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Parents' Involvement in the Youth Justice System: A View from the Trenches¹

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Abstract

Although the Youth Criminal Justice Act (YCJA) contains more references to parents than previous youth justice legislation, it contains little discussion of the principles underlying parental involvement. Thus, it is critical to explore the views of those who work in the youth justice system, as their perceptions may shape how they involve parents in the system. In this descriptive study, Ontario police, defence and crown counsel, youth court judges, and probation officers were interviewed regarding their perceptions of parental involvement in youth justice proceedings. Most respondents believed that the YCJA actively encourages parental involvement. In addition to support and advocacy for youth, officials indicated that legislators intend parents to play a role in addressing youths' offending behaviour. Nevertheless, there were concerns that current legislation encourages parental involvement only in theory but that this does not translate into practice. Different, and at times conflicting, perspectives across respondent groups suggest the need for inter-professional training to enable the system to work more collaboratively to provide youth and parents with consistent information and expectations regarding parents' roles and promote more effective parental involvement.

The centrality of parents (or parent figures)¹ in the lives of children and adolescents is difficult to dispute. Beyond the family context, parents play a significant role in children's interactions with larger social institutions such as the education and healthcare systems. The importance of parents in their children's lives has also been explicitly acknowledged in youth justice legislation since the time of the Young Offenders Act (YOA; 1984). The declaration of principles of the YOA included a general acknowledgement of the responsibility of parents and the interest of families in the freedom and wellbeing of children (YOA 1984 s. 3[1]). As summarized by Varma (2007), specific provisions for parental involvement included notification of parents regarding a youth's arrest or court proceedings (such as bail hearings), establishing a youth's right to request the presence of a parent (or other appropriate adult) during police questioning, taking into account representations made by parents when sentencing decisions are made, and expecting parental supervision of certain bail or probation conditions set by the court. Although never explicitly expressed in the legislation, parents' role under the YOA appears to have focused predominantly on support and advocacy for young people as a means of compensating for youths' lack of full developmental maturity (Tustin 1994).²

An even stronger focus on the role of parents is apparent in the Youth Criminal Justice Act (YCJA; 2002), which instructs that "parents should be informed of measures or proceedings involving their children *and encouraged to support them in addressing their offending behaviour*" (s.3[1][d][iv], emphasis added). The YCJA preserves the YOA's emphasis on young people's right to due process, as well as the provisions for parental notice, receiving information, and supervision. However, it also expands the scope for parental roles from advocacy and support, by providing an increased emphasis on socialization of youth (Broeking, 2008), that envisions parental functions extending beyond advocacy and support to include

involvement both in crime prevention and in the “design and implementation of sanctions or consequences” for offending behaviour (Varma 2007: 233). In the same vein, Bala (2003) argues that there is a greater focus on parents’ *responsibility* for youth in the YCJA.

Although the YCJA contains more references to parents than its predecessor, the legislation contains little discussion of the principles or assumptions underlying parental involvement and provides no specific guidance regarding *how* parents are to fulfil their roles. Thus, it is left to youth justice personnel to interpret the YCJA’s intentions with respect to parents’ ‘place’ in the system, and to involve parents in accordance with that interpretation. It is therefore critical to explore the views of those who work in the youth justice system (e.g., police, defence lawyers, crown counsel, judges, and probation officers – henceforth called ‘youth justice officials’³), as their perceptions of parental involvement likely shape how they involve parents in youths’ interactions with the system. There is a dearth of research in this area.

Findings from the few studies available suggest that most justice officials want parents to be involved in legal proceedings and officials frequently complain that parents should be more consistently and more actively involved during their child’s legal case (Davies and Davidson 2001). Varma (2007) reported that court officials seem “mindful of parents who were a strong presence in court” (Varma 2007: 252) and interviews with police indicated that officers may be more likely to lay a charge, release on strict conditions, and/or detain the young person when parents show no interest in becoming involved, downplay the gravity of the situation, or refute that their adolescent child could have committed the crime (Carrington and Schulenberg 2003). However, even educated, highly involved middle-class parents find it difficult to navigate the complexities of their child’s youth justice experience (Hillian and Reitsma-Street 2003).

