



# The Juvenile Court Process

***Youth Assessment or  
Predisposition Report***

# The Juvenile Court Process

## INTAKE

- **Detention:** requested by police, authorized by PO, reviewed by judge in the ***Probable Cause Hearing*** (41-5-332-334)
- **Intake is a screening decision:** (1) probable cause; (2) jurisdiction; (3) Best interests of the child
- ***Preliminary Inquiry*** (41-5-1201-1205)
- **“Determination”:** petition or not petition
- If **not petitioned:** (1) **dismiss**; (2) **informal disposition** with ***consent adjustment without petition*** (41-5-1301-1304)

## → ADJUDICATION

- **Petition** (41-5-1401-1402)
- **Arraignment Hearing** (41-5-1502): admit or deny petition.
- **Fact Finding Hearing** (41-5-1412-1415; 1502): ***findings*** related to two primary concerns: (1) ***finding of delinquency***; (2) ***Adjudicate a delinquent youth or a youth in need of intervention***
- If **not adjudicated:** (1) **dismiss**; or (2) **informal disposition** with ***consent decree with petition*** (41-5-1501)
- **Adjudicated:** continuance for PDR and disposition hearing

## → DISPOSITION

- **Predisposition Report** (41-5-1511; 41-5-1203 — “***youth assessment***” re: preliminary inquiry)
- **Dispositional Hearing** (41-5-1511)
- **Judicial disposition** (41-5-1512-1513)

