

NSW YOUTH DRUG COURT TRIAL

Roger Dive, Senior Children's Magistrate
Deputy Chief Magistrate

and

Martin Killen, Police Prosecutor
Youth Drug Court

and

Debra Cole, Manager
Youth Drug Court Joint Assessment and Review Team

and

Anton Poder, Senior Policy Officer
Attorney General's Department

*Paper presented at the
Juvenile Justice: From Lessons of the Past to a Road Map for the Future Conference
convened by the Australian Institute of Criminology
in conjunction with the NSW Department of Juvenile Justice
and held in Sydney, 1-2 December 2003*

1.0 Background

In May 1999, the NSW Government held a Parliamentary Summit – the Drug Summit - to consider new and existing options for dealing with the increased illicit drug use being reported within NSW and nationally.

A major focus of the Summit was the development of options for diverting adult and juvenile offenders with significant drug problems – mainly heroin dependence – out of the criminal justice system and into treatment.

Prior to the Drug Summit, a range of juvenile diversionary options – including formal police cautioning and youth justice conferences – were available, but not to young people with specific drug offences. This anomaly was addressed by changes to the Young Offenders Act which came into effect in April 2000.

The Drug Summit also debated the trial of a Drug Court for young offenders. It is noted that NSW had, three months earlier, launched a Drug Court for adult offenders. A Youth Drug Court trial was not universally supported by Summit delegates. However, it was carried as a Summit recommendation, and was then supported by the NSW Government and announced in the NSW Drug Summit 1999 – Government Plan of Action¹.

The Plan of Action stated that the program “will combine intensive judicial supervision and case management of young offenders who are charged with criminal offences that result from drug misuse. These young people will be referred to programs aimed at eliminating or reducing their drug misuse and related criminal behaviour and increasing their ability to function as law abiding member of the community.”

1.1 Commonwealth Involvement

In April 1999 the Council of Australian Governments (COAG) agreed on a national approach to the development of a drug diversion initiative and supporting measures. A total of \$221 million over four years was allocated for a range of measures including supporting the diversion of illicit drug users from the criminal justice system into education and treatment, requiring the establishment of assessment services and additional treatment places.

While the NSW Government commitment to implement a Youth Drug Court (YDC) pilot program predated the development of a funding agreement between the NSW and Commonwealth Governments regarding diversion programs, Commonwealth funding has subsequently been used to support aspects of the implementation of the YDC program. We acknowledge the Commonwealth’s funding support.

1.2 Interagency Policy Development

An Interagency Project Management Group (IPMG), consisting of key NSW criminal justice and social service agencies, was convened to develop a YDC model that could serve as the pilot program. Through the work of this group, the program commenced operation in July 2000.

A senior officer’s group has since been convened to:

- Identify and address policy issues that will arise over the course of the pilot; and
- Provide updates to the NSW Government on the external evaluation and overall operation of the YDC.

In addition to this, all senior clinical and legal staff meet regularly to identify local policy issues. Where necessary, issues are referred to the senior officer's group for resolution, and vice versa. There are common members to both groups.

2. Program Characteristics

The YDC operates within the existing legislative framework of the *Children's (Criminal Proceedings) Act 1987*. This can be contrasted with the NSW Adult Drug Court, which is codified and regulated by its own legislation, the *Drug Court Act 1998*.

To cater for the operation of the Youth Drug Court, a small number of amendments were inserted into the *Children's (Criminal Proceedings) Act 1987*. Significantly, these amendments are supplemented with two detailed Practice Directions. Children's Court Practice Direction No. 18ⁱⁱ sets out the general procedure of the YDC, and Practice Direction No. 19ⁱⁱⁱ provides the procedure for dealing with breaches of program by YDC participants.

S 33 (1)(c2) of the *Children's (Criminal Proceedings) Act 1987* was altered to read that:

"If the Children's Court finds a person guilty of an offence to which this Division applies..... it may make an order adjourning proceedings against the person to a specified date (being an adjournment for a maximum period of 12 months from the date of the finding of guilt), and granting bail to the person in accordance with the *Bail Act 1978*:

- (i) for the purpose of assessing the person's capacity and prospects for rehabilitation, or
- (ii) for the purpose of allowing the person to demonstrate that rehabilitation has taken place, or
- (iii) for any other purpose the Children's Court considers appropriate in the circumstances".