Through semi-structured interviews with youth justice officials we sought to answer several broad questions in this exploratory study. First, we examined youth justice officials' perceptions of parental involvement in youth justice proceedings, including their support for young people's due process rights and their views regarding the legislative rationale for parental involvement, system-level policies and practices for involving parents, as well as the *personal* importance they place on parents' involvement in youths' justice system experiences. Secondly, we examined whether perceptions regarding parental involvement are consistent across the various groups who work in the system. In the absence of a clear and comprehensive message from the legislation regarding parents' intended roles, the messages that youth and parents receive regarding parental involvement are likely filtered through the professional lenses of the various groups with which they interact. The effectiveness of parents in assisting youth (either from an advocacy or from a socialization standpoint) may be reduced if youth and parents receive mixed or contradictory messages regarding parents' role in the system. Finally, we explored whether justice officials perceived a shift in parents' roles from the YOA to the YCJA. While support and advocacy for youth is consistent across both Acts, if the YCJA is being implemented as intended, one would expect to see a greater emphasis on parents in a socialization capacity, including involvement in extrajudicial measures, planning and implementation of dispositions, and supervision of bail and probation conditions.

Method

Participants

Five groups of key informants ($N = 41$; 23 females and 18 males) who work in the youth justice system -- police ($n = 10$), defence lawyers ($n = 8$), crown attorneys ($n = 7$), judges ($n = 7$), and probation officers ($n = 9$) -- were individually interviewed between June 2005 and

September 2006. Police, judges and probation officers were drawn from three to five different areas (e.g., police divisions, courts, or districts) within Toronto. Defence and crown counsel came from four to five different locations throughout southern and central Ontario (including Toronto). The sample was diverse in age (with 27 of the 41 participants in the 30-49-year-old range) but homogenous in ethnic background, with 38 participants indicating that they were of white or European background. All participants had completed high school and 88% had completed a college, university or graduate degree. Respondents had significant experience in working with youth and parents. They had worked in their current occupation from one to 32.5 years ($M = 13.54$, $SD = 9.01$). Their contact with youth and parents in a week differed across occupation. However, all respondents saw at least some youth each week.

Procedure

A purposive sampling strategy was used. Individuals who were experienced in working with young people in the youth justice context were recruited (e.g., police who work in youth bureaus, judges and lawyers who practice in youth courts). To recruit police, the police research administrator selected five Toronto police divisions for study participation; these varied in size as well as in the socioeconomic makeup of the neighbourhoods they served. At each division, two officers participated: in total three constables, one school liaison officer, and six detectives were interviewed.

Judges and crown attorneys working in youth courts were contacted through several courts in the Greater Toronto Area. Potential participants were presented with information about the study and an invitation to participate. A member of the youth criminal defence bar facilitated contact with colleagues through the Criminal Lawyers Association of Ontario. Lawyers were distributed study information and invited to contact the investigator if interested in participation.

Administrative consent was obtained from the Ministry of Community Safety and Correctional Services and the Ministry of Children and Youth Services to recruit probation officers.

Presentations were held during probation staff meetings and potential participants were presented with information about the study and invited to participate.

Following consent, interviews with police, lawyers, judges, and probation officers were conducted individually and lasted 1-3 hours ($M = 1.3$ hours). Twenty-four interviews were conducted face-to-face in a private office at the participant's work place and 19 phone interviews were conducted. Recruitment of participants was discontinued once content analysis of interviews indicated that there was a saturation of themes (i.e., no new themes were identified or developed from the interviews; Huberman and Miles 2002).

Measures

A Parental Involvement interview was developed for the five respondent groups. Each included a set of questions common to all groups as well as questions that captured groups' unique roles and experiences with respect to young people and parents. The interview was comprised of three parts. Part 1 addressed respondents' perceptions regarding parents' potential roles and responsibilities as defined by youth justice legislation (e.g., what do you think is the YCJA's underlying rationale for parental involvement?). Part 2 focused on respondents' personal experiences with parental involvement in their daily work. Part 3 was based on respondents' understanding of policies and/or procedures that are in place to facilitate effective parental involvement at their work place. Responses to the second and third parts of the interview are reported elsewhere (Peterson-Badali and Broeking, 2009).