# Statutory Basis for the Predisposition Report

**41-5-1511. Dispositional hearing . . . .** (1) As soon as practicable after a youth is found to be a delinquent youth or a youth in need of intervention, the court shall conduct a dispositional hearing . . . .

(2) Before conducting the dispositional hearing, the court shall direct that a **youth assessment or predisposition report** be made in writing by a probation officer or assessment officer concerning the youth, the youth's family, the youth's environment and other matters relevant to the need for care or rehabilitation or disposition of the case . . . .

# Purpose of the Youth Assessment and Predisposition Report

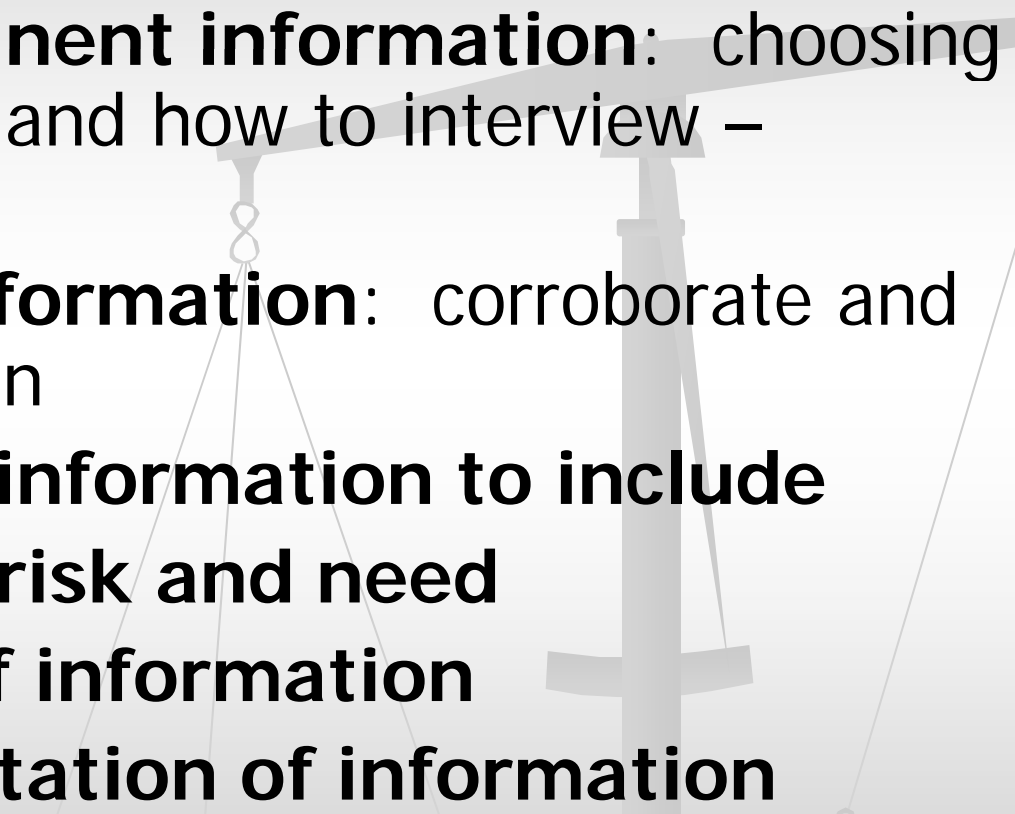
- To provide the court with relevant and accurate information so that disposition can be **individualized**, **rehabilitative**, and **least restrictive**.
- In terms of the *Montana Youth Court Act* (41-5-1511): to provide information on “*matters relevant to the need for care or rehabilitation or disposition of the case*”, including the parents’ “*ability to care for or supervise the youth.*”
- Goals of the dispositional process according to NCJJ’s *Desktop Guide to Good Probation Practice*:
  1. Public protection
  2. Accountability
  3. Rehabilitation (competency development)