S 50B of the same Act is headed "Special provision relating to drug rehabilitation programs" and provides for the disclosure of information from program staff concerning a young person's participation in the program. This information is classified as "protected information" and can only be used for the information of the YDC team and is not admissible in any other Court, tribunal or committee. It also provides immunity for program staff from breaches of professional etiquette, ethics or a departure from accepted standards of professional conduct, defamation and other civil proceedings.

One of the issues that will arise for the future operation of the Youth Drug Court will be whether the program has its own legislation, or continues to function through amendment to existing legislation which applies generally to Children's Court activities.

2.1 Eligibility

Eligibility for the program is limited to young people who:

1. Are first found to be ineligible for a caution or conference under the *Young Offenders Act 1997*.
2. Are charged with an offence that is able to be dealt with by a Children's Court (that is, the young person is aged between ten and 18 years at the time of the commission of the offence and the offence is not a serious children's indictable or traffic offence that is dealt with by other courts)
3. Have a demonstrable drug and/or alcohol problem.
4. Either
 - a) Reside within the boundaries of the Local Area Commands (police areas) that feed into Campbelltown, Cobham and Lidcombe Children's Courts, or,
 - b) Have committed their offence within the boundaries of the Local Area Commands that feed into Campbelltown, Cobham and Lidcombe Children's Courts and, although not residing within these areas, can demonstrate that they otherwise identify with these areas.

5. Are not charged with a sexual offence.
6. Plead guilty or indicate an intention to plead guilty if admitted into the program.
7. Consent to participate in the program.
8. Are aged between 14 and 18 years, although the YDC Magistrate will have discretion to admit into the program young people under 14 years who are assessed as being suitable for admission.

Potential participants are provided with legal advice regarding their options prior to program entry, and are informed of the intensive nature of the YDC program.

Changes to Program Eligibility Criteria

Prior to November 2002, referral and entrance to the program was completely voluntary. Young persons had to give consent to participate in an initial screening process. Young persons received legal advice prior to then considering consent to the more comprehensive program assessment.

It was identified that a high proportion of young persons who appeared suitable for the Youth Drug Court program were choosing to refuse referral for assessment. As noted by the Senior Children's Magistrate:

“...some young persons indicate opposition to the YDC when it is first suggested. This may be at a time when they are tired, ill, hanging out and in custody. They may not be in a fit state to make such a decision, and may have little knowledge of the advantages.”

In some cases those young persons were making decisions that resulted in them serving custodial sentences.

This made the program unlike other juvenile justice diversionary initiatives in NSW, which can involve an element of compulsion. For example, offenders can be required to undertake therapeutic interventions delivered through the NSW Department of Juvenile Justice's Intensive Program Units as part of a non-custodial sentence.

The program policy was altered such that the consent of the young person was no longer required before they could be referred for program assessment. However, program participation was not mandated in cases where it would be counter-productive. As noted by the Senior Children's Magistrate:

“It may be that the young person is ultimately found to be unsuitable by virtue of lack of co-operation with the assessment or non-compliance with the program. If that arises, then their participation can be terminated in the usual way. We do not seek the permission of the defendant to obtain other assessments, so it is inappropriate to hamper the use of the YDC by requiring consent at far too early a stage.”

It is too early to determine whether young persons referred without consent have different outcomes to those who nominate to attend for assessment. This will be considered in 2004 as part of ongoing policy review.

3. Program Implementation

The YDC Program has been established as an integrated and collaborative initiative which brings together the elements of the juvenile criminal justice system with various government and non-government adolescent service providers. It aims to divert young offenders from custody by dealing with juvenile drug related offending in a manner which addresses not only the legal factors, but the holistic and systemic health and welfare issues which have affected the young person's ongoing substance misuse and associated offending.

It is anticipated that by intensively intervening in the multitude of systems pertinent to the young person's substance misuse and related offending, rather than focussing only on the legal resolutions, that a greater and more lasting impact can be made on the young person's lifestyle choices and overall well being.