A content-based coding system was developed to capture informants' responses to open-ended interview questions; 25% of the interviews were independently coded by a second rater in

order to establish reliability. Using Cohen's Kappa to correct for chance agreement, reliability ranged from .71-.90, with a mean of .83.

Youth justice officials were also administered the Youth Legal Rights Attitude Scale (YLRAS; Peterson-Badali and Broeking, 2004), a 20-item measure of support for young people's due process rights. Respondents rated the extent of their agreement with each statement on a 6-point likert scale (strongly disagree to strongly agree). Items cover youths' rights to silence and legal counsel (e.g., Young people should have the right to remain silent, i.e. not have to answer questions by the police), their right to access extra legal support from a parent or other adult (e.g., Young people should have the right to have a parent, or other adult present when they go to court), and their right to autonomy in deciding whether to exercise rights (e.g., Young people should be able to say they *don't* want to have a lawyer present during police questioning). Internal consistency of the YLRAS was satisfactory (Cronbach's alpha = .77).

Results and Discussion

Attitudes toward Young People's Legal Rights

Respondents' mean support scores reflect positive attitudes towards young people's legal rights, with an overall mean of 5 out of 6 (see Table 1). An independent sample t-test revealed no difference in attitudes towards young people's legal rights between male and female respondents, $t(1, 38) = -.70, p = .49$. A one-way analysis of variance indicated significant differences in support for legal rights by respondent group, $F(4, 36) = 3.89, p = .01$. Post hoc tests revealed that police showed less support for youths' due process rights than crown attorneys ($p < .05$).

Table 1 about here

Perceptions of Parental Involvement under Canadian Legislation

The majority of respondents felt that current Canadian legislation encourages parental involvement in legal proceedings involving youth (see Table 2). However, over a quarter of respondents argued that the YCJA encourages parental involvement in theory but fails to do so in practice. Interestingly, respondents expressed somewhat different views when asked whether past youth justice legislation encouraged parental involvement in legal proceedings. While the majority of informants felt that the YOA did make provisions for parents to be involved, many respondents argued that the current Act encourages it more, using clearer language.

Table 2 about here

When respondents were asked to describe the rationale for parental involvement under the YOA and the YCJA, two predominant themes emerged. Consistent with the expressed intent of the YCJA, officials mentioned *advocacy* for youth (with particular reference to due process rights), and *socialization* – monitoring youth and assisting them to address their offending behaviour – with similar frequency (see Table 3). Responses differed when the YCJA was compared to its predecessor. While respondents referred with equal frequency to advocacy in relation to both the YOA and YCJA, socialization was mentioned much less frequently in reference to the YOA. Respondents elaborated that the current legislation places more emphasis than the YOA on the value of family and community in addressing offending behaviour. Officials also acknowledged that one of the original goals of parental involvement under the YOA was to offer youth support and advocacy given youths’ developmental immaturity, and many indicated that this remains an important role for parents under the current legislation. A less frequently expressed theme was that there is no rationale for parental involvement; this was more commonly voiced with respect to the YOA than the YCJA.

Table 3 about here

System-level and Personal Perspectives on Parental Involvement

To elaborate on, and perhaps contrast with, their views about the *legislative* perspective on parental involvement, participants were asked to talk about policies and practices in place in their workplaces (i.e., system-level processes) as well as their personal perceptions regarding parental involvement in youth justice proceedings. In the absence of clear legislative direction regarding when and how parents should be involved in the youth justice process, institutional policies and procedures could be critical guides for those working in the system. These would be particularly relevant to police, crown attorneys, and probation officers, who work within a more clearly structured setting than defence counsel or even judges. However, when asked what strategies and policies are in place regarding parental involvement, respondents uniformly stated that there were *no* system-level policies or procedures aside from legislative mandates (e.g., around parental notice). Respondents' interviews suggested that it was their interpretation of the legislation as well as their personal experiences with parents that shaped their individual strategies for involving parents.