# Youth Assessment

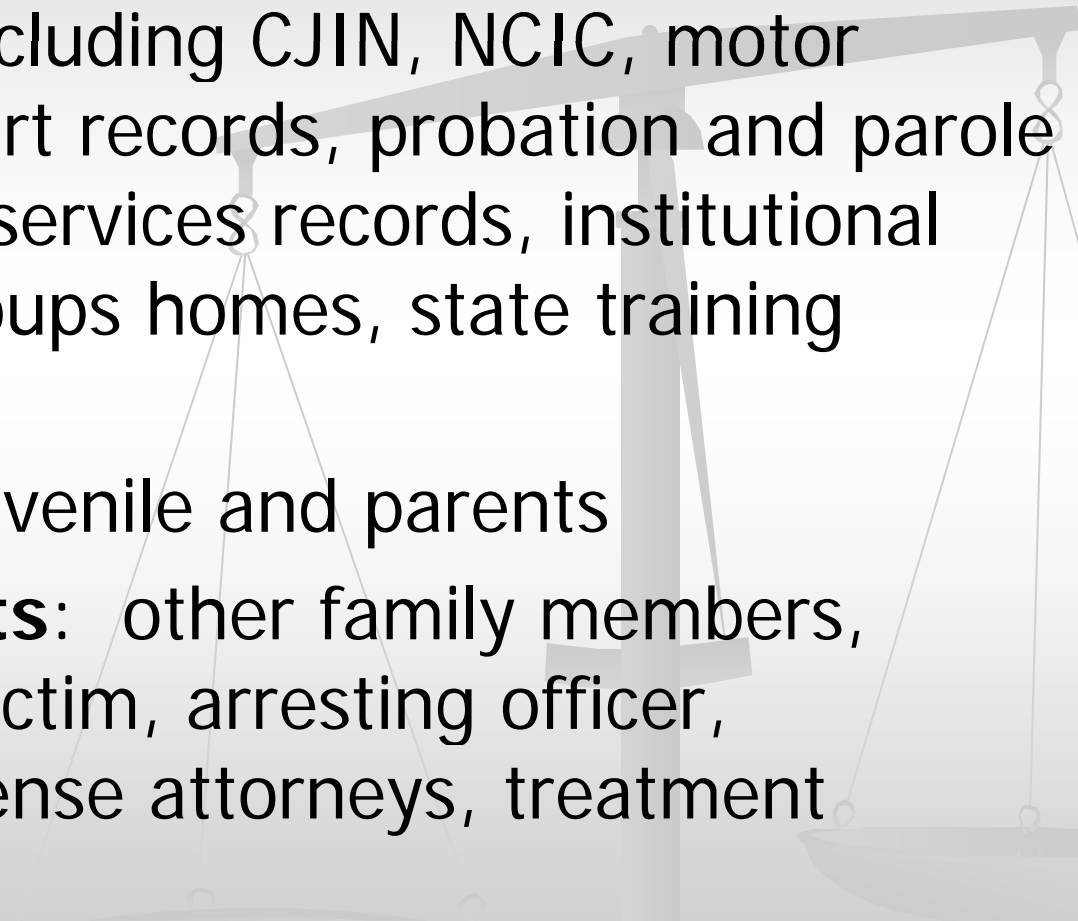


- **41-5-1511. Dispositional hearing** says that a *youth assessment* shall cover: “the youth, the youth's family, the youth's environment, and other matters relevant to the need for care or rehabilitation or disposition of the case . . . .”
- **41-5-103 Definitions. (46)** says that *youth assessment* means “a multidisciplinary assessment of a youth as provided in 41-5-1203.”
- **41-5-1203. Preliminary inquiry – youth assessment** says that a *youth assessment* “must be a multidisciplinary effort that may include, but is not limited to:
  - ✓ a chemical dependency evaluation of the youth,
  - ✓ an educational assessment of the youth,
  - ✓ an evaluation to determine if the youth has mental health needs,
  - ✓ or an assessment of the need for any family-based services or other services provided by the department of public health and human services or other state and local agencies.”
- **Other assessments** provided in **41-5-1511**:
  - ✓ “The youth court may have the youth examined”
  - ✓ “The court may order the examination of a parent or guardian whose ability to care for or supervise a youth is at issue before the court.”

# Necessary Skills for the Youth Assessment and Predisposition Report

1. **Gathering pertinent information:** choosing who to interview and how to interview – interview skills
  2. **Interpreting information:** corroborate and assess information
  3. **Deciding what information to include**
  4. **Assessment of risk and need**
  5. **Organization of information**
  6. **Written presentation of information**
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# Sources of Information for Predisposition Reports