To implement this process the YDC Program relies on the strategic establishment of two interdependent and overarching teams: the judicially driven Youth Drug Court Team and the intervention oriented Joint Assessment and Review Team (JART).

3.1 Youth Drug Court Team

The meshing of judicial and treatment approaches is most clearly demonstrated in the operation of the Youth Drug Court Team. The Court Team comprises the sitting Children's Magistrate, Police Prosecutor, Legal Aid Solicitor, YDC Registrar and a representative of the Joint Assessment and Review Team (JART). Whilst the primary focus of the Court Team is the processing of justice matters, the participation of JART in this process provides the opportunity to contribute a therapeutic perspective to the legal proceedings.

Of particular significance is the young people's personal interaction with members of the Court Team. The deliberate degree of informality and open discussion at Report Back sessions promotes the young person's rapport building with members of the Court Team, most notably with the Magistrate and Prosecutor. It encourages the young person to assume responsibility for their actions and to actively contribute to the ongoing development and adherence to their program plan.

3.2 Joint Assessment and Review Team (JART)

The Joint Assessment and Review Team (JART) comprises representatives from the Departments of Juvenile Justice, Health, Community Services, and Education and Training. For administrative purposes, there are positions of Manager and Assistant Manager of JART, both located in the Department of Juvenile Justice (DJJ) who perform an overall coordination role of JART activities.

Each of the other participating departments have a fulltime member of JART who is responsible for the development and monitoring of a range of programs pertinent to their specialist area.

In addition to being responsible for the provision of assessments to the Court of young people referred to the YDC, JART also retains the responsibility to direct the nature and frequency of intervention undertaken and performs a monitoring and review role in regard to the young person's overall program participation.

4. Program Operation

It is worth repeating that the YDC operates within the existing Children's Court system and is integrated within existing judicial systems as much as possible. It shares courtroom space with other Children's Courts and Local Courts, both reducing the duplication of tasks and increasing the visibility of the program to other judicial and legal officers – in an effort to maximise referrals.

4.1 Referrals and Initial Screening

Young people who are legally eligible will be referred by catchment courts (any NSW Children's Court in which an eligible young person appears) to the YDC at their first appearance before the Children's Court. Young women and young people in remand are seen as a 'priority' for referrals.

Pending their first appearance at the YDC, each young person so referred will be preliminarily screened for confirmation of a demonstrable drug and/or alcohol problem and assessed as to their immediate needs (such as detoxification services and/or housing).

The Initial Assessment is undertaken by the Department of Juvenile Justice counsellor. This is a brief screening which provides information as to how a young person meets basic criteria including:

- presenting with a demonstrable drug or alcohol involvement;
- that any AOD involvement has a clear connection to their offending;
- some determination of their level of motivation and commitment to change;
- need for detoxification or acute health care;
- residence in or significant identification with the catchment area of the pilot; and,
- a brief general and mental health screen to identify any issues which might seriously impede the young person's capacity to fully participate in the YDC Program.

This screening information is reported to the Court at the young person's first YDC appearance.

4.2 Legal Eligibility and Clinical Assessment

At their first appearance before the Youth Drug Court, the YDC Magistrate determines the young person's legal eligibility to participate in the YDC. The YDC Magistrate has, at this point, a discretion to exclude a legally eligible young person because a caution or Youth Justice Conference is more appropriate; or because the young person's offence or history of offending is so severe that the young person would be sentenced to a control order even if he or she successfully completed a YDC program.

Each young person who is legally eligible and acceptable to the YDC has their matter adjourned for 14 days, while they undergo an in-depth, holistic assessment of their needs. These assessments are conducted by the JART and result in the preparation of a Comprehensive Assessment Report. The young person is granted conditional bail or remanded in custody for the preparation of this report.

This assessment expands on the Initial Screen and is conducted independently by each of the four JART members via separate assessment interviews with the young person and significant others, as appropriate. This assessment determines the young person's clinical suitability to enter and participate on the YDC Program.

