Therapist, Probation Officer & Agency Collaboration for Juvenile Treatment

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• Licensed Sex Offender Treatment Provider (LSOTP)
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Why this discussion?
• Everyone agrees that society wants to reduce the physical and sexual victimization of children.
• What everyone does not agree on is how to accomplish this.
• Mental health professionals, judges, jury’s, prosecutors, probation officers, and parents, all come from different perspectives.
First Session

- Complete all required Forms
- Advise about limits of confidentiality
- Answer any immediate questions
- Begin assessment and Social History
- Advise as to likely course of events (pre-adjudication)
- Schedule continued sessions or dates of group treatment.

CONSENT TO RELEASE CONFIDENTIAL INFORMATION

To disclose and release information to:

The information was obtained as a result of professional services rendered to ______________ [Child's Name] and will include the following information:

- Psychological Testing
- Diagnosis
- Medical, Social, Educational, and Any Other Clinical Information

The above professionals and/or agencies will release information only to each other.

The purpose of the information is to ensure community care.

The signing of this form ensures the above mentioned professionals and/or agencies from liability or from the release of future records.

[Signatures]

Signature of Parent/ Guardian  Date

Relationship to Patient
Father's signature  Date

YOUR NAME, PHONE NUMBER AND ADDRESS

Forensic Counseling Agreement

In the event that I request to subrogate for any legal testimony, I agree to pay

$250.00 per hour for all services rendered including travel time.

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$250.00 per hour for all services rendered including travel time.

If I fail to show up to a scheduled appointment, I agree to pay

$250.00 with the understanding that if the trial or hearing is concluded prior to seven [7] days, any balance due will be refunded. If the trial extends beyond [7] days, the full fee shall be due and payable for the attendance.

I agree to pay in full the court costs to help cover travel costs.

All fees for services are due and payable at the time of service with the exception of expert witness fees. These are due and payable 15 days prior to the scheduled examination.

In the event that I request to subrogate for any legal testimony, I agree to pay

$250.00 per hour for all services rendered including travel time.

Signature
• RULE § 810.65
• Assessment and Treatment Standards for Juveniles with Sexual Behavior Problems

Licensees shall subscribe and adhere to the following tenets regarding juveniles with sexual behavior problems:
• (1) licensees shall recognize that some children before age 10 begin displaying sexually inappropriate behavior with others and children may duplicate sexual behavior they have witnessed on the part of other children, older siblings, and/or adults;
• (2) licensees shall recognize that the onset of sexual behavioral problems in juveniles can be linked to numerous issues related to their experiences, exposure, and/or developmental deficits;
• (3) Licensees shall recognize that juveniles are distinct from their adult counterparts;
• (4) Licensees shall recognize that sexual arousal patterns of juveniles appear more
fluid and less firmly established than those of adult sex offenders and relate less directly to their patterns of offending behavior.

(5) Licensees shall recognize that juveniles who display sexually abusive behavior are heterogeneous; juveniles are children first with developmental needs, but also have special needs and present special risks related to their abusive behaviors.

(6) Licensees shall recognize a holistic approach when treating juveniles with sbp.
Treatment Planning

• If insurance is being billed for treatment, a mental health component should be part of every session. In most cases clients are experiencing anxiety, guilt, shame, anger, frustration, or depression. A cognitive behavioral approach such as Rational Emotive Behavior Therapy can accomplish a reduction in emotional extremes and irrational sexual thoughts and behaviors. IMHO, all treatment should be self-pay to keep records off history.

Treatment Planning

• An explanation of how irrational thinking leads to negative emotions and behaviors provides an introduction to how “cognitive distortions” are used by people to avoid or escape taking responsibility for their actions.

• 1st session: Read and explain the laws of your state regarding sexual behavior. Test their knowledge.
Treatment Planning

• 2nd session: define consent and factors required for “True Consent”.
  – 1. Close intellectual, emotional and actual age.
  – 2. Understands your intentions.
  – 3. Permission to say no without negative outcome.
  – 5. Honesty

• 3rd session: determine knowledge and understanding of sexual anatomy, functions, and routes of infection. Fill in gaps or instruct from sperm+egg to how it happens. Ensure an understanding of cause and effect.

• 4th session: review male and female anatomical drawings. Question and assure clear knowledge. Discuss STD’S to assess knowledge.

• 5th session: Cognitive Distortions
  Use your favorite lists, from 9 to 20 distortions.

