

Getting to Know You Round Robin Introductions

Tell the group:

- Your name -- your position/job function
- One skill you believe a Probation Officer requires.
- One belief you believe a Probation Officer requires in dealing with youth in placement.
- Your learning expectations from this class

History of Probation

- 1841 – John Augustus, the “Father of Probation”
- Latin “*probatio*” - period of proving or trial
- The most common form of juvenile disposition

How does a Juvenile Justice case start?

Arresting police officer has several options:

- ❖ Release the youth
- ❖ Write a citation
- ❖ Transport youth to the local Detention Facility

Intake and Investigation



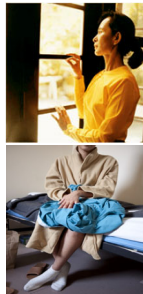
1. Release youth with a warning
2. Grant Informal Probation
3. Submit to DA for filing

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Intake and Investigation (cont.)

4. District Attorney files the petition
5. Youth may be released home or remain in custody



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Petition Filing Deadlines



- Felony time limits
- Misdemeanors time limit
- Or release from custody

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Detention Hearing

- Placement : Home vs. Custody
- What can happen
- Right to attorney representation



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Reasons youth are detained in custody

- Failure to obey
- Severity of offense
- Protection of victim and/or community
- It has been demonstrated that continuance in the home is contrary to the minor's welfare



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Jurisdiction Hearing



- Do you understand the charges?
- True or not true
- Judges decision
- Minor's rights

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Dispositional Hearing

What does the Judge considers?

- How to protect community safety?
- How to restore victim's injury or loss?
- What's best for youth?



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Dispositional Hearing (cont.)

Judges' Orders on behalf of the youth:

- Probation supervision options
- Removal from home
- Detention in a secure facility
- Maximum or custody time



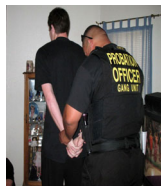
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Types of Probation & Wardship

- Voluntary without wardship
W&I 654
- Informal W&I 725(a) without
wardship
- Formal probation with
wardship 725(b) or 602 W&I
- W&I 790 Deferred Entry of
Judgement



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Probation Supervision



Judge will set:

- Terms and conditions of probation
- They can be strict, youth must give up some rights.
- Conditions should be reasonable and applicable
- Best interest of the youth.

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“Dual Status”– Juvenile Justice & Dependency case at the same time

Dependency Matters

- W&I Code 300
- Department of Children & Family Services
- Which agency can best serve youth
- Case suspended

Juvenile Justice

- W&I Code 602
- Probation Department
- Which agency is best for youth & society's protection
- Takes precedence

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Crossover Youth Practice Model (CYPM)

- Youth known to both the child welfare and juvenile justice systems
- Developed by Georgetown University
- Multi-system approach that:
 - Reduces juvenile delinquency
 - Promotes positive youth development

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CYPM in California

- CYPM aligns with Continuum of Care Reform (CCR) and California Child Welfare Core Practice Model
- Integrates key elements of existing initiatives and proven practices such as Safety Organized Practice (SOP), California Partners for Permanency (CAPP), Pathways to Well-Being (i.e., Katie A.), Child and Family Team Meetings (CFTs), and Wraparound
- CYPM incorporates family engagement, trauma-informed systems, partnering with families and youth, CFTs and information sharing

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Those present in juvenile court



- **Probation:** Court officer for Probation
- **District Attorney:** People of California
- **Attorney:** Youth
- **Court:** Judge, stenographer, court clerk, and bailiff

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After the Case is Over

- Appeal
- Ask to set aside order
- More restrictive disposition
- Automatic record seal upon dismissal of petition



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Juvenile & Adult Court Differences

Juvenile Court

- Allegations found true or not true
- Minor
- Petition
- Record Sealing

Adult Criminal Court

- Proceedings determine guilt vs innocence
- Defendant
- Complaint
- Expungement

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Criminal Court Differences (cont.)

