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AN EVALUATION
OF THE
✓ NASHUA DISTRICT COURT
"Juvenile Intake Unit"

GRANT NUMBERS

76-II-E-2102 F04
77-II-A-2102 F03

PROJECT PERIOD

February 3, 1978 to April 30, 1979

JOSEPH HORTON
JUVENILE MONITOR

JAMES CAHILL
EVALUATION SPECIALIST

NEW HAMPSHIRE GOVERNOR'S COMMISSION ON CRIME AND DELINQUENCY

March 22, 1979

56079

SUB-GRANTEE Nashua District Court

PROJECT TITLE "Court Intake Program"

PROJECT DIRECTOR Hon. Aaron Harkaway, Chief Justice, Nashua District Court
Peter Howatt, Chief Probation Officer

GRANT NUMBER 76-II-E-2102 F04; 77-II-A-2102 F03

GRANT PERIOD February 3, 1978 to April 30, 1979

GRANT BUDGET

<u>Item</u>	<u>Total</u>	<u>Fed. 90%</u>	<u>State 05%</u>	<u>Local 05%</u>
Personnel Services	\$15,122	\$13,610	\$ 756	\$ 756
Consultant Services	0	0	0	0
Travel and Subsistence	322	290	16	16
Construction and Renovation	0	0	0	0
Rental	0	0	0	0
All Other	0	0	0	0
Indirect Costs	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Total Cost	\$15,444	\$13,900	\$ 772	\$ 772

PREVIOUS PROJECT HISTORY

<u>Grant Period</u>	<u>Total Funding</u>	<u>Fed.</u>	<u>Percentage State</u>	<u>Local</u>
1/9/76 to 1/31/77 (74/75-A-1060 F02/01)	\$20,353	90%	05%	05%
5/6/77 to 5/31/78 (76-II-A-1785 F04)	\$20,704	47%	03%	50%

Monitored: Richard Gabriel 6/76
 John Mason 9/78

Evaluated: John Clark 4/77

NCJRS

MAR 30 1979

ACQUISITIONS

EVALUATOR: Cahill and Horton
 DATE: March 22, 1979

ADDITIONAL FUNDING BACKGROUND

76-II-E-2102 F04

2/3/78 - 9/30/78

LEAA	\$5,792
GCCD	321
Subgrantee	<u>322</u>
	\$6,435

Salaries	\$5,940
Benefits	473
Travel and subsistence	<u>22</u>
	\$6,435

77-II-A-2102 F03

LEAA	\$8,108
GCCD	451
Subgrantee	<u>450</u>
	\$9,009

Salaries	\$7,870
Benefits	839
Travel and subsistence	<u>300</u>
	\$9,009

ADJUSTMENTS

GAN #1	6/8/78	Start date of 77-II-F03 moved ahead from 8/3/78 to 2/3/78
GAN #2	6/22/78	\$6,435 deobligated from 77-II-F03 "C" funds and obligated to 76-II-F04 "E" funds
GAN #3	10/20/78	\$310 allocated to 76-II-F04 benefits, travel and subsistence line items reallocated to salaries
GAN #4	1/24/79	Termination date of 77-II-F03 extended from 2/28/79 to 4/30/79

PROJECT DESCRIPTION

The Nashua District Court Intake Program (hereinafter "INTAKE") is designed to divert juveniles arriving before the court from adjudication, in appropriate cases, and toward community-based services. Primarily, INTAKE screens all cases scheduled for court disposition to determine whether certain juveniles can be better served by participating in a counselling and referral process than by "traditional" juvenile court adjudication. INTAKE also handles self-referrals and a small number of referrals from agencies outside the criminal/juvenile process. As well as augmenting the services made available by the court and probation office, INTAKE has as an objective the reduction of the size of the court's juvenile calendar.

