

and perhaps testify, and inform the court when the recommendations are inconsistent with the child's preferences. The GAL must also participate in developing and negotiating plans and orders affecting the child's best interests, and then must monitor implementation with ongoing visits with the child's natural and foster families. According to Judge R. Jack Garrett of West Plains, "CASA volunteers may be the only constant the child knows as he moves through the labyrinth of the child welfare system." CASAs and other guardians ad litem frequently make longterm commitments to the children they represent, and their job is not for someone with only lukewarm devotion.³⁰

Juvenile Court Automation

During the last quarter of the twentieth century, the United States entered the computer age, fueled by rapidly advancing technology that enabled Americans to assemble, store, retrieve and analyze data as never before. Computerization held vast potential to revolutionize federal and state court administration. The potential extended to the juvenile courts.

In 1997, Missouri became the first state to launch a juvenile court automation project. After only a few short years, the project has enabled juvenile courts and their allied child welfare agencies to enhance their services to children and families with cutting-edge technology. With its continuing refinements, the project is a model for other states seeking to enhance the services provided by their own juvenile justice systems.

The seeds of court automation in Missouri were sown as early as 1971, when Chief Justice James A. Finch, Jr. emphasized the need to develop an adequate administrative and reporting system for the state courts. The General Assembly had created the Office of State Courts Administrator (OSCA) a year earlier, and metropolitan courts had already started some data processing with equipment from other state agencies. With federal funds, the state Supreme Court contracted with a consultant to design a management information system and a data and statistical center. In 1972, the Court appointed a State Court Data Processing Committee, consisting of nine trial and appellate judges, including a juvenile court judge. Court automation has remained on the state Supreme Court's agenda ever since, frequently discussed in State of the Judiciary addresses delivered annually by the Chief Justice.³¹ Chief Justice John C. Holstein described the vision of the Court Automation Project as "service, justice and access."³²

Court automation in Missouri began in earnest in 1994, when the legislature created the Court Automation Committee, whose first project focused on adult case management in criminal courts. Three years later, Gary J. Wait,

OSCA's first Director of Juvenile and Family Court Programs, suggested creation of a statewide juvenile court automation project. He stressed that juvenile courts and their juvenile officers were operating without hard data about children and families affected by their decisions.³³

Juvenile offices in most Missouri circuits had some minimal level of automation, usually little more than limited access to word processing. In most circuits, juvenile offices did not even have e-mail. Some staff had personal computers at their desks, but the computers typically were not linked with juvenile offices in other circuits. The state had no integrated juvenile court information sharing system across circuits. Gathering information from other circuits about a juvenile's status was time-consuming at best and non-existent at worst. Even counties within the same circuit had no electronic connectivity and no secure way to communicate, retrieve or share juvenile court information.³⁴

In 1998, Congress sought to determine the effect on juvenile justice of linking a state's juvenile offices. The lawmakers quickly settled on Missouri as a model for the nation. Congress also chose Missouri to create an automated integrated information sharing network and case management system that would better serve children and families referred to the juvenile court while increasing public safety. Senator Christopher S. Bond and Chief Justice Duane Benton secured federal funding. The Missouri Juvenile and Family Court Case Management Task Team, chaired by Waint, then began defining and developing the business requirements for a juvenile and family court case management system. With input from juvenile officers across the state, the task team has created a system that includes several interrelated components.³⁵

Connecting the Circuits

The first component connects the juvenile offices in all forty-five judicial circuits in a secure, efficient and timely electronic environment. Juvenile officers are the juvenile court's gatekeepers because they register all abused and neglected children referred by the Division of Family Services, and all alleged delinquents and status offenders referred by the police, the schools and others. Juvenile offices dispose administratively of about 80% of referrals by intake screening, diversion to various social service providers, and informal agreements with juveniles and their families. Only about 20% of referrals reach judicial hearing.

Before 1997, a juvenile office would typically treat children or families as "first timers" unless they had previously appeared before that particular office. The child or family might have a history of informal administrative treatment in other circuits, but the office would likely be unaware of the history unless

the juvenile or the parents revealed it. An abused or neglected child, for example, might face increased danger from a history of maltreatment unknown to the juvenile office. An alleged delinquent might pose increased risk to himself or the community from a history of offending also unknown.

