

Executive Summary

What would it look like if Tennessee’s juvenile justice system prioritized strengthening families, connecting youth to their home communities, and creating safe environments that promote healing, growth, and being held accountable for one’s actions?

We are sharing with you the Executive Summary of a report, *A Call to Action: Advancing Tennessee’s Juvenile Justice System to Strengthen Families, Communities, and Oversight*, by Disability Rights Tennessee and Youth Law Center. A full copy of the report is available at www.DisabilityRightsTN.org or www.YLC.org.

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In 2023, Tennessee’s juvenile justice system again came under national scrutiny over conditions in facilities and the Department of Children’s Services’ (“DCS” or “the Department”) failure to provide oversight. **Yet, the Department continues to prioritize building facilities over strengthening families, institutional placements over community-based services, avoiding public scrutiny over transparency, and preserving provider contracts over protecting the young people in their custody.** As a result, youth continue to suffer, primarily Black youth with disabilities—approximately 80% of youth interviewed during Disability Rights Tennessee’s (2020-2022) monitoring of the Wilder Youth Development Center (“Wilder”) were youth with disabilities, and over 95% were Black.

We continue to be gravely concerned about the safety of youth in facilities like Wilder and offer that the best way to keep youth safe from abuse in facilities is to ensure that they never go to one. **Not only are facilities like Wilder inherently dangerous, but they are expensive and likely lead to higher recidivism rates.**

Placing one youth at Wilder Youth Development Center costs the state \$1632.24 per day, or almost \$600,000 a year for each youth. Tennessee’s 2017 Blue Ribbon Task Force on Juvenile Justice recommended that state funds instead should be “reinvested in a continuum of in-home and community-based services that research shows indicates will improve recidivism rates and other outcomes...”

What would it look like if Tennessee’s juvenile justice system truly focused on strengthening families, connecting youth to communities, and creating environments that are conducive to healing, growth, and being held accountable for one’s actions? In 2024, this is the question that should guide legislators, policymakers, and members of the public who want to see Tennessee’s children and youth grow and thrive. **It is often said that the best time to invest was yesterday, and the second best is today.** Tennessee has an opportunity to start solving problems in the juvenile justice system now.

This report identifies three areas for improvement and actionable steps to fix our juvenile justice system.

3 Areas for Improvement:

- 1. Support and strengthen families, thus eliminating barriers to parenting.**
- 2. Connect youth to community-based networks of support that can keep them on the right path, rather than cutting them off from resources.**
- 3. Increase transparency, oversight, and accountability to ensure that the state keeps youth in the juvenile justice system safe.**

\$1,632.24

the per day cost to house a youth at the Wilder Youth Development Center

Area 1: Support and strengthen families, thus eliminating barriers to parenting

Why? Every child in Tennessee needs a loving and supportive relationship with a caregiver, whether that is their biological or adoptive parents, grandparents, foster parents, or extended family. **For youth who enter the juvenile justice system, those relationships become even more important to help take accountability, heal, and find their path towards a positive future.** Many youth and families come into the juvenile justice system at a time when they are overloaded. The juvenile justice system creates barriers to parenting, which means that families have even less energy and resources to put towards helping their child than they did before their child entered the system.

Area 2: Connect youth to community-based networks of support that can keep them on the right path, rather than cutting them off from resources.

Why? Community based resources are the people and places that make youth feel safe and supported where they can develop new skills and grow into their potential. All youth benefit from formal and informal community-based resources that allow them to expand their horizons, form positive relationships with peers and mentors, and support healthy social and emotional development. Lack of access to community-based resources can lead to youth entering the juvenile justice system, and make it harder for them to successfully exit. By creating a sustainable network of community-based resources, youth who have committed low-level offenses can stay in familiar community settings receive needed services, and also provide a support network for youth who have left more restrictive settings to help keep them on the right track.

Area 3: Increase transparency, oversight, and accountability to ensure that the state keeps youth in the juvenile justice system safe.

Why? All youth need to be safe from abuse and neglect, especially youth involved in the juvenile justice system who often have experienced signif-

icant trauma. A young person must feel, and in fact be, safe in their environment to heal and grow. When we create environments that are safe and conducive to healing, we enable young people to overcome challenges and take responsibility for their actions. This encourages them to be open to new paths and facilitates their discovery of opportunities to contribute to their communities in ways they may not have previously thought possible. The state cannot hold youth accountable and help them heal if the state is not itself accountable.

I. Actionable Steps to Support Parents and Strengthen Families of Youth in the Juvenile Justice System

Step 1: Invest in family engagement strategies to promote parent participation in their child's treatment, rehabilitation, and reentry planning. Family engagement and education is particularly important for youth with disabilities, whose families may need additional support to navigate special education and other disability specific resources.

- Dedicate funding to pilot a reentry program akin to Georgia's Department of Juvenile Justice family engagement model to include: a course on family communications and monthly family chats about topics such as nutrition and financial planning; a multidisciplinary team to create a reentry plan; and a reentry resource coordinator who helps families navigate connections to local service providers.
- Expand existing family engagement models in Tennessee, such as the Department of Mental Health and Substance Abuse Services' collaboration with TN Voices and Montgomery, Rob-

80%

of youth interviewed at the Wilder Youth Development Center during Disability Rights Tennessee's (2020-2022) monitoring were youth with disabilities.

ertson, and Sumner County courts to employ Family Support Specialists and Youth and Family Therapists, who meet with youth and families to coordinate care, build collaborative relationships with providers, and build parenting and communication skills.