Juvenile Court

- No Bail
- No Jury Trial
- Sustained or not sustained
- Disposition

Adult Court

- Bail
- Right to Trial by Jury
- Guilty or not guilty
- Sentence

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When are youth treated as adults?

- Proposition 57 (2016)
- Judges decide whether to try juveniles as young as 14 in adult court
- If handled in adult court sentencing, laws and procedures are as an adult
- Judge may still decide on a juvenile disposition



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Transfer Reports

With the enactment of Proposition 57 the Court considers:

- If the minor should be “transferred” to a court of criminal jurisdiction
- Eliminates the concept of fitness
- Replaces term fitness with “transfer”



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Probation Is ...

- Court-ordered
- In lieu of detention
- Probationer must meet & agree to certain standards of conduct.



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Referral and Services

Broad range of services to include:

- Crime & Delinquency Prevention
- Victim Restitution Program
- Community Service Programs
- Multi-agency collaboration



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Probation Department Responsibilities

- Reduce Recidivism
- Investigate & provide reports to court
- Develop court dispositions
- Provide supervision & services to offenders
- Attempts to return victim as "whole" as possible



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The Three Hats Probation Officers Wear While Serving in Placement

- Arm of the Court
- Peace Officer
- Social Worker

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Spotlight on Foster Care Reform

- Theme "Let's not forget about these kids!"
- Senate Bill 933 of 1998
- AB 403 Continuum of Care Reform
- Focus on the Practice of Placement of Youth in Group Care

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SB 933

- Case Planning
 - Strengths-Based Assessment
 - Individualized and Evolving
 - Concurrent Plans
- Placement
 - Best Practice Standards
- Visitation
 - Every Month, Every Youth; No Exceptions!

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Roadmap of California Juvenile Statutes Related to Placement

- Duties as an officer
- Obligations to parents
- Placement choices
- Service planning
- Court processes and timelines
- Permanency

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Continuum of Care Reform

- AB 403 became law October 2015 after passing unanimously.
- Most provisions of the law became effective January 1, 2017.
- Comprehensive reform of the foster care system is underway to ensure that foster youth have the opportunity to grow up in permanent, supportive homes and to become self-sufficient, successful adults.
- This reform introduced new, commonly used acronyms (a list is provided in your materials).

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How Will the Intent of the Law Be Accomplished ?

(To be discussed in greater detail at a later point)

- Providing comprehensive initial child assessments
- Expanding the use of Child and Family Teams
- Providing counties with more funding and support to better recruit and train resource families
- Increasing the availability of services and supports within home-based family care settings

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CEG3

Division 31 Regulations Overview

- Case documentation
- Contacts and visits with youth and parents
- Case plan requirements
- Visits with family
- Placement requirements
- Special requirements
- Indian Child Welfare Act documentation
- Independent Living Program update
- Foster Youth Credit Reports

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Division 31

Link to Division 31 Online

Link to ACL and ACIN's Online

<http://www.cdss.ca.gov/inforesources/Letters-and-Notices>

Click on ACL or ACIN; then, click on the year

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CEG3

All of the division 31 regulations listed here are also documented in CWS/CMS.

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Federal and State Accountability

- Safety
- Permanency
- Youth and Family Well-being

Practice Accountability

- Focus is on impact, not activities
- Federal government's focus is on performance goals and sustainable change
- California's Child Welfare System Accountability Act of 2001

Outcome Measures for Probation Placement Youth

- Maltreatment in foster care
- Recurrence of maltreatment
- Permanency in 12 months for youth entering foster care
- Permanency in 12 months for youth in foster care 12-23 months
- Permanency in 12 months for youth in foster care 24 months or longer
- Re-entry into foster care in 12 months
- Placement stability

Who Exactly is a Reasonable Candidate for Foster Care?