The vast majority of justice officials personally endorsed the YCJA principle that parental involvement is vital when dealing with youth. One defence lawyer and one police officer cautioned that the importance of parental involvement depends on the parent and the context of the proceeding(s); parents' involvement was seen as useful only in cases where the parent is able to play a supportive role. The police officer argued that parents' involvement at the police station is not always desirable as it can interfere with investigations.

As illustrated in Table 4, most informants shared the belief that parents' involvement is vital because it provides youth with general support and guidance throughout their youth justice experience. Respondents frequently acknowledged that going through the youth justice system is

a complex and intimidating process and that youths' parents should support them through this by "just being there" for them. Secondly, respondents stated that parents can help address offending behaviour by monitoring the youths' behaviour and facilitating their socialization. They stressed that parents should be role models for children to help them take responsibility for their actions. In addition, judges and probation officers argued that parents should serve as a link between youth and the system and thereby help create meaningful consequences for young people.

Despite the overlap between the legislative rationale for parental involvement and respondents' personal perspectives, there was evidence that justice officials' views were not always consistent with the legislation. For example, despite the fact that legal advocacy was identified as a purpose of parental involvement both in current and previous legislation, and while respondents showed strong support for youths' legal rights – including the right to access parental support – they did not consistently identify gaining a legal advantage for young people as a reason for parents' involvement in the system. While there was a consensus that parents' presence at certain points in the youth justice process facilitates positive outcomes for youth (e.g., granting of bail), 'advocacy' for youth was often construed more as doing what is *good for* them rather than supporting their wishes. For example, a majority of officials felt that parents can assist the system by offering valuable information, which can positively influence programming and sentencing, and thus benefit youth. There were interesting group differences in this regard, which are discussed below. It is worth noting that officials did *not* believe that parents should give legal advice to youth.

Table 4 about here

Findings from previous research (Peterson-Badali and Broeking, 2004) indicate that parents show different degrees of involvement at different stages in the legal process.

Consequently, it was important to examine whether justice officials thought that there are points when parental involvement is more or less important. The vast majority of respondents ($n = 35$) reported that parental involvement is more important at some points (e.g., bail hearings) than others (e.g., set date appearance; see Table 5). Respondents agreed that parents' involvement is critical at court. Most officials argued that parents should attend at least the important proceedings as their presence may influence outcomes (e.g., sentencing). For this reason, respondents also emphasized that parents' presence is essential at release points (e.g., police station and detention). Interestingly, fewer respondents felt that parents should be involved during the arrest and only probation and police officers endorsed the importance of parents' involvement after court. A minority of respondents argued that parental involvement is essential at all stages and that parents should always try to be present during proceedings.

Table 5 about here

Group Differences in Perspectives on Parental Involvement

The above results indicate general consistency between youth justice officials' interpretation of the purposes of parental involvement as set out in youth justice legislation and their personal views regarding the importance and function of parental involvement. There was also overlap across respondent groups in this regard. For example, most groups focused on *both* support/advocacy and socialization when asked to identify the legislative rationale for parental involvement. However, there were group differences in perspectives on parental involvement that warrant discussion. For example, police showed significantly less support for youths' legal rights than did crown attorneys. They were also less likely than other respondent groups to state that youth justice legislation encourages parental involvement and more likely to state explicitly that it does not. Consistent with this, they were the only group to express the opinion that there is

no rationale for parental involvement articulated in the YCJA, and were correspondingly less likely than other groups to suggest advocacy or socialization as goals of parental involvement in the legislation. Despite their opinions of the legislation, it is interesting that police personally endorsed the importance of parental involvement overall, with a majority citing support and guidance as important reasons for parents to be involved in youths' justice system experiences and half indicating that parents can play an important socializing role (e.g., monitoring youths' behaviour).

Judges were similar to police in that few felt that the legislation encourages parental involvement. However, while a number of police respondents simply stated that parental involvement is not encouraged in youth justice legislation, most judges were clear that the legislation pays lip service to parental involvement 'in theory' but that it does not play out in practice. Interestingly, in giving their personal perspectives on parental involvement, judges were the group most likely to articulate its importance for socializing youth, and none talked about parental involvement in terms of bringing a legal advantage to youth.