• 6th session: continue with “Thinking Errors”
  Devise or use workbook exercises to assure knowledge and understanding (minimum 70%. correct)
• 7th session: Empathy. Definition and derivation (pathos). Assure understanding of the “Golden Rule”, perspective taking, “walking a mile in my moccasins”.


Treatment Planning
• 9th session: Classical and operant conditioning related to masturbatory fantasies. Relapse prevention techniques, negative imagery, explore past issues.

• 10th session: Final exam: determine retained knowledge and application. Complete or extend as necessary.

• Timothy J. Kahn’s “Pathways” workbook has an “Adolescent Sexual Information Scale” that I have found helpful.

Building Common Ground Between LSOTP and PO
• LSOTP Therapist: Establish therapeutic rapport with client and parents. Provide best practices in treatment. Releases of information signed as needed. Create reporting form. Clearly explain confidentiality restrictions. Exchange information with child’s PO, including phone numbers, fax number, e-mail address, physical address, supervisor in case of emergency.
Forms Necessary

- Release of information forms for each agency involved. If an attorney, request Attorney/Client Privilege letter.
- Probation/Parole/Court Officer report. Ascertain frequency of reports: Session, weekly, every other week, or monthly?
- Assessment form for initial interview.
- Consent for Treatment of miner.
- Forensic testimony fee agreement.
- HIPAA acknowledgement.

CPS Investigators and Caseworkers

- If CPS involvement is revealed during assessment, have CPS release filled and signed. If not, request release from Investigator.
- Don’t use professional jargon or technical terms without fully explaining them.
- If recommendations are requested, respond. If you are uncertain, state that and indicate why it is difficult to make specific recommendations.
Child Protective Services (DHS)

- If you are on a contract with DHS, address 5203 issues in your treatment plan and sessions. Address limits of confidentiality specific to each case.

- It is not your job to elicit an admission of guilt from an accused adolescent pre-adjudication.

- If a first outcry is made to you, gather all voluntary statements. Refer to a SANE nurse or an agency that specializes in Forensic Interviews. Do not ask leading questions.
All other agencies or individuals

• Help non-LSOTP providers to understand that treating or assessing an accused juvenile may violate their rights. Although admission is required to proceed with JWSBP treatment, only an LSOTP licensed professional should attempt treatment. Parents need help navigating agencies and the legal system to gain the best outcome for their children. Eliciting a confession may violate their right to a fair trial.

Texas Juvenile Law vs. Criminal Law

• The fundamentals of the two systems can be found principally in three different Texas codes. The Juvenile system is outlined in the Texas Family Code and the criminal system can be found primarily in the Texas Penal Code and the Texas Code of Criminal Procedure. The Texas Administrative Code (TAC) is a compilation of all state agency rules in Texas.

• The two systems have basic similarities. Differences in the two systems mainly exist because of the distinction of their purposes. The juvenile system’s principal function is to protect and rehabilitate a delinquent child, while it can be argued that the main goal of the adult system is to punish a guilty offender.
• Even the terminology created for the Juvenile system is one based on civil rather than criminal standards.
• 1. A juvenile is referred to as a respondent, not as a defendant.

• 2. A juvenile is alleged to have committed a delinquent act rather than a criminal offense.

• 3. A juvenile is generally not charged by an indictment or information; he or she is brought before a juvenile court by the filing of a petition.

• 4. A juvenile is not arraigned in court at his or her first appearance, but instead held to appear for a detention hearing.

• 5. While a juvenile is detained and adjudicated, an adult is arrested and convicted.

• 6. A juvenile convicted for committing a sexual offense is considered a “juvenile with a sexual behavior problem” while an adult is considered to be a “sex offender”.

• 7. The majority of convicted juveniles are not placed under registration while nearly all of the convicted adults are placed under registration.

Juvenile Courts Main Objective

• The juvenile courts main objective is to focus on the best interest of the child in determining what services or protections are needed to benefit the juvenile, while the criminal court generally focuses on invoking a punishment proportionate to the crime.
Texas Administrative Code

• RULE § 810.2
• Definitions

17) Juvenile with Sexual Behavior Problems--A person who at the time of the offense:

• (A) is 10 years of age or older and under 17 years of age and who has been adjudicated of committing a sex crime under the laws of a state, the United States, the Uniform Code of Military Justice, or any foreign country laws.

• (B) is 17 years of age or older and under 18 years of age and on probation who has been adjudicated of committing a sex crime under the laws of a state, the United States, the Uniform Code of Military Justice, or any foreign country laws before becoming 17 years of age.