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Identifying a Reasonable Candidate

- Imminent Risk or Serious Risk of Removal From the Home
- Probation/Delinquency Versus Child Welfare Matters
- Evaluation of Imminent Risk and Use of the Reasonable Candidacy Tool
- Determination of Candidacy

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Evaluation of Reasonable Candidacy

- Under age 18
- Subject of a §602 petition
- US Citizen or Legal Resident
- Parent/Guardian in need of support services
- Recent child welfare involvement
- Other child welfare safety risk factors
- Patterns of anger and/or uncontrollable behaviors

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Evaluation of Reasonable Candidacy

- Deteriorating family relations
- Risk of harm to others or self
- Runaway or beyond control behavior
- Substance abuse
- Other

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To Be "Title IV-E Eligible"

Seeking removal or at risk for removal:

- Case plan identifies foster care
- An eligibility form has been completed
- Court proceeding is documented

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NOT "Title IV-E Eligible"

- Juvenile Hall
- Psychiatric Hospitals
- Forestry Camp
- Detention Facilities for Wards

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Required Findings and Orders

- Continuance in the home is contrary to youth's welfare (at first hearing).
- Reasonable efforts have been made to prevent removal.
- Temporary care is vested with the Department.

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EEG4

Nuts and Bolts of Placement Responsibilities

- Placement Responsibilities
- Visitation/Contact Requirements
- Family Visitation
- Case Plan and Case Plan Updates
 - Overview
 - Plan Assessment
 - Included in Plan
 - Included in Update

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Placement Responsibilities

- PO or probation agent must be present at the time of placement.
- Determine permission to mix WIC 300/602.
- Identify the least restrictive placement option.
- Seek licensed/approved relative(s).
- Facilitate pre-placement visits.

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CEG4

Monthly visitation and initial and updated case plan dates are documented in CWS/CMS

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Placement Responsibilities

- Provide full disclosure of information to care provider – including dangerous propensities.
- Obtain consent authority for medical and dental decision making.
- Inquire: Does the youth have Native American heritage?

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CEG6

Placement Responsibilities

- Provide full disclosure about reasons for placement.
- Monitor adjustment, safety and well-being, while the youth is in placement.
- Provide CHDP Medical and Dental/Health and Education Passport (HEP) to Secondary Care Provider (SCP).

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CEG7

Placement Responsibilities

- Monitor academic progress and attendance.
- Provide emergency contact for SCP.
- Offer reunification services.
- Discuss case plan with SCP and obtain needed support.

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- CEG6** All CHDP exams and the HEP are maintained in CWS/CMS typically by your county's PHN.
Catherine E Groh, 9/12/2017

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- CEG7** Schools must be updated in CWS/CMS with any new placement or placement change/update
Catherine E Groh, 9/12/2017

CEG8

Placement Responsibilities

- Develop a discharge plan for youth in group home care.
- Develop and document progress on concurrent permanent plan.
- Provide seven (7) days of notice on the intent to move the youth unless imminent danger exists.

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Placement Responsibilities

- Complete placement agreements and apply for placement funding.
- Explain rights to youth and parents.
- Document reasons for change in placement.

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Family Visitation with Youth

- Must be documented in the case plan
- Must occur in a family-like experience
 - What does this specifically mean?
- Quantity and quality of visits must be documented and presented during status review hearings

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CEG8

Documentation of the 90 day transition plan is required in CWS/CMS

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CEG9

Visitation/Contacts with Youth and Family

- Division 31 provides the *minimum* requirement; more may be warranted
- Visits must be documented timely and accurately
- Difference between a visit and a contact
- Purpose of the visit: youth, parents, substitute care providers
- Schedule of required visits

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Indian Child Welfare Act

- Is the political agreement between the United States and sovereign Indian Nation to address historic trauma experienced by Native families.
- The purpose is to address the misuse of child protection powers to remove Native American children from homes and disconnect them from their tribes.

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Indian Child Welfare Act

- When does ICWA apply to delinquency cases?
- What is the description of an Indian Child?
- What services are required for us to be in compliance?

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CEG9

Monthly Visitation with Youth, Parent/s and Mental Health providers are documented monthly in CWS/CMS

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CEG13

Other ICWA Considerations

- Evidence requirements
- Expert witnesses
- Active efforts
- Placement considerations

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Faces of ICWA



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CEG14

What is Commercial Sexual Exploitation of Children (CSEC)?