In contrast to both police and judges, probation officers were consistent in their view that the YCJA clearly encourages parental involvement, particularly when compared to the YOA. Not surprisingly given their role, probation officers were more likely than other respondents to argue the importance of parental involvement after the court process (though many talked about the difficulty getting parents involved at this stage).

Crown attorneys, like judges, tended to focus on socialization as the primary legislative rationale for parental involvement, though (unlike judges) their personal views reflected support and guidance as even more important parental roles. This group was most likely to state that parental involvement is important at every stage in youth justice proceedings.

Unlike police and judges but similar to probation officers, defence counsel unequivocally saw youth justice legislation as encouraging parental involvement. This group most consistently identified advocacy as the rationale for parental involvement (though they mentioned socialization as well) and most clearly differentiated between what they saw as the intentions in the legislation and their own views of parental involvement. For example, most defence counsel agreed that parents should be active in the *overall* socialization of youth but cautioned that placing too much emphasis on parents' role in the socialization of youth in legal contexts may result in legal disadvantages for defendants. Defence lawyers were particularly troubled that police frequently try to utilize parents to gather statements, which they felt should not be the role of parents. They perceived an inherent conflict in the notion that parents are supposed to provide legal advocacy to their child while enhancing their child's (moral) socialization and argued that parents' role at the police station should be limited to offering emotional support and to strengthen youths' right to legal counsel. Defence lawyers also emphasized to a greater extent than other groups that parents should offer instrumental support at court (e.g., agree to serve as surety, take responsibility for supervision) to facilitate positive outcomes for youth (e.g., granting of bail) and the system (e.g., by reducing breaches).

Implications for Policy, Practice, and Research

Consistent with the principles and goals expressed in the Youth Criminal Justice Act, most youth justice respondents believed that the YCJA actively encourages parental involvement and many argued that it contains a stronger focus on parents than previous legislation. However, there were also clear concerns, especially among judges, that the rhetoric does not match the reality. One judge pointed out that *"parents...are supposed to be notified of all proceedings and they are supposed to help address offending behaviour. However...we have a huge problem*

around kids in detention and parents... The only people who can get into the cells downstairs are lawyers... That means that parents can't have the discussions and parenting opportunities they need in Ontario." We examine how parental involvement is 'playing out' in reality, particularly at key points in the legal process (e.g., when police question youth as well as at release points at the police station and at court), in Peterson-Badali and Broeking (2009).

Though there was agreement across the various groups of youth justice officials regarding important aspects of parental involvement – such as goals and benefits – there were also group differences that have practical implications. At times, groups appeared to hold conflicting views regarding parental involvement that could lead to mixed and confusing messages for parents and youth. In this regard, it is important to address the concerns (raised primarily by defence counsel) that parents are expected to undertake roles that conflict with one another (e.g., legal advocacy vs. moral socialization of their adolescent children). For example, defence lawyers worried that police exploit the socialization role to further their own goals, which can undermine youths' due process rights. In addition, views that were fairly unique to police – that legislation does not encourage parental involvement and that involvement can be detrimental to the administration of justice – need to be addressed. For example, these perspectives may be related to the very low rates of parental involvement at the police station reported in previous research (Peterson-Badali and Broeking, 2004). These conflicting perspectives highlight the need for inter-professional education and training to increase the consistency with which justice officials understand parental involvement so that the system can work more collaboratively (or at least not at cross-purposes), and youth and parents can receive more consistent messages regarding parents' roles. It is quite likely that at least some of the differences in how youth justice professionals view parents' roles stem from their own roles

within the system and, as such, are not easily amenable to change unless structures and processes within the system itself change. However, at a minimum there are basic messages regarding the function and importance of parental involvement, particularly at court, that officials would likely agree on and that could (and should) be communicated in a consistent way across the system.

Clearly, there are limitations to the current study. This purposively selected sample presents the views of a small number of professionals working within the youth justice system in Ontario. With respect to the issue of sample size, it is important to recall that data collection continued within each respondent group until there was sufficient consistency in responses that saturation of themes was reached. However, respondents' views may not generalize to others in the system in the province, and particularly to other provinces where youth justice is administered in a very different manner than in Ontario. Studies of personnel in other Canadian provinces and territories would add valuable insight to the issues examined here, particularly in terms of the question of how differences in implementation of the Act are reflected in officials' perceptions of and reported practices with respect to, parental involvement.