METHOD OF SERVICE

All juvenile cases entered in the Nashua District Court are initially considered by INTAKE. The INTAKE officers make preliminary determinations whether cases should be handled in court or should be handled by the INTAKE counselling and referral services. Cases arrive before INTAKE generally in three ways: 1) by the filing of a formal juvenile petition; 2) by referral from outside agencies; and 3) by parental or self-referral ('walk-in'). Additionally, INTAKE has a representative in court while juvenile hearings are in progress; this measure makes sure that certain cases which at the time of entry appear suitable for formal adjudication, but which later on the facts are found as better suited for counselling and referral, are re-diverted to INTAKE. There is a step process followed in every case, which is set forth below:

- STEP 1 -- This step is described briefly above on that point in the process during which cases are initially considered by INTAKE. Cases may be any of the following:
- 1) status offenders; 2) adolescents accused of violations; 3) first offenders; 4) children under age twelve;
 - 5) persons who have had little prior police contact;
 - 6) those whose needs are best met outside the court

process, such as the retarded and disturbed; and 7) 'walk-ins' who request help but who have not done anything for which they could be prosecuted. The criteria which are used to make the initial decision as to the handling of the case are seriousness of offense, both in terms of illegality and potential threat to the community; the circumstances of the commission of the offense; prior police or court record, if any; school or work record; and family situation.

- STEP 2 -- Clients and their parents or guardians are requested to attend a conference with an INTAKE officer at the earliest opportunity. At this meeting the program is explained thoroughly to the clients and families and the voluntary and confidential nature of the program is emphasized. Parents or guardians sign on behalf of the client a form stating their understanding of the nature and purpose of the program and their willingness to participate. Once the form is signed, the process begins to elicit personal and family information and to discuss problems and proposed remedies.
- STEP 3 -- Information gathered in the prior steps is used as a basis for further involvement in the program. In some cases, clients are counselled and released. In other cases, matters are handled internally or referred to outside agencies.
- STEP 4 -- The follow-up process begins at this point. Cases handled internally are closely monitored usually for a period of several months. Those referred to outside agencies are not as closely monitored, and responsibility for follow-up is assumed by the outside agencies. In the latter cases, INTAKE removes itself as much as is reasonably necessary to avoid interference with the work of the outside agencies.
- STEP 5 -- Once the child and his family are found to have successfully completed the program requirements, the case is closed, and additional contact with INTAKE becomes no longer necessary.

However, the child or family are not precluded by the closing of the case from further help if the need should arise.

- STEP 6 -- Records are destroyed one year after the closing of the case to eliminate all traces of the offenses and personal problems.

Approximately sixty percent of those cases handled by the INTAKE unit are referred to outside agencies. Not all cases so referred are for counselling or therapy; in fact, many referrals deal with activities designed to keep children occupied, many are school-directed or school-related projects, and many are placements. A small number of cases are closed after the initial meeting, primarily cases where stable family and home situations indicate minimal possibility of continuing difficulties.

THE INTAKE STAFF

Peter Howatt, the Chief Probation Officer of the Nashua District Court, is responsible for the management of the INTAKE project, and is supported in this position by city funds. Edith Carter and Barbara Hogan are full-time probation officers assigned to the INTAKE unit. Ms. Carter's position is funded by the grant and Ms. Hogan's by the city. Rose Cerier works part-time on the grant as resource coordinator and in this position is responsible for lining up outside agencies and arranging referrals. Pat LeClerc works full-time on city funds as secretary. Mr. Howatt notes that it often becomes necessary to "borrow" a probation office secretary for clerical assistance from time to time.

The members of the staff also engage in public relations work for the INTAKE project, making speaking and discussion panel appearances to explain the program to the public, maintain advantageous relationships with outside agencies and charitable and service organizations, and generally to keep the project visible and active in Nashua community affairs.

PROJECT OPERATION

The idea for the Nashua INTAKE project was engendered in 1974 by District Court Justice Aaron Harkaway. Faced with a rapidly growing juvenile calendar and with changes in the law relating to PINS dispositions (persons in need of supervision), the court found it necessary to handle a greater aggregate number of juvenile cases without increasing the delay from entry to disposition,

and to draw upon community resources as alternatives to confinement or probation. Justice Harkaway brought together representatives of Nashua area community service agencies, proposed the idea, and enlisted the aid of the service agencies in the diversion effort. By September, 1975, a pilot group of agencies had been lined up and were prepared to take referrals, and a section had been established within the probation office to administer the project. By March, 1976, the project was fully operational substantially as it is today, after a delay occasioned by extensive accidental damage to the probation department offices. In January, 1976, the INTAKE project moved into spacious offices in the new Nashua District Court Building.