Not for Sale

*"Children can never
consent to
prostitution. It is
always exploitation."*

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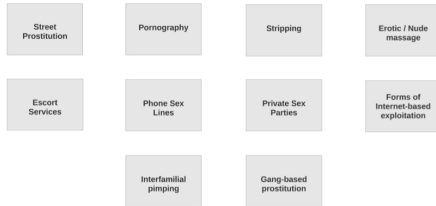
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- CEG13** ICWA Eligibility and noticing is documented in CWS/CMS
Catherine E Groh, 9/12/2017

Slide 60

- CEG14** Any youth identified as commercially sexually exploited or at risk of commercial sexual exploitation must be identified as such in CWS/CMS
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CSEC Includes



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CSEC Legislation

Federal Law

- Trafficking Victims Protection Reauthorization Acts of 2013, 2005, 2003 and 2000
- William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008
- Preventing Sex Trafficking and Strengthening Families Act of 2014



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California Laws

- Senate Bill 855 passed June 14, 2014
- California Trafficking Victims Protection Act (TVPA), effective 2006
- WIC 300 b (2)
- Penal Code 236.1(a)
- Penal Code 266.1 (h)
- Penal Code 266.1 (i)
- Penal Code 647 (b)



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Clarification of W&I § 300 and Penal Code 236.1

300(b)(2): The Legislature finds and declares that a child who is sexually trafficked (as described in Section 236.1 of the Penal Code) OR receives food or shelter in exchange for (or who is paid to perform) sexual acts as described in Section 236.1 or 11165.1 of the Penal Code, AND whose parent or guardian failed to (or was unable to) protect the child, is within the description of this subdivision, and that this finding is declaratory of existing law.

These children shall be known as **Commercially Sexually Exploited Children**.

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Legislative Changes in CSEC

Senate Bill 794 amends PC 11166(j)(3) to state: When a child is receiving child welfare services and who is reasonably believed to be the victim of commercial sexual exploitation, as defined in Section 11165.1, is missing or has been abducted, the county probation or welfare department shall immediately, or in no case later than 24 hours from receipt of the information, report the incident to law enforcement for entry into the National Crime Information Center database or the FBI and to the National Center for Missing and Exploited Children (NCMEC).

This includes placement youth!

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CSEC Involvement Warning Signs

- Shows evidence of mental, physical or sexual abuse.
- Cannot or will not speak on own behalf.
- Is not allowed to speak to you alone; is being controlled by another person.
- Works long hours.
- Has gaps in memory and/or inconsistencies in stories.

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CSEC Involvement Warning Signs

Lives with many people in a confined area.

Has excess amounts of cash.

Has hotel keys.

Is lying about age/owning a false ID.

Uses the language of the commercial sex industry.

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Male CSEC Victims

- Boys start in the life between 11-13 yrs old
- Are often exploited by adult males
- May have been sexually abused
- Many identify with the LGBTQIA lifestyle
- Many have been forced out of their homes by family members

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Lesbian, Gay, Bisexual, Transgender, Questioning, Intersex and Asexual (LGBTQIA) Youth

- Extremely vulnerable to sexual exploitation (one in three homeless youth will be trafficked)
- Subjected to exploitation and objectification in higher numbers than heterosexual youth
- High numbers of homeless youth (LGBTQIA represent 40% of homeless youth)
- Vulnerable inside and outside of the system (disproportionately represented)



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Supporting LGBTQIA and Male Victims

- 58% of homeless LGBTQIA youth are sexually victimized
- Shelters may not be ready to accept transgender or male youth
- In many communities, there are a lack of CSEC programs for male and LGBTQIA victims
- Trauma-informed therapy is needed to address abandonment, violence and sexual exploitation

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Supporting LGBTQIA and Male Victims (continued)

- Are often very difficult to reach.
- Are often victims of "Survival Sex."
- Generally, are introduced to the life, but do not normally have a relationship with a pimp.
- Are often difficult to help; services must address homelessness, unemployment and be supportive with development and maintenance of a strong permanent support system.
- Survivor-centered approaches for support are needed.

