Family Group Conferencing: A Realistic Option for Juvenile Justice?

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Pennsylvania’s Juvenile Justice System is cutting edge and, like many, increasingly burdened. Progressive concepts such as the Balanced Approach to Restorative Justice (BARJ), community-based probation, and a multitude of delinquency prevention strategies have put Pennsylvania’s system at the forefront. Still the number of youth being served and the increasing challenges facing today’s families demand continued practice innovation.

As a former District Attorney, former Juvenile Delinquency Judge, and now President Judge of Dauphin County’s Court of Common Pleas, I have found the practice of family group conferencing (FGC) to be effective and innovative. Brought to Dauphin County in late 2001, this pioneering and challenging process has raised our county’s juvenile probation expertise and practice to an exciting level.

I was introduced to the concept of FGC by Juvenile Probation Chief Steve Suknaic and by Juvenile Probation Assistant Supervisor Helen Spence. Both believed that FGC could prove beneficial to not only youth and families in the juvenile justice system but also victims and communities. Pennsylvania’s legislated mandates of BARJ (i.e., accountability, community protection, competency development) could be accomplished through FGC – not solely through the efforts of the juvenile officer but through the enlisted help and support of family members, neighbors, friends, ministers, and community members intent on helping a youth. The concept of encouraging families to take responsibility and make decisions for their young people – rather than having a Court order such – was intriguing and worth exploring.

FGC in Action

To this end, in August 2002, I took the opportunity to observe a family group conference in a pending juvenile delinquency case. The juvenile was charged with a misdemeanor assault upon another youngster. However, the juvenile’s family of parents, grandparents, aunts, uncles, siblings, and cousins ranked the seriousness of this relatively minor assault up there with the Lindbergh kidnapping. The family impressed upon the young offender the embarrassment that this conduct brought to him as well as his entire family.

After three years as the Juvenile Delinquency Judge in Dauphin County, I was beginning to feel that the concept of “accountability” had become outdated, even though it was clearly mandated by the state’s juvenile system. My faith in the ability of the juvenile justice system to instill a sense of accountability was teetering. An even more perplexing mystery I found was the lack of family involvement. Where were the parents, especially the dads? Where were the brothers, sisters, aunts, uncles, and grandparents who cared about these youth? I recalled case after case of youths coming before the Court with no adult present. Where were the adults?

Through the family group conference I observed, light was shed on that mystery and my faith was restored not by a government system but by the family system. As the extended family expressed their displeasure at the juvenile’s actions and came together as a team to develop a plan to ensure that the young offender was not only accountable, but also responsible for repairing the harm to his family, victim, and community, it became clear that FGC would be useful and effective. As Coates, Umbreit, and Vos (2002) noted in their review of more than 63 restorative justice processes:
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“The important role of the family in a juvenile offender’s life is acknowledged and emphasized [through FGC]. Family dynamics play a major role in juvenile delinquency, and far too few programs effectively address these issues. FGC offers a restorative justice intervention with great potential for strengthening accountability that can actively involve both the offender’s family and the victim’s family.”

The family I observed was doing a far better job of educating their 12-year-old member about the impact and consequences of his misdeed than any judge or juvenile probation officer could hope to accomplish. I sat in fascination and watched a sleeping giant awake. The sleeping giant was the Great American Family, an old-fashioned resource too often overlooked in addressing the needs of kids in the justice system.

From Margins to the Mainstream

Since March 2002, approximately 150 cases in Dauphin County’s busy juvenile delinquency court system have been resolved through FGC. As of spring 2005, all the resolutions have been successful with no recidivism. The charges in these cases have ranged from simple assault and theft, to offenses involving guns and drugs. The juvenile probation office carefully screens each case considered for FGC. The victim is consulted, and assuming there is victim agreement, the District Attorney then is contacted.

While FGC may not be appropriate for every case, it clearly empowers a family to create a workable plan that resolves its concerns and that taps the energy and resources of the family unit. It allows the flexibility to mold the plan to ethnic, cultural, and religious philosophies and practices. It alerts the juvenile offender that his or her family is supportive, concerned, committed, and involved.

Moreover, FGC changes the relationship between juvenile justice professionals and those we are trying to serve. It joins family, friends, and community with our justice system in a supportive, rather than adversarial, role. “Community involvement leads to community ownership. Meaningful community involvement leads to meaningful community ownership.” (PA JCJC, 2003) In no other practice I’ve seen is this ownership more apparent than in FGC.

Like many of the researchers to date (Umbreit, 2000; Marsh & Crow, 1998), through FGC I have seen more parents become involved with their children, more creative plans, stronger ownership of those plans, a significant reduction in recidivism, and a positive shift in the relationship between juvenile probation officers and our community. I have seen more youth staying in our community, a growing positive relationship with our faith-based community, and the development of additional resources (e.g., mentorship programs) with little to no additional cost to the formal systems.

The concept of FGC is so simple it is almost comical. Often compared with victim-offender mediation and sentencing circles, FGC is a unique process with specific components. Adhering to these
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Components is critical to successful outcomes for children. Remaining true to the core values of this process, not taking “short cuts” through the implementation, and reaching out to involve as many as possible, including courts, victims, and offenders, is key. Implementing FGC is time consuming and at times frustrating, and it requires a level of patience unmatched in our system, but it is essential for any community that wants to positively impact outcomes for youth.

Despite and perhaps because of the challenges and rewards of the FGC process, FGC will continue to gather steam and expand into a frequently used option to resolve of juvenile cases throughout our nation. A mystery remaining is how the juvenile court system was able to advance into the 21st century before recognizing the benefits of the FGC philosophy.

About the Author

Rich Lewis serves as President Judge of the Dauphin County Court of Common Pleas in Harrisburg, Pennsylvania. First elected to the Bench in 1993, he served as the Juvenile Delinquency Judge from 2000 through 2004 and as the elected District Attorney for Dauphin County from 1980 to 1993. He is the former president of the PA District Attorneys Association.

References


Other readings


Nice, J. Family Unity Model.