The Comprehensive Assessment details information collated from interview with the young person and family members or significant others; reviews of Departmental records or files; as well as consultation with current and previous service providers. JART members conduct their assessments across a wide range of issues pertinent to their specialist area and include matters such as:

- the nature, pattern, and context of current and past AOD involvement;
- experiences of substance misuse such as overdoses,
- prior detoxification and treatment episodes including pharmacotherapies;
- current and prior health interventions;
- general, mental, and sexual health status and treatment needs;
- family based issues including any child protection matters;

- family structure and dynamics;
- familial and social networks and supports;
- accommodation needs and options;
- offending history, pattern and dynamics;
- response to prior mandated supervision or intervention by the Department of Juvenile Justice;
- connection between AOD use and offending;
- peer associations and activities;
- response and progress within school, TAFE or vocational contexts;
- assessment of educational and vocational capabilities and options;
- barriers to past or future educational/vocational pathways; and,
- motivational issues.

4.3 Program Plans

These assessments of the young person's background, current presentation and assessed needs are presented at a case conference of JART for consideration of suitability to participate on the YDC Program and for the formulation of a potential program plan. The program plan details the activities, responsibilities and interventions proposed.

A further case conference is convened with JART, the young person, his/her family or significant others and other pertinent stakeholders to review the Comprehensive Assessment and to develop and negotiate the program plan.

A report on the assessment is prepared for the Court. This incorporates the separate JART assessments into a comprehensive composite document, providing the JART recommendation as to suitability for the YDC Program and the proposed program plan for endorsement by the Court. Compliance with this program plan then becomes a condition of the Bail Undertaking entered by the young person on entry to the YDC Program. Whilst each young person's program plan is initially devised in accordance with their assessed specific needs, by necessity, it remains a flexible plan to be constantly reviewed and amended as the young person's needs and progress are monitored and reassessed.

The YDC program plan attempts to balance the legal and supervisory requirements of this mandate with the interventions required to reduce the frequency, nature and impact of the young person's substance misuse and related offending. The intensity of supervision, support and intervention by a variety of specialist YDC staff drawn from various government and non-government agencies, provides a focussed, cohesive and collaborative community based treatment plan.

A YDC program plan typically includes components which require the young person to:

- reside as directed (may be at an accommodation or residential rehabilitation service),
- accept supervision by the Department of Juvenile Justice,
- accept case management support from a YDC Case Manager,
- participate in individual, group and/or family counselling,
- participate in educational or vocational assessments and programs,

- participate in health related assessments or intervention,
- participate in recreational/leisure programs,
- submit to random urinalysis,
- attend the YDC for Report Back sessions as directed by the Court or JART.

In general, clinical interventions (including urinalysis) are directed by JART not by the Court.

Should JART be unable to develop a suitable program plan for a young person (for example, because the young person suffers from an severe mental illness or intellectual disability) JART will report this to the YDC Magistrate. The YDC Magistrate will have the final determination as to whether or not a young person is accepted into the YDC.

4.4 Acceptance Into the YDC Program

At the second appearance before the Youth Drug Court, the YDC Magistrate will formally accept into the program young people for whom a program plan was able to be developed, and will place these young people on an order similar to a Griffith Remand under S.33 (1) (c2) of the *Children (Criminal Proceedings) Act 1987*. The order will:

1. Require that the young person comply with the conditions contained in his or her program plan, and with other related requirements; and
2. Allow deferral of final sentencing in the matter for a minimum of six months.

The young person will then sign an undertaking that he or she will consent to abide by the YDC requirements (in particular, the requirements set out in his or her program plan).

5 Program Services

The following departments have received funding to create new services for Youth Drug Court participants.

Department of Juvenile Justice

As well as the JART manager and assistant manager, the Department of Juvenile Justice also employs other YDC specific staff including three AOD Counsellors, two Juvenile Justice Officers, and a Clerical Officer.

The Juvenile Justice Officers as well as the AOD Counsellors are responsible for the supervision of the legal mandate (as set out in the Bail Undertaking) and the Counsellors also provide assessments, individual, group and family counselling services to YDC participants.

Department of Community Services

The Department of Community Services (DOCS) provides funding to three non-Government agencies to provide case management and brokerage services for YDC participants and for aftercare services to completed participants. The Department of Community Services JART member also coordinates the development and funding of a variety of accommodation options for YDC participants through the formation of community partnerships.