Today juvenile offices in all forty-five judicial circuits are interconnected in a secure electronic system with one another and with the various state agencies that serve abused, neglected and delinquent children and their families. OSCA cooperates with the Division of Family Services, the Division of Youth Services, the Department of Mental Health and the Department of Health and Senior Services. Automation permits statewide cooperation, for example by enabling circuits without detention facilities to find available bed space for a dangerous youth without multiple telephone calls. Juvenile officers can better protect abused, neglected and delinquent children in emergencies by securing statewide information within minutes. More complete information also produces more effective dispositions.³⁶

Informed Policymaking

Before 1997, lack of electronic interagency communication hamstrung legislative and executive policymakers. Ever since 1982, juvenile courts had supplied referral statistics to the Division of Youth Services for compilation. The state, however, could not assemble annual statistics about the number of children the juvenile courts dealt with each year. For example, the state could not determine how many children were certified to criminal court and actually prosecuted as adults, how many delinquents the juvenile court placed on probation, how many delinquents successfully completed their probation, how many delinquents committed new offenses following probation, how many delinquents later committed crimes as adults, or how many children were removed from their homes. The state could not even determine how many children had only one contact with the juvenile court and were never referred to the court again. Statewide automated recordkeeping now provides raw data that enables policymakers to focus more clearly on these types of outcomes in the best interests of children, families and the public.

Improved Risk Assessment

Missouri leads the nation in developing an effective Automated Risk Assessment and Needs Classification System. The legislatively-mandated system seeks to minimize subjectivity that might affect a juvenile officer's assessment of a particular child, and to determine the nature and level of sanctions and

services needed by youths referred to the juvenile court. The system is one of the steps required to create a statewide comprehensive juvenile case management system that will ultimately link all forty-five circuits to a central repository for information on court-referred youth.

Without an effective classification system, a juvenile's disposition might depend on which juvenile officer happens to draw the case. The new system is a risk scale that minimizes subjectivity by scoring each juvenile's liabilities, predicting the likelihood of re-offending, and recommending case dispositions and services based on the severity of the offense and experience with similarly situated youth gathered by statewide automation. The juvenile officer takes the non-binding recommendation and determines whether and how to apply it in accordance with his or her best professional judgment.

With Missouri's juvenile offices connected electronically, the juvenile offender classification system also allows the state to maintain data concerning the levels of intervention that have previously been successful with youths at different positions on the scale. The state can also determine how best to allocate future funding by compiling statistics concerning the relative rates at which particular services have been provided to juvenile offenders in the recent past.

Missouri's risk assessment system has been validated twice, most recently by the National Council on Crime and Delinquency in 2001. Nearly all circuits have been trained in the system's use. The system sets a high standard, but most states have not yet sought to implement it because it is quite challenging to put in place.

Improved Information Sharing

Court automation invites new ways to overcome the traditional reluctance of juvenile justice agencies and courts to share information about the youths they treat. This "informational territorialism" has stemmed from interagency mistrust, lack of information, misunderstanding of unclear confidentiality statutes, or fear that information might be misused, altered or released.³⁷

Lack of information sharing frequently disserves the interests of agencies, children and the juvenile court system itself. Duplicative treatment strains limited agency budgets. A child can be hurt rather than helped when agencies provide duplicative or even inconsistent treatment. The juvenile court may enter a disposition that overlooks the juvenile's prior record, a juvenile may fall through the cracks and be deprived of effective treatment, or an agency may fail to notify the school district of a violent student who then commits another serious crime on a classmate. Information sharing enhances prospects for successful treatment because, as one law enforcement officer put it, "If you don't know the history, your intervention is worthless."³⁸

A national consensus has emerged that courts, school officials, law enforcement and child welfare agencies need to share information about troubled and delinquent youth under their care. In particular circumstances, such information sharing is now mandated by Missouri's 1996 Safe Schools Act and Juvenile Justice Bill, which were enacted after a 15-year-old female St. Louis high school freshman was sexually assaulted and beaten to death in the girls restroom by a male classmate. The boy had not previously been referred to the juvenile justice system, but the high school had not received information about his violent past from his former school.³⁹

Automated information sharing has already begun in Missouri. The Missouri Juvenile Justice Information System (MOJJIS) links juvenile and family courts to executive agencies and encourages closer collaboration in developing comprehensive service plans for children and families. To comply with the Safe Schools Act and Juvenile Justice Bill, juvenile officers conducting a pilot project with Callaway County's five school districts can communicate instantaneously in an electronically secure environment with school superintendents, principals, assistant principals, special education managers, counselors and school resource officers concerning delinquents and foster children attending classes. Schools, courts and social service personnel can also communicate daily about such matters as safety issues, tardiness and truancy notices, referrals and incidence reports, protective custody issues, detained youths and attendance problems.