In order to promote a shared understanding of parents' roles in the system and to facilitate effective and meaningful parental involvement it is also vital to examine the perceptions and experiences of those at the heart of the matter – youth and parents themselves. Reports based on interviews with young people regarding the extent and nature of parental involvement in their justice system experiences (Broeking and Peterson-Badali, 2009a), as well as the predictors and outcomes of parental involvement (Broeking and Peterson-Badali, 2009b, Clarke and Peterson-Badali, 2009), are currently in preparation.

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Legislation

Young Offenders Act, R.S.C. 1984, c. Y-1.

Youth Criminal Justice Act, S.C. 2002, c.1.

Table 1. Mean Item Scores on the Youth Legal Rights Attitude Scale (N = 41)

	Mean item score	SD	N
Judges	5.27	.48	7
Defence	5.17	.43	8
Crown	5.50	.48	7
Probation	4.86	.52	9
Police	4.65	.53	10
Total	5.05	.56	41

Table 2. Does Canadian Youth Justice Legislation Encourage Parental Involvement? (N = 41)

	<u>Yes</u>		<u>In theory only</u>		<u>No</u>		<u>YCJA Clearer</u>
	<u>YOA</u>	<u>YCJA</u>	<u>YOA</u>	<u>YCJA</u>	<u>YOA</u>	<u>YCJA</u>	
Judges	1	2	3	5	0	0	3
Defence	6	8	0	0	0	0	2
Crown	3	5	2	2	0	0	1
Probation	1	8	0	1	1	0	5
Police	2	2	3	3	3	4	1
Total	13	25	8	11	4	4	12

Table 3. Rationale for Parental Involvement under the YOA and YCJA (N = 41)

	Advocacy Due process		Socialization Monitoring		No Rationale	
	YOA	YCJA	YOA	YCJA	YOA	YCJA
Judges (n = 7)	6	5	3	6	1	0
Defence (n = 8)	7	7	4	5	1	0
Crown (n = 7)	4	4	4	7	0	0
Probation (n = 9)	3	6	0	7	3	0
Police (n = 10)	5	5	3	4	3	3
N	25	27	14	29	8	3

Table 4. Respondents' Perceptions Regarding Why Parental Involvement is Important (N = 41)

	Support/ Guidance	Legal Advantage	Socialization/ Monitoring
Judge ($n = 7$)	3	0	6
Defence ($n = 8$)	5	6	0
Crown ($n = 7$)	7	3	4
Probation ($n = 9$)	6	2	6
Police ($n = 10$)	7	3	5
<i>N</i>	28	14	21

Table 5. Respondents' perceptions regarding when parental involvement is important? (N = 41)

	At all stages	Arrest	Release points	Court	After Court
Judge (n = 7)	1	2	3	5	0
Defence (n = 8)	0	2	4	6	0
Crown (n = 7)	3	0	3	4	0
Probation (n = 9)	2	3	3	6	7
Police (n = 10)	0	3	6	9	3
N	6	10	19	30	10

Endnotes

1 In this paper the term ‘parent’ is not restricted to biological parents, adoptive parents, or legal guardians but includes individuals (e.g., grandparents, siblings, or other relatives) who assume one or more parenting roles with respect to youth such as providing advice, guidance, support or assuming responsibility for the wellbeing of youth.

2 The Juvenile Delinquents Act, which preceded the YOA and was in force for almost 80 years, took a ‘child welfare’ approach to youth offending intended to be informal, non-adversarial, and corrective in nature. The YOA constituted a significant departure from this welfare orientation and was characterized by a focus on greater youth accountability for offending behaviour together with the attention to due process necessary to protect young people’s rights in an essentially adversarial youth justice process. Parental involvement was understood (though this was never explicitly expressed in the Act) as a means of protecting and advocating for youth in the context of this rights and responsibilities framework.

3 Although defence lawyers are not government employees in the way that the other groups (judges, crowns, police and probation officers) are, for the sake of simplicity all groups are referred to collectively as youth justice ‘officials’.