NSW Health

NSW Health has established a residential induction unit for YDC participants. Each young person on entry to the program is required to reside at this unit for a period of two to three weeks and participate in a structured program of activities aimed at stabilising their lifestyle. This induction program also assists in maximising young people's engagement with the staff and processes involved in their program plan and enables the implementation of the various aspects of the program plan. This residential program can also be utilised, where vacancies permit, for young people on the YDC Program to reside whilst reviews of their program plans are being undertaken.

Previously NSW Health has also funded Government and non-Government health agencies to provide health related day programs specifically for YDC participants. Such services include individual, group and family counselling, family support, recreational/activity programs and other culturally specific health related services.

Corrections Health Service, through its role in providing clinical services to the Department of Juvenile Justice, also provides a Registered Nurse as part of the program's staffing. The Registered Nurse conducts initial screen assessments and is responsible for the ongoing health management and random urinalysis of young people on the YDC Program.

Department of Education and Training

The Department of Education and Training JART member provides not only assessment and resources for educational, training and vocational options, but also operates as a consultant and linkage with school, TAFE and vocationally based programs and services. The Department of Education and Training (DET) also provides the funds to operate a TAFE accredited program exclusively for YDC participants. This program aims to assist with literacy and numeracy difficulties and the development of the social skills required to cope with learning environments to enable progression to other education, training and employment options. It has exceptional flexibility with multiple entry and exit points with young people entering, leaving and re-entering the program as their life/program circumstances change.

5.1 Case Management and Supervision

Upon entry to the Program each young person is allocated a Case Manager and a supervising Juvenile Justice Officer. It is the role of Case Managers to implement, resource and coordinate the program plan, by identifying and accessing the resources and services to enable the young person to achieve their specific case plan goals.

Case Managers provide intensive support and assistance as well as overseeing a young person's program participation, and reports this information to the DJJ supervising officer and to the Court. Case Managers prepare formal written reports for the Court at Report Back sessions which detail the specific activities or interventions which have been undertaken as well as commenting on their assessment of the young person's participation, attitude, response and motivation in regard to the matters outlined in the program plan.

The Department of Juvenile Justice is required to undertake the formal supervision of the young person's compliance with the legal mandate – the bail undertaking. As adherence to the program plan is a condition of the bail undertaking, close liaison with the Case Managers is crucial in order to monitor and assist, where appropriate, the young person's progress and compliance with the conditions of the program plan. This supervision is conducted on an intensive basis, often involving daily contact with the young person, family members or other significant stakeholders.

The DJJ Officers/Counsellors also prepare written reports for the Court for each Report Back session detailing the young person's response to supervision, compliance with bail conditions, including progress towards achieving program plan requirements, results of random urinalysis and incorporating any recommendations on behalf of JART regarding variations to the program plan, Bail Conditions or Report Back frequency. These DJJ staff are directly responsible administratively and operationally to the Manager of JART.

Each young person's participation in the YDC Program is a carefully managed process, underpinned by the principles of effective case management which prescribes that there is only ever one caseplan in existence. Pertinent stakeholders are involved in monitoring and reviewing the young person's participation and progress via regularly convened case conferences and formal feedback procedures including written progress reports for each court based report back session.

5.2 Treatment Services

The establishment of a residential Induction Unit for all YDC participants on entry to the program, provides the opportunity not only for a period of stabilisation and orientation for young people, but also enables Case Managers and DJJ staff to engage with young people and commence the implementation of the details of the program plan. It also allows for the confirmation of referrals to placements, specific services and programs and to undertake baseline health assessments, interventions and urinalysis.

Arising out of the Initial and Comprehensive Assessments and embodied in the program plans are a plethora of issues and challenges to which intervention is directed. Many young people present with significant primary health care needs including general health, optical, dental, skin, nutrition and hygiene. Similarly, many are also in need of basic health education especially around harm reduction practices related to their substance use and sexual practices.

Consideration of pharmacotherapies for young people has required careful assessment and consultation, and has been recommended for some participants. Some young people present with mental health concerns which may or may not be related to their substance misuse. It is clearly appropriate to link these young people with the appropriate health professionals to further assess their condition and commence appropriate treatment. Specific health assessments, referrals and treatments are managed and reviewed by the Corrections Health Service Nurse in close consultation with the NSW Health JART member.