- **Records check**, including CJIN, NCIC, motor vehicle records, court records, probation and parole records, protective services records, institutional records (school, groups homes, state training schools)
  - **Interviews** with juvenile and parents
  - **Collateral contacts**: other family members, school personnel, victim, arresting officer, prosecutor and defense attorneys, treatment providers
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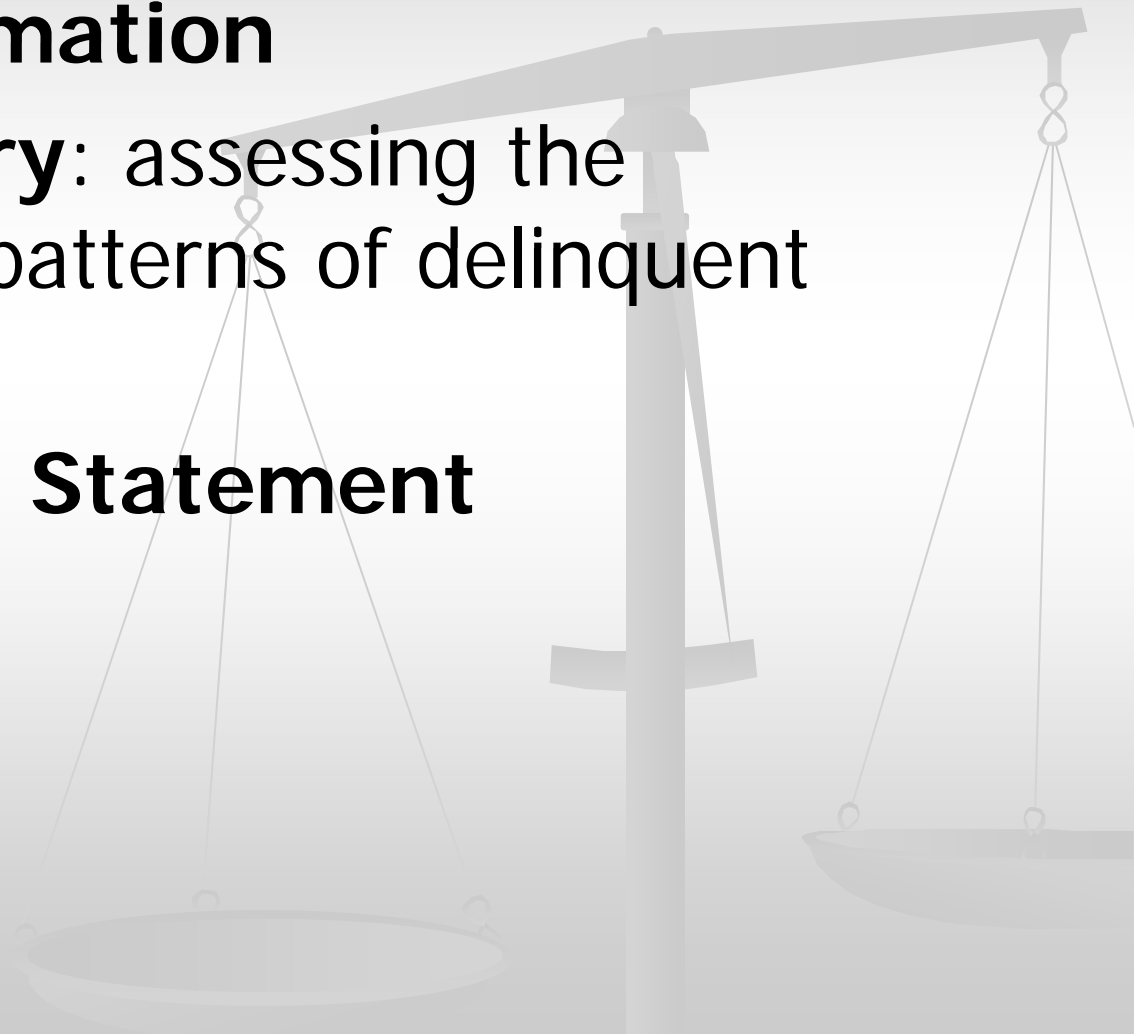
# Three Major Sections of the Predisposition Report

1. **Offense Section**
2. **Social History Section**
3. **Summary and Recommendation**



# Offense Section

- **Offense Information**
- **Offense History:** assessing the developmental patterns of delinquent offending
- **Victim Impact Statement**



# Social History Section

- Youth assessment
- Health history
- Family background
- Education
- Friendships/peers
- Neighborhood/community context
- Employment



# Youth Assessment




- ✓ **Neuropsychological risk:** verbal deficits (affecting listening, reading, problem solving, speech, writing, and memory), inattentiveness and impulsiveness (executive functioning)
- ✓ **Personality traits:** negative emotionality (disagreeable, oppositional, defiant) and weak constraint (low self-control)
- ✓ **Risk taking and sensation seeking**
- ✓ **Early on-set of problem behaviors**
- ✓ **Aggressiveness and violence**
- ✓ **Intelligence** as indicated by academic performance and academic aspirations
- ✓ **Self esteem** as a protective factor