- Create a technical assistance center to help local jurisdictions, as well as DCS caseworkers and staff, implement family engagement practices.
- Pursue interagency collaboration to ensure that best practices from different state agencies are cross-pollinated.
- Create ongoing system-wide training for judges, attorneys, probation staff, and DCS staff on family engagement.

Step 2: Create peer support opportunities for families to help them navigate the juvenile justice system. Peer support is a well-regarded model for serving youth and families with disabilities and refers to programs in which persons with prior experience in the juvenile justice system offer support and guidance to families who are currently system involved.

- Expand upon existing, successful peer support models available through the Department of Mental Health and Substance Abuse Services for persons receiving behavioral/mental health services, such as the training program for young people wanting to serve as peer supporters, and the 45 peer support centers located statewide.
- Create juvenile justice peer support programs to help family members learn juvenile court terminology and processes so that they can better understand their child's case, access the resources that are available to support their child, and learn how to navigate the difficult emotions that come with having a child involved in the juvenile justice system.

Step 3: Increase access to high quality legal advocacy services to ensure that children and families are receiving the services that the state is obligated to provide.

Raise the rates for appointed counsel or rethink

the way that the system for appointing counsel for foster care and juvenile justice systems is organized and funded.

- Provide additional legal support to help youth and families navigate the multitude of collateral consequences flowing from involvement in the juvenile court system, such as losing access to housing or food aid, or struggling to reenroll in school.
- Increase access to civil legal services to prevent entry into the juvenile justice system, by addressing factors such as lack of housing, lack of healthcare, and the need for special education services.

Step 4: Remove barriers to parenting for youth in the juvenile justice system by increasing family contact.

- Bring youth and families together to review DCS policies to find opportunities for improvement, such as free phone calls to family, increase in the allotted phone time, varied and flexible visitation hours, and allow contact with extended family members.
- Remove costly juvenile fines and fees that burden families and do not support victims of crime.

II. Actionable Steps to Connect Youth in the Juvenile Justice System to Communities, thus Improving Outcomes and Community Safety

Step 1: Invest in and expand school and community based wraparound programs to lower the likelihood that youth will have subsequent contact with the justice system.

These programs help young people meet their educational goals, improve relationships with family, and create new mentoring relationships, allowing youth to not only survive, but thrive in their communities. Model programs include:

- Project STAND in Memphis: works with youth exiting detention centers or other institutions (and their families) to help them enroll in school, provide tutoring, take them on college,

visits, provide family counseling, mentoring, and other services. Project STAND has a 94% non-recidivism rate.

- Youth Advocate Program: a high-intensity program that provides wraparound services by pairing youth with paid mentors and using a strengths-based family assessment to create an individualized service plan and safety plan.
- Café Momentum: a paid internship program for youth involved in the juvenile justice system that teaches them restaurant and hospitality industry skills while also providing case management to help youth connect to education and other services.
- Y-CAP Project Chattanooga: an early intervention and prevention program that works with youth and their families to provide mentoring, tutoring, hot meals, family nights, and group therapy.

Step 2: Increase access to community-based therapeutic and behavioral/mental health services such as Multi-Systemic Therapy, Functional Family Therapy, and Aggression Replacement Therapy. These programs are less expensive, safer, and more effective than institutional placements, but are not widely available across Tennessee.

- Collect data about the availability and utilization of these and other evidence-based services across the state for youth in the juvenile justice system.
- Encourage collaboration between different agencies and programs.
- Examine whether preventative behavioral health resources like Systems of Care Across Tennessee (SOCAT) can be better utilized for system-involved or at-risk youth and made available to all communities, as only 9% of the children and youth served in the 2017-2020 cohort were Black.

III. Actionable Steps to Keep Youth in Juvenile Justice Facilities Safe From Harm

Step 1: Increase transparency and

accountability in the licensing and oversight mechanisms for juvenile facilities. These mechanisms are crucial for the safety of youth, especially as the state embarks on spending \$400 million on new highly restrictive hardware secure facilities pursuant to the DCS Real Estate Plan and increases its spending on residential placements, including at facilities with a history of noncompliance and abuse.

- Ensure that there is a publicly available list of all settings licensed, approved, contracted, and/or operated by DCS for placement or temporary holding of youth.

Step 2: Create new or strengthen existing independent, third-party oversight for facilities to avoid conflicts of interest between DCS and its providers.

- Strengthen Tennessee’s Ombudsman program to reflect similar programs in other states, where the ombudsman is able to inspect facilities and pursue enforcement action against facilities that do not comply with standards.
- Explore ways to increase the independence of licensing and enforcement functions at DCS.
- Revive the Children’s Program Outcome Review Team (CPORT), a successful program which previously performed statewide interviews and observations to measure the quality of services and outcomes.

Conclusion

All youth need to be connected to their families and their communities. All families need support in times of crisis. Our state has an opportunity to leverage Tennessee’s two greatest assets—our families and communities—to solve the problems within Tennessee’s juvenile justice system and improve community safety for all. There’s no better time to start than today.