

DISPOSITION ADVOCACY
Preparing and Presenting
Client-Centered Plans

C. Renee Jarrett
Council For Children's Rights
Children's Defense Team
renee@cfcrights.org

What is a Disposition Plan?

An appropriate Individualized Plan developed by the Court that:

- Promotes Public Safety
- Addresses Accountability & Responsibility
- Addresses Treatment and Rehabilitative Needs

Dynamic Disposition Advocacy

■ Preparation (Research and Review)	■ Presentation (Policy and Persuasion)
■ Client	■ Reiterate Goals
■ Code	■ Reintroduce Client
■ Community	■ Remind Court
■ Court	■ Prepare Report
■ Case Law	■ Project Positivity

STEP I: PREPARATION



Know Your Client

- Review Family Background
- Research Client's Court History
 - Review Clerk's File/Other Jurisdiction Files
 - Review DJJ File § 7B-3001
 - Review Client's Disposition Level § 7B-2508
- Request and Review Records
 - Department of Social Services
 - School Records
 - Medical Records

Know The Code

- Remember that the Court may:
 - Dismiss the Case § 7B-2501(d)
 - Continue the Case § 7B-2501 (d)
 - Order Evaluation and Treatment § 7B-2502
- Review Statutory Options § 7B-2506
 - Community (Level 1)
 - Intermediate (Level 2)
 - Commitment (Level 3)

Level 1

Community Disposition 7B-2506 (1)-(13)

- General Supervision, Placement w/ DSS
- Alternative Schooling
- Community Based/Substance Abuse/Residential or Nonresidential Program
- Restitution (up to \$500)
- Community Service (up to 100 hours)
- Intermittent Detention (up to 5 days)
- Victim-Offender Reconciliation Program
- No Association with Specified Persons/Places
- Suspension of Driver's License
- Wilderness Program
- Probation
- Curfew
- Fine

Level 2

Intermediate Disposition 7B-2506 (13)-(23)

- Wilderness Program
- Intensive Probation
- Supervised Day Program
- Regimented Training Program
- Suspend Disposition with Conditions
- Placement in Multipurpose Group Home
- Restitution (over \$500)
- Community Service (up to 200 hours)
- Intermittent Detention (up to 14 days)
- House Arrest

Level 3- Commitment § 7B-2506 (24)

- Only Level 3 Disposition
- A Minimum of Six Months
- Special Rules:
 - **Minor** offense can become **Major** (Commitment) if your Client has been adjudicated of four or more prior offenses.
 - **Level 2** can become **Level 3** if Client has been to YDC.
 - **Level 3** can become **Level 2** if you show extraordinary needs.

Know Your Community

- Research Placement Options and Service Providers
- Review Local Mentoring Programs
- Rely on Strategic Partnerships
 - School District
 - Department of Juvenile Justice
 - Non Profit and Community Organizations

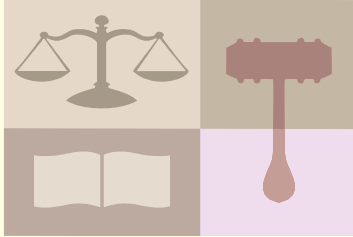
Know The Court

- What is the Court's Attitude about Offense?
 - Drug-based Offenses
 - Property Crimes
 - Use of weapons
- What is the Court's Approach to Disposition?
 - Public Safety > Needs of Juvenile
 - Needs of Juvenile > Public Safety
- Does the Court have a Specific Philosophy?
 - All About the Academics!
 - Mentoring Programs
 - Drug Treatment Courts

Case Law and Legislation

- Research Case Law
- Review Current Legislation
- Review emerging trends in Juvenile Justice
- Sources: www.ncids.org;
www.sog.unc.edu; www.njdc.info
- www.ncdjjdp.org

STEP II: PRESENTATION



Reiterate Goals and Aims of Juvenile Court

- Give “Opening Statement” that:
 - Emphasizes need for services for Client and family
 - Focuses on helping Client become a healthy, successful and productive citizen
 - Discusses Redemptive and Rehabilitative nature of Juvenile Justice System

Reintroduce Your Client

- Discuss Client’s Goals and Interests
- Highlight Client Success
 - Academics, Arts, Athletics
 - Character and Commitment
 - Milestones (e.g. 54 days sober)
- Let your Client Speak!

Remind Court of Special Issues and Challenges

- Substance Abuse
- Mental/Medical Health
- Physical Challenges
- Education Concerns
- Emotional or Therapeutic Needs
- Family Dynamics
- Domestic or Gang Violence
- Financial Difficulties

Prepare Your Own Recommendations and Report

■ Recommendations

- Ask for Dismissal § 7B-2501(d)
- Request "Family" Disposition § 7B-2501(d)
- Advocate for Lowest Disposition Level or Lowest Probation Term
- Present Creative Alternatives and Solutions

Prepare Your Own Recommendations and Report

■ Report

- A. Ask for Specific Result
- B. Brief Court on Client's Background
- C. Carefully Highlight Mitigating Factors
- D. Discuss Client's Overall Progress
- E. Emphasize Appropriate Services

Prepare Your Own Recommendations and Report

- Affidavits of Support
- Letter of Apology or Explanation
- Certificates of Achievement
- Client's Creative Work- poetry, essay
- Report Card/Progress Reports

Protect the Record

- Object to information that is not "relevant, reliable and necessary"
§7B-2501(a)
- Review Court Orders
 - Check for Specific Findings of Fact
 - Review Disposition Work Sheet

Project Positive Attitude

- Give a "Closing Statement"
 - Describe why plan is appropriate
 - Emphasize Belief in Client's Compliance and Success
- Empower Client
 - Give Client copies of orders
 - Review terms and conditions
 - Give relevant contact information