# Family Background



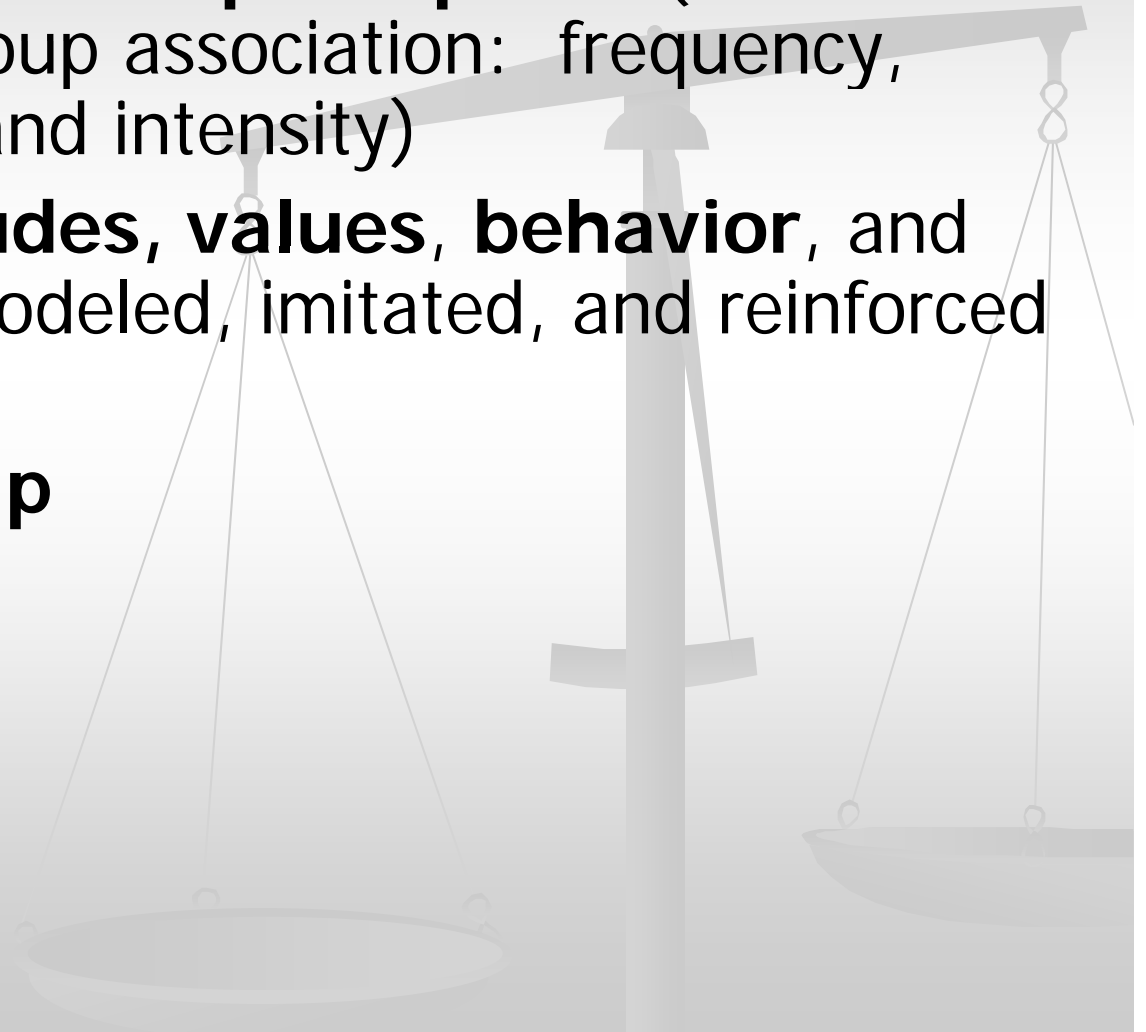
- ✓ Family attachments and indirect controls
- ✓ Family management and direct controls (monitoring and supervision, standards for behavior, recognition and addressing problem behavior, discipline)
- ✓ Child maltreatment
- ✓ Parental involvement
- ✓ Parent-child interaction
- ✓ Parental criminality, drug abuse, mental health problems, and attitudes favorable to crime
- ✓ Family and marital conflict
- ✓ Family disruption
- ✓ Residential mobility
- ✓ 41-5-1511: “. . . Financial ability of the youth’s parents to pay a contribution for the cost of adjudication, disposition, supervision, care, commitment, and treatment of the youth as required. . . .”