(Schwarz & Britton, 2015).

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Family Reunification

- Consider and respect cultural values and beliefs.
- Work from a survivor-centered approach.
- Build a relationship with the proposed caretaker or family member BEFORE the youth returns to the home.

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Family Reunification (continued)

- Provide resources to the family
- Consider wraparound services
- Make use of family findings
- Provide training to the family to gain understanding

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Family Reunification (continued)

- Family therapy
- Family-centered framework
- Resiliency framework
- Strengths-based approach



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Mandated Reporters

Child Abuse and Neglect Reporting Act (CANRA)



- Mandates professionals to report suspected child abuse and neglect:
- Physical Abuse (PC 11165.6)
- Sexual Abuse (PC 11165.1)
- Willful Cruelty & Unjustified Punishment (PC 11165.3)

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How Do Traumatic Events Impact Adolescent Development?

- Physically
- Socially
- Behaviorally and Emotionally
- Cognitively
- Identity Development and Future Orientation



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Trauma's Impact on Healthy Physical Development

- Body development can be more distressing.
- Body may serve as a trauma reminder.
- Cutting, piercing, tattooing and maladaptive eating may be attempts to cope.
- Alcohol and substance abuse can also be ways of trying to control changing emotions and physical sensations.
- Alterations in the immune system can occur.

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Trauma's Impact on Behavioral Development

Youth who have experienced significant trauma may have difficulty:

- Making realistic appraisals of danger and safety
- Governing behavior to meet longer-term goals

As a result, these adolescents may engage in:

- Reckless and risk-taking behavior
- Become avoidant of any risk

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Behavioral and Emotional

- Experiences no remorse when breaking the law
- Constantly blames others
- Demonstrates poor impulse control
- Has a short attention span
- Feels no pride in progress
- Experiences personal shame

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Trauma's Impact on Cognitive Development

- Difficulty with regulating attention and executive functioning.
- Memory impairments.
- Trauma reactions can interfere with taking tests and abilities to recall previously learned information.
- Traumatized youth tend to score eight (8) or more points lower than non-traumatized youth on IQ tests.
- 70% of youth in the Juvenile Justice system have a diagnosable learning disability.

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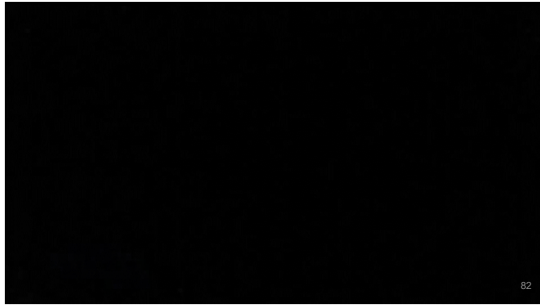
Trauma's Impact on Social Development

- Isolation and withdrawal.
- Persistent distrust and suspiciousness of others.
- Continued expectation of maltreatment.
- Difficulty in perspective-taking and enlisting others as allies.
- Difficulty with establishing appropriate social boundaries.

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What Does Trauma-Informed Care Mean?



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Trauma's Impact on Planning for the Future

- Sense of a short-term future or cannot see any kind of future for themselves.
- Some feel ill-equipped to handle the future because of the life skills they have missed along the way.



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Getting Development Back on Track

- Traumatized children and adolescents can learn new ways of thinking, relating, and responding.
- New experiences with trusted adults and peers can help them to develop alternative views of themselves, the world, and others.
- Traumatized youth can learn new ways of handling overwhelming emotion and new positive coping strategies.

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What Works and What Does Not Work in Offender Treatment?

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Qualities of Effective Programs

- Behavioral services that occupy time and provide structure
- Close monitoring
- Consistent and progressive strategies
- Aftercare and support

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Learning Reflections

- As we make our way around the room, please share what comes to mind easily about what you have learned that will improve when working with placement youth and their families.
- On your action plan, note these and other thoughts you are taking away so that you can put them into practice when working on policies and procedures for placement youth and their families.

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