appointed from the DYS regional offices to monitor each program in conjunction with the contract unit in the DYS central administrative office.

Contracts are rebid every five years, and, accordingly, the Department disseminates Requests for Proposals (RFPs), which invite competition among the providers and promotes continued quality within existing programs. This public/private partnership between DYS and its providers has raised the standards in Massachusetts juvenile corrections and has yielded an abundance of innovative approaches to treating juvenile offenders.

Today, DYS allocates 63% of its budget to purchase of service spending, and uses a variety of programs to provide appropriate levels of security and specialized services, depending upon the risks and needs of each youth. Forty-five private agencies account for approximately 90 individual contracts, including secure treatment and detention facilities, group homes, shelter care programs, foster homes, day treatment programs, and outreach & tracking programs, psychological assessments, and health services.

These programs and services in the DYS continuum include the following:

Secure Treatment. This refers to long-term residential programs for youths committed on serious charges that warrant placement in a physically secure (locked) facility. There are approximately 15 beds in each of the 14 units located throughout the state, including two evaluation units (26 beds each) for youths entering secure treatment. Each program provides five hours of academics daily, group and individual counseling, vocational training, and medical and recreational services.

Secure Detention. This refers to short-term secure programs in a physically secure (locked) facility for youths awaiting trial on serious charges. There are seven such programs in the state, or approximately 128 beds. Each includes five hours of academics daily, interim group counseling, vocational training, and medical and recreational services.

Shelter Care. These are short-term residential programs in staff-secure (24-hour staff supervision) facilities for youths awaiting trial on charges not warranting secure confinement. There are six such programs in the state, or approximately 122 beds. Each provides five hours

of academics daily, interim group counseling, and vocational training.

Transitional Management Programs. These refer to short-term evaluation programs for youths awaiting presentation to the classification panel on serious charges or youths awaiting placement in community-based programs for non-violent crimes. There are 64 secure transitional beds for serious offenders, and 103 staff-secure transitional beds for youths awaiting community-placement.

Group Homes. Community-based residential homes are available for youths who are committed to DYS for non-violent offenses and can be placed in a community setting without risk to the public. These youths receive academic and vocational training in-house or at schools in the community. The programs provide group and individual counseling, medical and recreational services. There are 16 contracted group homes and more than 20 non-contracted programs where DYS places youths on an as-needed basis.

Homeward Bound Program. A short-term program for 36 youths, it is designed to build self-esteem through rigorous physical challenges in an outdoor setting. The program, based on the Outward Bound model, also serves as a transitional program for youths leaving long-term secure treatment and preparing to reenter the community.

Foster Care. Community-based residential care in private homes exists for first-time or low-risk offenders who would benefit from a supportive family environment, but cannot return to their own homes for reasons such as abuse or lack of supervision. The Department has approximately 65 youths in foster care.

Outreach and Tracking. This daily outreach service was pioneered in Massachusetts in 1972, upon the closing of the institutions, and is designed to provide intensive supervision of newly committed or low-risk offenders in the community or youths leaving long-term secure programs and gradually being reintegrated into the community. The tracking worker has daily contact with the youth; four times a week in person and three times by telephone. The program requires that youths be in strict compliance with their grants of conditional liberty. The tracking worker oversees activities such as school attendance, employment, counseling, AA or NA attendance, and assists in family counseling. The Department contracts for 317 Outreach and Tracking slots.

Health and Other Services. In addition to services DYS has developed, the Department has a wide range of medical, clinical and educa-

tional services available to it through private providers and other state agencies. In some cases, for example, juvenile sex offender treatment is supplemented by the Department of Mental Health, while substance abuse treatment is supplemented by the Department of Public Health. In addition, DYS is affiliated with several hospitals, which provide mental health, diagnostic and medical services. Other DYS services include dental care, special health care for girls, AIDs-related education, employment training, 766 approved special education programs (cost-shared with local schools districts), Chapter One supplemental education, art therapy, alcohol and narcotics anonymous, and religious services.

Managing Juvenile Offenders in Utah

Juvenile probation services in Utah are administered under a state-wide juvenile court system. The juvenile court judges meet regularly as a body and develop policies for probation services.

Juvenile probation officers in Utah are well educated, well trained, and have relatively small caseloads. To the extent possible, probation officers try to work with families and help resolve conflicts.

Juveniles who are determined to be ineligible for probation, largely because of their current offense and prior offense histories, are committed to the custody of the Division of Youth Corrections (DYC) in the Utah Department of Human Resources. Very few juveniles, approximately 12 per year, are waived to the adult courts.

There are three levels of services in the DYC continuum. They are:

1. *Community-based alternatives,*
2. *Observation and Assessment programs, and*
3. *Secure (locked) treatment units.*

Level 1: Community-based Alternatives

Table 1 identifies the community-based network of services and their respective costs for FY 1990. These services are largely provided by private providers under contract with the DYC. In addition, the Division has a modest amount of flexible funds that can be used to purchase specialized treatment services not routinely made available through the existing provider network or from other public agencies.