# Education

- ✓ Early and persistent classroom disruption and antisocial behaviors
  - ✓ Academic achievement and family factors affecting academic achievement, aspirations, and attachment
  - ✓ Academic aspirations
  - ✓ Social bonds in school (attachment, commitment, and involvement)
  - ✓ Truancy and drop out
  - ✓ Frequent school transitions
  - ✓ School with high rates of delinquency
  - ✓ School with low academic quality and high rates of delinquency
  - ✓ Parental and community involvement in school
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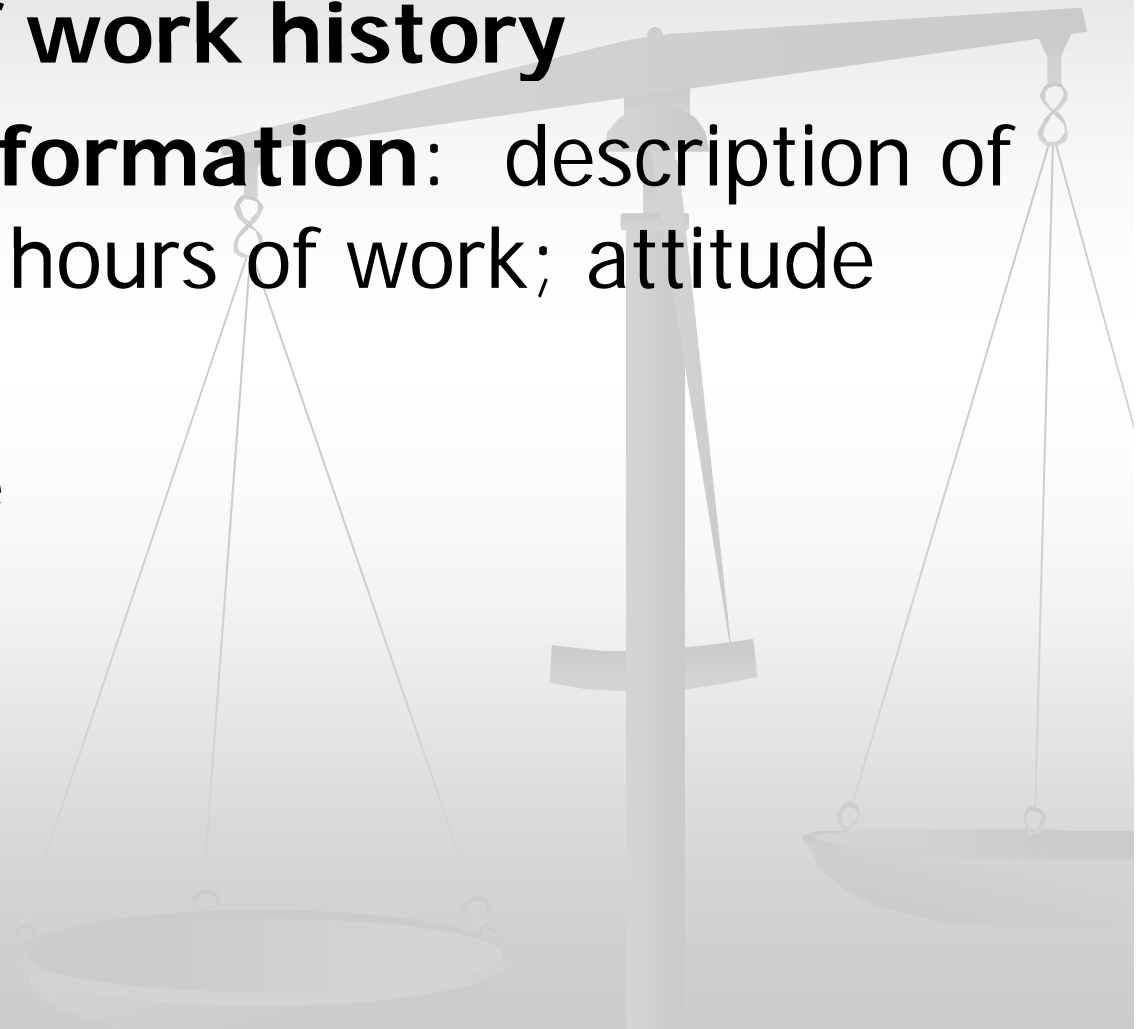
# Friendships / Peers