The majority of young people on the YDC Program participate regularly in both individual and group counselling around a variety of pertinent issues with counsellors based in the community. DJJ provides specialist interventions targeting offending associated with substance misuse. These interventions tend to focus on the dynamics and triggers of offending, victim impact/empathy, cycle of offending and the development of relevant relapse prevention strategies. Inextricably linked to such issues are usually peer related matters and intervention also tends to focus on skills development such as peer refusal skills.

5.3 Support Services

Many YDC participants present with highly unstable and chaotic lifestyles, characterised by ongoing family and relationship breakdown, have experienced a history of various forms of abuse, are Wards of the State, early school leaving and previous poor attendance at school, significant literacy and numeracy deficits, may have an intellectual disability, have entrenched patterns of high risk substance misuse and offending, often lack basic living and at times social skills, are homeless

and have few accommodation options, possess limited positive community ties, behave impulsively and lack consequential thinking skills, have emotional/behavioural difficulties, have become estranged from their cultural heritage, have poor self esteem and lack awareness of protective behaviours. These are the bases from which the YDC attempts to intervene with these young people.

The lack of safe, appropriate stable accommodation is a frequent problem confronting YDC participants. Many young people have lived away from home for several years and have exhausted the limited supply of available crisis and longer term accommodation options by virtue of their ongoing substance misuse and associated behaviour. In recognition of the critical need and special circumstances of YDC participants, DOCS have forged several partnerships with Government and Non-Government accommodation providers in order to enable YDC participants to access a safe base from which to participate in their program plan.

The provision of opportunities to embark on structured educational and/or vocational pathways and alternative recreational pursuits are also key components within each young person's program plan and are carefully assessed, monitored and reviewed by the DET JART member. The development of a TAFE accredited program specifically for YDC participants enables young people to prepare for further education, training or employment by exposing them to a flexible, need responsive learning environment. This program is conducted at the YDC premises and is delivered by an experienced TAFE teacher.

5.4 Court Report Backs and Judicial Supervision

All participants have regular meetings with the YDC Magistrate and the Court Team. These meetings, or report backs, are usually held in a court room but are not formal court sittings. The Case Manager for each young person and other clinicians may also attend the meetings, as required, and perhaps members of their family, girlfriend/boyfriend or other support worker or counsellor.

These meetings will occur weekly, fortnightly or monthly, depending on the young person's progress and the recommendations contained in each individual program plan. These meetings will examine the young person's progress and compliance, or lack thereof, with the program plan and other YDC requirements. There will be written reports from the Case Manager and DJJ staff, which will review the preceding two weeks activity and response of young person.

A general observation to date, is that despite some initial reticence, most young people respond very positively to the format, regularity and diminished formality of report back sessions. They tend to appreciate the productive rapport developed with Court Team members and embrace the opportunity of being encouraged to speak for themselves at these sessions and to give and receive feedback on their progress and the interventions in which they are involved.

Problems with compliance will be addressed by the Court Team, which may adjust the program plan to best meet the young person's needs. In addition, although the initial sentence deferral and program length is for six months, the sentence deferral and requirement for continued program participation might be continued for up to an additional six months. Continuous or serious breaches of the program plan and related requirements may lead to a young person being discharged from the program.

Other than adjustment of the program plan, extension of time needed to complete the program and, ultimately, discharge from the program, there will be no judicial sanction for program breaches.

If a participant is discharged from a residential service and no other appropriate accommodation is available, bail may be revoked and a young person may be held in custody for some time until a suitable residential place becomes available – at which time bail is reinstated.

5.5 Judicial Issues

Specialist Children’s Magistrates sitting in the Youth Drug Court have pursued an informal atmosphere for the YDC sittings. For all report backs, the magistrate sits at the bar table in the court room with the Court Team and the young person. The magistrate, the prosecutor and the legal aid solicitor all wear casual clothes, and the atmosphere is friendly and relaxed (except in some circumstances when the young person needs to be dealt with sternly for breaching his or her program). Interestingly, the same setting is used for most of the more formal parts of the court process, including admission onto the YDC program, bail reviews, and even sentencing.