TABLE 1
Community-based Alternatives

<i>Non-residential Services</i>	<i>Residential Services</i>
Intensive Supervision (\$12.00/day)	Day Treatment (\$23.00/day)
Tracking (\$12.00/hr) [Trackers have caseloads of 4 or 5 and are available 24 hours a day 7 days a week.]	Foster Care (\$14.25/day)
Individual and Family Counseling (\$50.00/hr)	Proctor Placement (\$40.00/day) [Youth placed with a single adult.]
Group Therapy (\$40.00/session)	Group Home (\$50.00/day)
Psychological Evaluation (\$50.00/hr)	Intensive Group Home (\$90.00/day)
Psychiatric Evaluation (\$80.00/hr)	Sex Offender Treatment \$120.00/day

Adapted from: Utah Department of Human Services: Division of Youth Corrections,
Annual Report 1990. Salt Lake City, Utah. p. 15.

Level 2: Observation and Assessment

The DYC operates three Observation and Assessment programs. These are 90-day residential programs that consist of "... assessment and treatment planning, intensive daily programming and supervised treatment planning" (Utah Department of Human Services, Division of Youth Corrections, 1990, p. 19). The average cost per day for these programs is \$95.41 (Utah Department of Human Services, Division of Youth Corrections, 1990, p. 9).

The Observation and Assessment programs are designed to serve relatively serious and chronic offenders. In 1990, the typical youth admitted to an Observation and Assessment program had an average of more than 15 prior convictions (felonies and misdemeanors). Almost one-third had committed a serious violent crime (Utah Department of Human Services, Division of Youth Corrections, 1990, p. 19).

Level 3: Secure (locked) Treatment Units

The most restrictive youth correction interventions in Utah are the Division's three small (two 30-bed and one 10-bed) high security treatment units. There were 115 youths placed in these facilities in 1990 (Utah Department of Human Services, Division of Youth Corrections, p. 21) at an average cost of \$123.36 per bed per day (Utah Department of Human Services, Division of Youth Corrections, 1990, p. 9).

Because they are the most costly and restrictive option in the system, they are reserved for Utah's most serious and chronic juvenile offenders. There are specific criteria governing the admissions and length of stay in these facilities. In 1990, the typical youth confined in these units had more than 28 prior convictions; at least seven were felonies. Also, half were convicted of life endangering offenses (Utah Department of Human Services, Division of Youth Corrections, 1990, p. 21).

Does the Utah Youth Corrections System Work?

The federal Office of Juvenile Justice and Delinquency Prevention financed an evaluation of Utah's youth corrections system. The evaluation was conducted by the National Council on Crime and Delinquency. The study indicated that "Utah's policy of community-based corrections did not worsen public safety," (NCCD, 1987, p. 147). Also, the researchers reported that "the imposition of appropriate community-based controls in highly active serious and chronic juvenile offenders is consistent with public protection goals" (NCCD, 1987, p. 20).

What Makes the Utah and Massachusetts Systems Work?

There have been no systematic studies documenting the precise reasons why the youth corrections systems in Massachusetts and Utah work. However, these systems have a number of critical elements that most experts would agree seem to be making a difference. For example:

1. The youth corrections systems in each of the states have a clearly defined mission.
2. There are specific criteria governing the use of secure (locked) treatment units.
3. Each system has the capability to conduct competent and comprehensive assessments on each youth.

-
4. The systems have a broad array of program and service options. This facilitates meeting the security and treatment needs of each youth.
 5. Case managers are in charge of and monitor the treatment plans for all youths in state custody.
 6. Each agency has a limited amount of flexible funds that can be used to purchase specialized services that are not readily available.
 7. Both state systems have effective public/private partnerships. In both instances, the private sector delivers the bulk of the community-based services.
 8. The agencies have sound systems for purchasing services and bidding contracts. Also, they closely monitor the private providers to ensure that program standards and agreements are being met and in order to prevent problems from developing.
 9. The agencies have well trained and competent staff. They invest heavily in staff training and staff development. Also, the appointed positions tend to be filled by experienced and well qualified professionals.
 10. Comprehensive aftercare and transition services are provided to youths in residential care.
 11. The agencies have management information systems that generate the policy and program data needed to make informed organizational and case decisions.
 12. The systems are open to experimentation and willing to test promising ideas and concepts.
 13. The systems have effective working relationships with other appropriate state and local agencies (e.g., education, mental health, juvenile courts, prosecuting attorneys, law enforcement, employment and substance abuse).
 14. They are "open" systems, meaning they welcome and invite inquiries by the media and are receptive to evaluations by outside individuals and organizations.
 15. They have efficient and credible youth grievance systems and investigate allegations of staff abuse and maltreatment thoroughly and in a timely fashion.

Concluding Remarks

State and local policymakers are facing increased demands for services and shrinking resources. They are looking for ways to both cut expenditures and use existing tax dollars more efficiently and effectively. Historically, youth corrections budgets — particularly budgets for institutional care — have been treated as “sacred cows.” What evidence there is suggests that (1) a relatively small number of juvenile offenders need to be confined, and (2) community-based services are cost-effective and do not compromise public safety.