A number of juvenile offices can also check the criminal history of anyone who is a custodian of a child through electronic access to the Missouri Uniform Law Enforcement System (MULES) and the National Criminal Information Center (NCIC), the state and federal adult criminal history repositories. The Juvenile Information Governance Commission, created by the legislature in 2001, will authorize categories of information to be shared by the state's executive agencies and the juvenile courts. The Commission will also oversee implementation of disclosure guidelines.

Missouri is the first state to integrate juvenile court automation with the adult case management system. The juvenile's family and others associated with the case can be linked electronically so all court matters concerning the juvenile and family can be viewed instantaneously. This integration will enable family courts to achieve the goals inherent in the one-judge-one-family concept, or the one-family-one-intake-team concept.

What does the future hold for juvenile court automation in Missouri? "Juvenile court and multidisciplinary youth service agencies," Chief Justice Stephen N. Limbaugh, Jr. said in 2002, "now can collaborate more closely to develop comprehensive service and treatment plans for children and their families." "The technology and infrastructure are now in place, and we are begin-

ning to see some of the successes and apply the experience we have gained,” says OSCA’s Wait. “We are looking forward to the day when we can evaluate the impact juvenile and family courts have on children and families.”⁴⁰

Juvenile Drug Courts

In 1994, Congress authorized the Attorney General to make grants to state and local governments to create drug courts. These community-based treatment courts hear cases involving non-violent adults and juveniles, who are often first-time offenders suffering from chemical addiction and who are usually charged with possessing drugs or with committing drug-related crimes. Drug courts are premised on the core proposition that intensive treatment rather than incarceration best serves the needs of the community and of non-violent, non-trafficking drug abusers. The courts combine intensive treatment, therapy and close supervision with the prospect of sanctions.⁴¹

As of May 2001, more than 140 adult drug courts had been established throughout the nation, and more than 125 were in the planning stage. Missouri, one of the first states to create adult drug courts, had twenty-two funded by federal, state and local sources. Nearly all circuits were examining the drug court concept. Chief Justice William Ray Price, Jr., who has chaired the state’s Drug Court Commission, said that positive results had made drug courts a priority of the judiciary. “Instead of sending a non-violent drug offender to prison, he or she is provided treatment under judicial supervision. Cost savings are substantial and the likelihood of rehabilitation is greatly increased.” In 2001, Chief Justice Price reported that treating a person in drug court costs less than half the cost of incarceration, and that the recidivism rate of drug court graduates is one-ninth that of other drug offenders.⁴²

When Missouri’s first drug court began in Jackson County, the court used a “deferred prosecution” approach, which has an offender agree before trial to enter a court-mandated treatment and counseling program that may last as long as a year. The charges are dismissed if the offender completes the program, but failure to complete returns the offender to court for criminal processing. Other Missouri circuits have used a “post-adjudication” approach, which has the offender enter the treatment program only after conviction and sentencing, with execution of the sentence suspended while the offender completes the treatment program. Some circuits have tried both approaches.⁴³

Missouri has been a pioneer in adapting the adult drug court model to create juvenile drug courts. The juvenile drug court and its professional staff act as a team, closely monitoring the juvenile’s compliance with counseling, school attendance, employment, community service and other conditions established

by the judge. Juvenile drug courts seeking to effect behavior modification often face challenges not faced by adult drug courts. For one thing, juvenile drug courts may confront errant behavior caused not only by drugs, but also by ordinary adolescence or by unwholesome parental influence. Juvenile drug courts also encounter the attitudes of many youths that they are invincible and will not suffer death or lasting damage from drug use.⁴⁴

Juvenile and family courts in St. Louis and a few other circuits have moved a step beyond juvenile drug courts to create family drug courts, which treat parents as well as children. A prime focus has been on mothers whose children are born with drugs in their systems or whose drug dependency prevents them from caring for their children.⁴⁵

