

The Judge's Role in Promoting Positive Adolescent Development & Accountability

What is the role of the judge in supporting positive adolescent development?

The judge can play a valuable role in supporting positive adolescent development, but it is important to remember that the judge is not essential for youth development. Positive youth development is facilitated by consistent, supportive adults and opportunities for youth to explore and safely take risks in the world. Positive development occurs in the community, not in courtrooms. The judge is a community leader who can take action inside and outside of the court to facilitate these connections for youth.

Inside the courtroom, the judge can:

- 1) Play the role of cheerleader
- 2) Help the adolescent with positive identity development through listening and encouragement
- 3) Reinforce how valuable the adolescent is to the community as a motivator for behavior change

In the community, the judge can:

- 1) Become informed about positive youth development, family support & treatment services available (or not available) in your community.
- 2) Be an advocate with other systems (public health, human services) for the need to have a robustly funded service array to support youth development.
- 3) Educate the public about the need to support policies that encourage positive youth development.

Adolescent Shame and the Judge as a Cheerleader

Shame is a powerful and painful emotion, particularly in adolescence. Most youth will do nearly anything to avoid shame and will typically stop listening when an adult uses shame as a motivator. A better approach is to be a cheerleader. What does it mean to be a cheerleader? Cheerleading means noticing ANYTHING the adolescent has done right, even when the overwhelming impulse is to focus on what they have done wrong. This works because youth are eager to any feedback suggesting that they are valuable and worthy and they are particularly responsive to praise, even though their demeanor may indicate otherwise.



Cheerleading

Exceptional cheerleading is recognizing and praising an adolescent for specific behavior that took effort and skill so that the adolescent is reinforced to repeat the desired behavior in the future.



Example: "I am impressed by your respectful behavior."

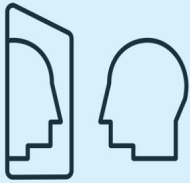


Shame

Adolescents should not be shamed in court. Shame has negative short- and long-term effects including increased engagement in risky behaviors (Stuewig et al., 2015)..

Example: It might be a natural approach to state "I see you here again, when are you going to shape up?". However, this approach is likely to result in an adolescent shutting down and not listening to further communication.

Adolescent Identity and the Judge as Encourager



A significant risk of court involvement for youth is the development of a "bad kid" identity. Judges can inadvertently reinforce this by interpreting normal adolescent behavior as bad behavior because of the youth's history. For example, a common anxiety or fear reaction is smiling inappropriately or avoiding eye contact. Unfortunately, these can present as disrespectful in a courtroom although they simply indicate that the youth is feeling nervous and apprehensive. In short, many teens do not have the cognitive capacity to focus on how they appear to a judge, as they are overwhelmed with their own emotions. To calm youth anxiety and manage your own emotions about a youth's presentation of behavior, it is helpful to have a few "go to" strategies.

- **Encouragement** is a strategy that can help reframe your own immediate thoughts about a youth while also calming some of their fears. Similar to cheerleading, encouragement is a statement that points out youth strengths and instills some hope for the future. To have encouragement come across as sincere, it's often helpful to first ask questions and listen to the youth about how they see the situation.
- **Listening** is another strategy that can take some pressure out of room and allows the judge to do some information gathering before making judgments about how a youth is feeling. Youth may have a confused sense of how they think and feel about a situation themselves, so it is valuable for a judge to listen to the "meaning" of a youth statement in addition to the literal words. For example, if a youth presents with a lot of defensiveness (e.g., it wasn't my fault), then the youth is trying to say that they don't see themselves as a "bad kid." The judge can focus on that first, instead of what is likely to be an immediate impulse to tell the youth to take responsibility for their behavior (see the next section on how to instill accountability).
- **Parents** are often (and understandably) angry, frustrated and embarrassed by being in Court with their youth. They often need encouragement and some redirection in terms of how they also contribute to a youth's positive development and accountability. They benefit from being reminded that the best outcomes in these proceedings occur when the parents are also engaged in programming and court processes. Remind the parents that this is a good opportunity for them to learn new parenting techniques going forward.



Positive Examples

Listening Example: "I would like to hear what you think about the situation"

Youth Response Example: "It wasn't my idea or my fault. "

Encouragement Example: "I hear that you don't see this as your fault. That makes me think that you wouldn't do something like this on purpose. Perhaps you would like to avoid being involved in this kind of situation in the future?"



Negative Examples

It is important to avoid using any terms that may reinforce negative identity development.

Example: "You need to stop being so disrespectful, that attitude will get you nowhere. I'll show you what it means to respect the court".

These statements can make an adolescent feel hopeless or even proud of their bad kid status.

Adolescent Accountability and the Judge as a Teacher

Contact with a judge has the potential to be a positive force in improving adolescent accountability. Judges can be another positive, adult voice that teaches the youth about the impact of individual actions on a community. Judges can point out that when others are harmed through the youth's intentional or unintentional actions, it makes those people upset and angry. For many adults, the understanding that not harming others is a basic part of the social contract of a functioning community is so obvious that a youth's failure to grasp this or make choices that support this can be shocking and emotionally triggering. It is important for a judge to understand that it is normal for youth to have a lack of fully developed empathy and understanding of how their actions impact others and this does not indicate a failure of character or that the youth is a "lost cause."

Validation and Accountability

Validation is a communication technique often used in therapeutic contexts to build connection, particularly as a prelude to discussing behavior that was unhelpful or harmful.

- **Example:** "You expressed that you were frustrated in that moment and that emotion influenced your decision-making. I can see how that situation was really frustrating and difficult to manage."

The negative outcomes of behaviors should be framed as a learning opportunity for adolescents.

- **Example:** "It sounds like you were not happy with how this situation turned out, someone ended up getting hurt and you are here in front of me. The court gets involved when someone is harmed because it's a right of everyone to live in a safe community. That is also your right and the court would also work to protect you if you were harmed. I have already heard about and seen that you have a lot of talents and strengths and you are needed in our community to make it strong and safe. It's hard work to overcome frustrating and difficult situations- you just experienced that - but there are a lot of people here who want to support you."