Policymakers in states with high rates of incarceration would be well advised to examine the potential for restructuring their youth correction systems. In particular, they should explore the possibilities for developing and expanding the continuum of services and the impact this might have on reducing their reliance on institutional care.

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Appendix

Juvenile Probation and Aftercare Assessment of Risk

Select the highest point total applicable for each category.

AGE AT FIRST ADJUDICATION _____

- 0 = 16 or older
- 3 = 14 or 15
- 5 = 13 or younger

PRIOR CRIMINAL BEHAVIOR _____

- 0 = No prior arrests
- 2 = Prior arrest record, no formal sanctions
- 3 = Prior delinquency petitions sustained; no offenses classified as assaultive
- 5 = Prior delinquency petitions sustained; at least one assaultive offense recorded

INSTITUTIONAL COMMITMENTS OR PLACEMENTS OF 30 DAYS OR MORE _____

- 0 = None
- 2 = One
- 4 = Two or more

DRUG/CHEMICAL ABUSE _____

- 0 = No known use or no interference with functioning
- 2 = Some disruption of functioning
- 3 = Chronic abuse or dependency

ALCOHOL ABUSE _____

- 0 = No known use or no interference with functioning
- 1 = Occasional abuse, some disruption of functioning
- 3 = Chronic abuse, serious disruption of functioning

PARENTAL CONTROL _____

- 0 = Generally effective
- 2 = Inconsistent and/or ineffective
- 4 = Little or none

SCHOOL DISCIPLINARY PROBLEMS

0 = Attending, graduated, GED equivalence

1 = Problems handled at school level

3 = Severe truancy or behavioral problems

5 = Not attending/expelled

PEER RELATIONSHIPS

0 = Good support and influence

2 = Negative influence, companions involved in
delinquent behavior

4 = Gang member

TOTAL

Needs Assessment

Client Name	Last	First	M.I.	Client No.
-------------	------	-------	------	------------

For each item below, select the single appropriate answer and enter the associated number in the adjacent blank.

DRUG/CHEMICAL ABUSE _____

- 0 No interference with functioning
- 4 Occasional abuse, some disruption of functioning, unwilling to participate in treatment program
- 6 Frequent abuse, serious disruption, needs immediate treatment

ALCOHOL ABUSE _____

- 0 No known use
- 4 Occasional abuse, some disruption of functioning, unwilling to participate in treatment program
- 6 Frequent abuse, serious disruption, needs immediate treatment

PRIMARY FAMILY RELATIONSHIPS _____

- 0 Relatively stable relationships or not applicable
- 3 Some disorganization or stress but potential for improvement
- 5 Major disorganization or stress

ALTERNATIVE FAMILY RELATIONSHIPS _____

- 0 Relatively stable relationships or not applicable
- 3 Some disorganization or stress but potential for improvement
- 5 Major disorganization or stress, unwilling to comply with family rules

EMOTIONAL STABILITY _____

- 0 Appropriate adolescent responses
- 3 Exaggerated periodic or sporadic responses e.g., aggressive acting out or depressive withdrawal
- 6 Excessive responses; prohibits or limits adequate functioning

INTELLECTUAL ABILITY _____

- 0 Able to function independently
- 3 Some need for assistance, potential for adequate adjustment; mild retardation
- 5 Deficiencies severely limit independent functioning, moderate retardation

LEARNING DISABILITY _____

- 0 None
- 3 Mild disability, able to function in classroom
- 5 Serious disability, interferes with social functioning

EMPLOYMENT _____

- 0 Not needed or currently employed
- 3 Currently employed but poor work habits
- 4 Needs employment

VOCATIONAL/TECHNICAL SKILLS _____

- 0 Currently developing marketable skill
- 3 Needs to develop marketable skill

Enter the value 1 for each characteristic which applies to this case.

EDUCATIONAL ADJUSTMENT

- Not working to potential _____
- Poor attendance record _____
- Refusal to participate in any educational program _____
- Program not appropriate for needs, age and/or ability _____
- Disruptive school behavior _____

TOTAL _____

PEER RELATIONSHIPS

- Socially inept _____
- Loner behavior _____
- Receives basically negative influence from peers _____
- Dependent upon others _____
- Exploits and/or manipulates others _____

TOTAL _____

HEALTH AND HYGIENE

Medical or dental referral needed

Needs health or hygiene education

Handicap or illness limits functioning

TOTAL

SEXUAL ADJUSTMENT

Lacks knowledge (sex education)

Avoidance of the opposite sex

Promiscuity (not prostitution)

Sexual deviant (not prostitution)

Unwed parent

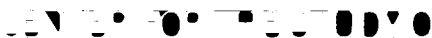
Prostitution

TOTAL

TOTAL NEEDS SCORE



The University of Michigan
School of Social Work
1015 East Huron Street
Ann Arbor, Michigan 48104-1689



NOVAUNIVERSITY

Shepard Broad Law Center
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Ft. Lauderdale, Florida 33315



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