Missouri's drug courts are still in their infancy, but they enjoy broad legislative and judicial support. Chief Justice Duane Benton reports that drug court graduates "have obtained the education and job training to make it in the world without drugs. The vast majority go on with their lives, do not reoffend, and have become productive members of society."⁴⁶

The Missouri Bar Commission on Children and the Law

Throughout the twentieth century, Missouri's juvenile justice system benefited from the efforts of children's code commissions appointed by governors and the legislature. The mission was to review state law and recommend changes in the best interests of children. The three commissions convened between 1915 and 1919 led to valuable legislation and provided serious recommendations for future study. The 1938 Children's Code Commission pinpointed critical issues and paved the way for the 1946 Commission, whose recommendations produced the state's first major revision of children's laws since the First World War.

In 1995, Missouri Bar president Laurence R. Tucker of Kansas City appointed the Missouri Bar Commission on Children and the Law, chaired by Judge Higgins. The 34-member Bar Commission included judges, professors, legislators, court administrators, social and youth workers, agency representatives, juvenile justice advocates and school officials. President Tucker specifically requested the commissioners to study delinquency and criminal matters, abuse and neglect, child health and safety, adoption and domestic relations litigation. "The least among us are often our children," he said, "How we treat them tells much about whether we are achieving the ideal of justice."⁴⁷

Missouri's earlier children's code commissions were publicly constituted bodies, created by the Governor or the General Assembly. The Missouri Bar Commission is different. The Bar commission is perhaps the nation's first chil-

dren's commission appointed by a state bar association. The commission makes recommendations to the Bar's Board of Governors, which determines which measures to pursue in the interests of the state's children.

Like the earlier state commissions, the Bar Commission reviewed all state laws relating to children and recommended changes to best serve children's needs. The commission met in open session for more than a year, together and in four subcommittees. To encourage public input, the commissioners conducted a Symposium on Children and the Law at the University of Missouri-Columbia School of Law in November of 1995. In September of 1998, the Commission's first report recommended sixty-nine changes to existing statutes and other legal procedures. President Tucker's successors reconvened the body, which submitted its second report to the Bar's Board of Governors in 1998 and its third report in November of 2000.⁴⁸

All three Commission reports reached a national audience through publication in the *Juvenile and Family Court Journal*, the quarterly review of the National Council of Juvenile and Family Court Judges. Nationwide publication in this scholarly journal encouraged other state bar associations to follow The Missouri Bar's lead by convening panels of experts to examine the law relating to children. Publication also assisted ongoing law revision efforts in other states whose laws relating to children resemble Missouri's.⁴⁹

The Commission sought to improve child advocacy and delivery of juvenile justice services in Missouri. First the commissioners prepared a detailed index of all state statutes relating to children and made the index publicly available. Then the Commission published the *Directory of Juvenile Justice Resources For Missouri*, which catalogues public and private programs available in all areas of the state. The Directory's periodic updates, available from The Missouri Bar in Jefferson City, are designed to keep court officials, other administrators and counsel abreast of treatment resources for troubled youth.⁵⁰

The Bar Commission's legislative advocacy bore fruit in the General Assembly, which enacted fifteen bills drafted or otherwise supported by the Bar stemming from the Commission's most important recommendations. One was the Juvenile Court Improvement Act of 1998. Others enacted bills included ones repealing more than a dozen antiquated juvenile justice statutes; authorizing divorce courts to order education sessions for minor dependent children at the parties' expense; restricting the authority of divorce arbitrators to render binding decisions affecting minor dependent children; sparing devastated parents unnecessary grief during an autopsy of a child who dies of sudden infant death syndrome (SIDS); and prohibiting children in most circumstances from riding unrestrained in the open cargo area of pickup trucks. The fifteen Bar-supported bills each passed with strong bipartisan support before being signed into law by Governor Mel Carnahan.

Beginning in 2000, the centerpiece of the Commission's efforts was the Safe Place For Newborns Act, which was designed to save newborns whose frightened parents might otherwise abandon them in dumpsters, back alleys and similar hiding places. The Commission-supported bill immunized parents from prosecution if they delivered their newborn under thirty days old without abuse or neglect to hospitals, firefighters, emergency medical technicians or police officers. Child protective authorities would assume custody and begin adoption proceedings to assure safety. In 2002, Governor Bob Holden signed the act into law. Times had changed since the nineteenth century, when orphan trains sent thousands of abandoned children westward without state concern at either end of the trip.