

Newcastle FASD Youth Justice MODEL OF CARE

A young person's integrated journey: Fetal Alcohol Spectrum Disorder (FASD) 10+ Years • Hodgson, H. & Hamilton, O. • May 2020

Number of entry points where a young person may have contact with the legal system.

1. Youth on Track: Is an early intervention scheme for 10 to 17 year-olds that identifies and responds to young people at risk of long-term involvement in the criminal justice system. Police and other eligible agencies can refer young people, known to be at medium to high risk of offending, to a support service without requiring a legal mandate. The young person's engagement in Youth on Track is voluntary (Communities & Justice, 2020).

2. Police: A young person may come to the notice of police within the community. If there is an offence the young person may be sent for youth conferencing or given a charge which would be heard in court before a magistrate.

3. Children's Court: A young person who has committed an offence appears before the magistrate who determines the course of action related to the offence.

4. Section 32: May be applied where a young person has a mental health condition, or cognitive impairment.

5. Sentencing: The magistrate may sentence the young person to a community order, or custody. If a cognitive impairment is suspected there are different processes for evaluation.

1. YOUTH ON TRACK YOUTH AT RISK OF JUSTICE INVOLVEMENT

Discretionary Referral

- Schools, NSW Police, Youth Justice NSW, Justice Health and Forensic Mental Health, solicitors, Community Services, Out of Home Care providers, Community Health, Family Referral Service, Headspace and other mental health services.

Automated Referral

- Computerised Operating Policing System (COPS)

ELIGIBILITY SCREENING

- Eligibility for Youth on Track:
 - » Have at least one formal contact with police and a number of offending risk factors (discretionary referral) OR
 - » Have at least two formal contacts with police and are at 60% or greater chance of reoffending (automatic referral) AND
 - » 10 to 17 years old
 - » Have never received a supervised court order
 - » Offend or go to school in one of the seven Youth on Track sites
- If an intellectual disability or cognitive impairment is present the YoT Senior Case Manager makes referrals for further assessment to a paediatrician or clinical support services.
- Referrals to NDIS if required, where diagnosis is present.
- Ineligible young people for Youth on Track are referred to Youth Crime Prevention Command as per the MoU between Youth Justice NSW and NSW Police for consideration for support under the Rise Up Strategy and or Police Youth Case Management

2. POLICE

- Arrest, warning, caution, youth justice conference, court referral
- Youth on Track referral
- Young person may be known to Department of Communities & Justice and/or in Out of Home Care
- Justice Advocate Support (JAS) in Police Stations. Contact 1300 665 908

3. CHILDREN'S COURT

Bail (Youth Justice supervision or conditions to attend assessment)

Plea/Hearing/Section 32/Fitness to plead

- Cognitive impairment and mental conditions for which treatments is available in a hospital

Sentence

- Sentence can be a caution, youth justice conference, community based order or control order
- Broadmeadow Pilot Project Court Support Services (assist the young person in identifying and addressing causes of offending but are not part of the sentence)
 - » Justice Health Clinician
 - » Specialist Police Prosecutor
 - » Youth Justice caseworker
 - » Dept. of Communities & Justice out posted case worker
 - » Education court liaison officer
 - » Children's court assistance scheme
 - » Youth on track
 - » Allambi Care youth worker
 - » Regular attendance from police youth liaison officers and school liaison police officers
 - » Civil Youth Lawyer
- Referrals to mental health treatment, drug and alcohol, employment services, anger management, NDIS, health services, PCYC, programs

4. SECTION 32 (S.32)

- Young person has a mental health condition, or cognitive impairment
 - » Six month community treatment plans
 - » May adopt NDIS plans

<https://www.legislation.nsw.gov.au/#/view/act/1990/10/part3/sec32>

5. SENTENCING

YOUNG PERSON IN THE COMMUNITY

1. Lawyer arranges private psychological assessment

YOUNG PERSON IN CUSTODY

1. Court requests Psychological report. Youth Justice Psychologist undertakes report

CUSTODIAL ORDERS

1. Referral to Youth Justice Psychologist
2. Caseworkers apply for NDIS (See procedures)
3. If known to NDIS, Youth Justice is informed about services
 - » NDIS is suspended while young person is in custody

Please refer to the Newcastle FASD Youth Justice Model of Care Handbook for referencing, information on services, supports and training.

Note. Adapted from *Working with Young People who have an Intellectual Disability or Cognitive Impairment* (pp. 34 - 36), by the Juvenile Justice NSW, Department of Justice, 2016. Copyright 2016 by The Authors.

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