Research Review

• New study challenges stereotypes of adolescent sex offenders

"If you walked into a typical group treatment for adolescent sex offenders, you might notice a lot of focus on social skills, like how to approach a girl, how to deal with conflict and understanding non-verbal communication," said Michael C. Seto, PhD, lead author of the study.
• "Our research suggests that social skills training is not what young sex offenders need most in order to be rehabilitated. Discussing sexuality -- early exposure to sex or pornography, sexual fantasies, and sexual arousal -- would likely get us closer to understanding why the offenses were committed and prevent similar ones from being committed again."

• National Center on Sexual Behavior of Youth Fact Sheet highlights:
  “Adolescents sex offenders” (JWSBP) are significantly different from sex offenders in several ways:
  1. JWSBP are considered to be more responsive to treatment than adult sex offenders and do not appear to continue reoffending into adulthood, especially when provided with appropriate treatment.
  2. JWSBP have fewer numbers of victims than adult sex offenders and do not appear to continue reoffending into adulthood, especially when provided with appropriate treatment.
  3. JWSBP have fewer numbers of victims than adult offenders and, on average, engage in less serious and aggressive behaviors.
  4. Most JWSBP do not have deviant sexual arousal and/or deviant sexual fantasies that
are seen in adults.

Most JWSBP are not sexual predators nor do they meet criteria for pedophilia.

6. Few adolescents appear to have the same long-term tendencies to commit sexual offenses as some adult offenders.

7. Across a number of treatment research studies, the overall sexual recidivism rate for “adolescent sex offenders” is low in most US settings as compared to Adults.

Adolescents sex offender rates for sexual re-offenses (5-14%) are substantially less than their rates of recidivism for other delinquent behavior.

A Justice Policy Institute 2006 retrospective study of 300 males on a sex offense registry in Texas who were under 18 at the time of their first sex offense charge found that 4.3% of the sample was rearrested as an adult for another sex offense.

• The Justice Policy Institute report states that:
• Many youths are charged with sex offenses which are normative, if inappropriate behaviors.
• All youth are particularly amenable to treatment designed to help end delinquency.
• Treatment approaches for adults convicted of sex offenses will not work for youth.
• Registries and public notification impede a youth’s ability to participate in social networks
• and access education and employment opportunities, which in turn, increase the chance that a youth will participate in criminal or delinquent behavior in the future.

• **Opinion:** If a juvenile’s sentencing extends to adult probation, he or she should not be supervised in an adult sex offender department. Nor should he or she be treated with adults. It appears to me that a licensee who accepts an adult who was a juvenile at the time of his offense is violating the Texas Administrative code and the rules regarding licensure.

• A person who tests or treats a juvenile like an adult offender is likely to interpret results in a skewed way.

• A licensee should have specialized training before assessing or treating a juvenile or an adult who offended as a juvenile.

Forensic mental health providers

• Trial consultant, evaluator and expert witness, and consultant to judges through the presentation of legal briefs.

• Tanford (1990) offered six reasons for the current reluctance of the courts to rely on empirical research:
  • “1. Judges are conservative and perceive social scientists as liberal.
  • 2. Judges are self-confident and do not believe that they need assistance from non-lawyers.
  • 3. Judges are ignorant of, inexperienced with, or do not understand empirical social science.
Law and Science Conflicts

• 4. Samuel R. Gross (1980), has proposed that "much of the abuse that social science has suffered in the courts is a product of nothing more sinister than ignorance."
• 5. Judges perceive science as a threat to their power and prestige.
• 6. Law and science are rival systems with competing logics."

Synopsis of Rule of Law.

• To be admissible, expert scientific testimony that is derived from research done for the purpose of litigation must show that the conclusions were reached after following recognized scientific methods of research.
• Examples: Frye and Daubert

Interview with juvenile and family

• What agencies have or are involved? Is the alleged abuser isolated from younger children?
• Have they admitted the crime to anyone?
• Was the outcry victim a family member?
• Ask for names and ages of direct or indirect victims.
• If you press them to admit, prior to adjudication, you may violate their rights.
A reasonable solution

• Pretrial diversion or deferred prosecution with treatment.

• In Texas, each county determines how it’s pretrial diversion programs will be administered, varying from county to county.

• A child may be placed on a period of deferred prosecution by the probation department, the prosecuting attorney, or the juvenile court.