- ✓ **Association with delinquent peers** (“intimate” delinquent peer group association: frequency, duration, priority, and intensity)
- ✓ **Delinquent attitudes, values, behavior, and techniques** are modeled, imitated, and reinforced in a group context
- ✓ **Gang membership**

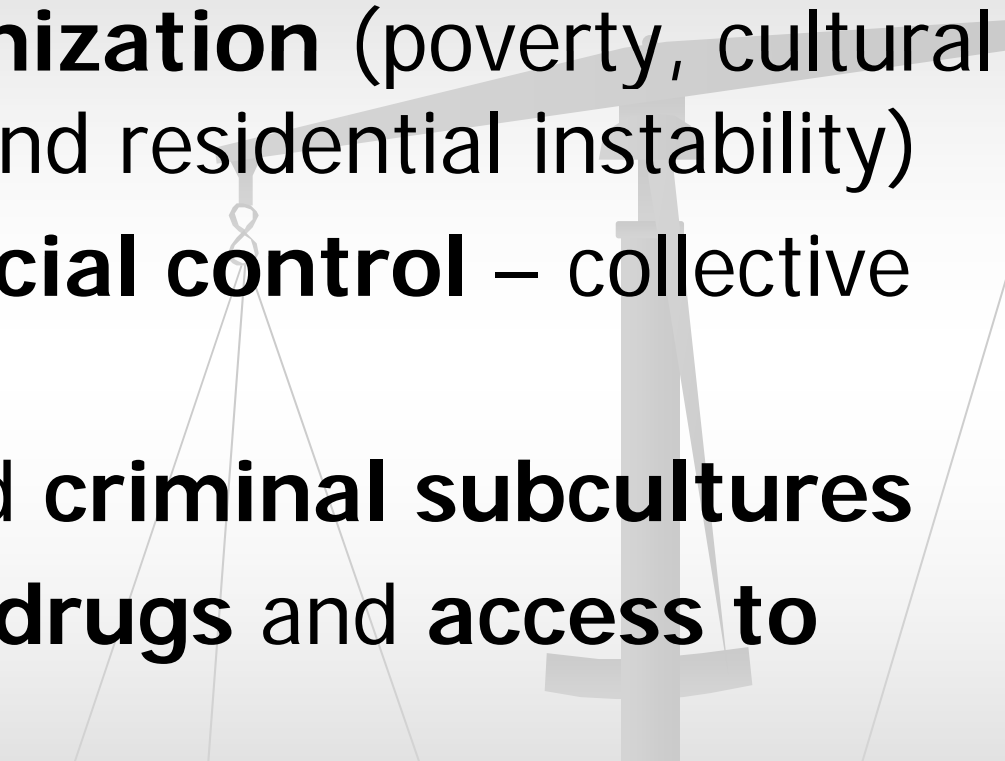


# Employment

- ✓ **Chronology of work history**
- ✓ **Job-related information:** description of responsibilities; hours of work; attitude toward job; etc.
- ✓ **Use of income**



# Neighborhood / Community Context

- ✓ **Social disorganization** (poverty, cultural heterogeneity, and residential instability)
  - ✓ **Community social control** – collective efficacy
  - ✓ **Delinquent and criminal subcultures**
  - ✓ **Availability of drugs and access to weapons**
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# Summary and Recommendation Section

- **Evaluative Summary**
- **Recommendation**