In ordinary Children’s Court proceedings, communicating with the young offender constitutes a small, though of course important, part of the court case. At the YDC however communication skills are used continually, and efforts are made by the magistrate to reach and engage the young offender. Over the months the young person attends court a rapport may be achieved between the magistrate and the participant, which is most unlike other court cases.

The YDC program is also trialling new ways of using the criminal justice system, whereby existing, ordinary powers are coupled with intensive team support to try and achieve long term change. The magistrate becomes very familiar with the young offender’s circumstances and efforts at rehabilitation, and, again unlike ordinary court cases, at the time of sentence the magistrate has a real understanding of the person being sentenced, his or her family background, family tragedies - relevant material at a quite unique level.

6 Sentencing and Aftercare

If a young person is discharged from the program due to continuous or serious breaches, the young person will then be sentenced. Sentencing procedures have been described in Practice Direction (No. 19). The sentence will take into account the time that the young person spent in the program and should be no more severe than the sentence that the court would have given if the young person had not attempted to participate in the YDC.

If a young person successfully completes the program, the young person will be sentenced at the end of his or her program plan. Again, the sentence will take into account the young person’s participation in the program and the successful completion of his or her individual program plan. It is expected that young people who successfully complete their program plan will be sentenced to suspended sentences or other supervised orders (such as a probation order, bond and/or fine), and that the ‘aftercare’ component of their program plans may be incorporated into their sentences.

6.1 Aftercare

Staff attached to the YDC have frequently noted the level of attachment some participants develop with the Court and the program staff. This has also been a feature of the NSW Adult Drug Court.

While this is certainly an important part of the therapeutic model, clinicians attached to the Adult Drug Court have identified concerns with expecting participants to move from high levels of court-mandated support to fending for themselves at the end of the court ordered treatment program.

In order to address this participants are offered 'aftercare' even after their court involvement is completed. The 'aftercare' that a young person may require could include ongoing case-work and support to assist the young person in continuing to progress after completing their program plan.

The experience of the trial to date is that a high proportion of the participants who reach the end of their program are seeking to extend their involvement with the court. Usually this is for a period of 1-3 months, though some participants have chosen to extend by up to 6 months. This is seen as a highly significant indicator of the program's effectiveness in working with young people.

7 Evaluation of the YDC Trial

The primary objective of the evaluation is to monitor the progress of the YDC trial, to assess the outcomes and to assist the Government in deciding whether the program should be continued and expanded to other areas of New South Wales.

More specifically, the evaluation aims to:

- to determine the level of re-offending by program participants
- to identify critical success factors and barriers to implementation of the program
- to determine the health and social impacts on participants
- to determine the scheme's attractiveness to eligible offenders and to measure participant satisfaction
- to estimate the level of resources required for sustainable continuation or expansion of the program.

In order to achieve these aims the evaluation comprises five research studies:

- 1 Statistical Monitoring Reports
- 2 Implementation Reviews
- 3 Outcomes Study
- 4 Program Cost Analysis
- 5 Legal Issues Review.

The evaluation is being undertaken by the Social Policy Research Centre, University of New South Wales. The first implementation review was released in July 2001 and is available at http://www.agd.nsw.gov.au/cpd.nsf/pages/Youth_drug_contents^{iv}. The evaluation is scheduled to be completed by the end of 2003.

However, it is noted that on February 23, 2003 – prior to the NSW election held in late March 2003 - the NSW Premier named the Youth Drug Court as an example of a successful program arising from the NSW Drug Summit which would be continued by the NSW Government.

8 Case Studies

The Senior Children's Magistrate will present a number of (deidentified) case studies of Youth Drug Court participants. Panel members will discuss the case, and the program plan developed for that young person.

ⁱ NSW Government, **NSW Drug Summit 1999 Government Plan of Action**, July 1999

ⁱⁱ Senior Children's Magistrate, **The Children's Court of New South Wales Practice Direction Number 18**, April 2001

ⁱⁱⁱ Senior Children's Magistrate, **The Children's Court of New South Wales Practice Direction Number 19**, March 2002

^{iv} Social Policy Research Centre, **Evaluation of the NSW Youth Drug Court Pilot Program: First Implementation Review**, June 2001