Subject to certain restrictions, the probation department may place a child on deferred prosecution if three conditions apply:

1. It would be in the best interests of the child.

2. The child and the parent know that consent to participate is voluntary.

3. The child and the parent understand that they may terminate the deferred prosecution at any time and go to court.

Alternative Solutions

• Licensed providers for Adult Probation, Adult Parole, or Federal Probation develop separate groups for those convicted of a sex crime committed as a juvenile. Many juveniles in Texas may not be adjudicated for their behavior until they are 17 or older. Should they be automatically registered as a sex offender, when it may be the lack of a speedy trial that changed their status?
Residential Treatment

- Pegasus Treatment Program for Adolescents With Sexual Behavior Problems is an example of a specialized RTC. The overall goal of the Pegasus Program is to break the cycle of sexual abuse; stop the sexually abusive and other criminal or harmful behavior exhibited by the residents, ultimately resulting in no subsequent sexual offenses.

- The therapeutic approach is a cognitive behavioral framework including providers with specialized training and licensure to provide sexual behavior problem specific treatment. The goals of treatment include victim empathy, accepting responsibility, comprehension of offense cycle, comprehension of laws and statutes, and development of effective coping skills focusing on high risk situations.

- Licensed Sex Offender Treatment Providers (L.S.O.T.P.) conduct intensive regular group therapy which has proven historically to be the single most effective avenue to true positive change in the sexualized behavior population. Individual therapy is provided as needed as well as family therapy sessions.
• Pegasus Also Offers a Specialized Young Offender Program for Boys Ages 10-13

• This specialized program includes developmentally appropriate curriculum, self contained housing, a self contained educational environment in their on campus charter school, a therapeutic experiential wilderness program and being members of Explorer Post 177.

Collins County Program

• Honorable Cynthia McCrann Wheless, JD
• 417th District Court
• Todd Shapiro, JD
• The Shapiro Law Firm
• Terri L. Bauer, LCSW, LSOTP
• Director of the CSI Program of Collin County
• Dan Powers, LCSW, ACSW, LSOTP
• Children’s Advocacy Center of Collin County

• Judge’s Perspective
• Title 3 of the Texas Family Code:
  • Section 51.01
  • (1) TO PROVIDE FOR THE
  • PROTECTION OF THE PUBLIC AND
  • PUBLIC SAFETY
  • Any one of these kids could be the “real deal” and could harm the public if not treated or if not amenable to treatment
• Judge’s Duty to the Public
  • Texas Family Code provides in pertinent part:
    • Consistent with the protection of the public and public safety;
    • To promote the concept of punishment for criminal acts

• To remove, where appropriate, the taint of criminality from children committing certain unlawful acts
  • To provide TREATMENT, TRAINING, AND REHABILITATION that emphasizes the accountability and responsibility of both the parent and the child for the child’s conduct

  Post Adjudication
  • Program of Rehabilitation

• Two (2) Years Probation
  • Up to twelve (12) months in juvenile detention
  • Head shaved
  • Rigorous program of honesty/empathy
  • Victim centered approach to treatment
  • Use of polygraph in treatment
  • Parent Program
  • Reunification if Possible
Dual treatment with inpatient and outpatient treatment

- The juveniles are placed in Post Adjudication Detention for a period of up to a year. They are able to work their way out of the program early depending on their behavior within the facility and their therapeutic progress.

- They learn to identify their offense cycle, take full responsibility for their offense, identify high risk situations that occur in their lives both physically and emotionally, develop empathy for the victim and the families involved, and learn appropriate coping skills.

PACE Program, Bexar County

- Mark W. Steege, LCSW, LPC, LSOTP, AASECT
- Shannon Peck, LPC, LSOTP, AASECT
- Richard Purser, LPC, LSOTP (all Juv. Spec.)
- Contract to provide assessment, testing, court testimony, individuals and groups treatment.
- Length of treatment varies.
- Family training and involvement.
- Special track for juveniles with intellectual disabilities (ID).
Summary and Conclusions

• Juveniles with sexual behavior problems should be treated as juveniles. Adult groups and programs are not appropriate for persons who committed their crime as a juvenile.
• Juveniles do not re-offend sexually as much as adults.
• Probation periods that take adolescents into adult probation may cause more harm than good.

• Everyone who plays a part in the Juvenile Justice System should receive training before making decisions that affect the lives of these juveniles and their families. That includes Probation and Parole Officer’s, Attorneys, Prosecutors, Judges, School Principals, Coaches, and many others. Licensees should not attempt to test or treat persons, whose offense occurred while a juvenile, without juvenile specific training.

Questions or Comments