THE GROWTH OF THE STAFF

Responsibility for the INTAKE project was given to Mr. Alan Urquhart, who was during the early period described above the chief probation officer in Nashua. Mr. Howatt has served as Director of the INTAKE project since its inception, and since that time has also become Chief Probation Officer, replacing Mr. Urquhart, who has moved on to be Assistant Director of the state Department of Probation in Concord. Mr. Howatt holds a master's degree in education and has been a certified probation officer for seven years.

Initially, one intake officer, Ms. Hogan, and one secretary, Jill Calawa, were assigned to INTAKE. Ms. Hogan is a fully certified probation officer and a candidate for the degree of master of arts in counselling. She has provided necessary counselling and placement advice primarily for female clients. Ms. Calawa was assigned all clerical responsibilities and responsibility for scheduling appointments, compilation and maintenance of records and files, and collection and disbursement of restitution payments. In the spring of 1978, two more people were hired and assigned to the INTAKE unit to manage its expanding operations and clientele. Margaret Cronin was hired as the second intake officer on the grant and began her duties on April 3, 1978. She holds a bachelor's degree and prior to her assignment

to INTAKE worked as a probation officer in Massachusetts. She was subsequently replaced by Edith Carter during the summer of 1978. Ms. Carter is a master's degree candidate, and had been at one time Director of the YWCA Intervention Program in Nashua. Rose Cerier began work in a part-time position as resource coordinator in March, 1978. Ms. Cerier was previously the Director of the Nashua YWCA, where she worked closely and for several years with many of the outside agencies now participating in the diversion project. There have been several changes in the secretary's position since 1976. Pat LeClerc currently holds the position.

The following small table lists the project personnel and the sources of their funding:

Peter Howatt, Director	Full-time	City funds
Edith Carter, Intake Officer	Full-time	Grant
Barbara Hogan, Intake Officer	Full-time	City funds
Rose Cerier, Resource Coordinator	Part-time	Grant
Pat LeClerc, Secretary	Full-time	City funds

Mr. Howatt, Ms. Carter, Ms. Hogan, and Ms. Cerier are fully certified probation officers under New Hampshire RSA 504:13 and the specifications of the state Department of Personnel. All positions funded under the grant have been filled precisely in the manner prescribed by LEAA and the state procurement regulations.

WORKLOAD

Since the beginning of the project, INTAKE has kept complete and detailed records of the cases it has handled. The staff members have compiled monthly and yearly statistical logs relating to the caseload. Mr. Howatt is preparing an interim cumulative summary of the casework undertaken since August, 1978, the closing of the most recent reporting year, for purposes of presenting information supplementary to this evaluation report. Reproduced below is a condensed summary of INTAKE cases opened during the period September 1, 1977 through August 31, 1978. Similar logs to those prepared for INTAKE's caseload are kept for adult and juvenile probation cases outside the INTAKE unit.

Mr. Howatt also prepares a monthly confidential summary for Justice Harkaway, in which he describes the status of all open and active INTAKE cases and comments upon the progress of the clients.

INTAKE STATISTICS -- INCEPTION TO 8/31/77

(Seventeen months of operation)

<u>Age Group</u>	<u>Cases Opened</u>		
	<u>Male</u>	<u>Female</u>	<u>Combined</u>
10 and under	26	6	32
11	17	3	20
12	18	5	23
13	24	15	39
14	37	16	53
15	40	34	74
16	43	26	69
17	44	19	63
18	2	3	5
19 and over	<u>4</u>	<u>1</u>	<u>5</u>
TOTALS	255	128	383

INTAKE STATISTICS -- 1978 FISCAL YEAR

9/1/77 - 8/31/78

<u>Age Group</u>	<u>Cases Opened</u>		
	<u>Male</u>	<u>Female</u>	<u>Combined</u>
10 and under	38	7	45
11	14	7	21
12	31	10	41
13	37	19	56
14	43	35	78
15	63	32	95
16	45	29	74
17	28	12	40
18	0	0	0
19 and over	<u>0</u>	<u>0</u>	<u>0</u>
TOTALS	299	151	450

The preceding tables indicate a seventeen percent increase in cases during the second reporting year. This seventeen percent figure must be weighted upwards however, to account for the fact that the second reporting period is a twelve-month period, compared to the seventeen months comprehended in

the first reporting period. The caseload is showing a very significant increase at the present time. Mr. Howatt's best estimation in compiling a statistical summary for the period of September 1, 1978 to the present is that the current caseload is at least twice that of the corresponding period last year.

Property offenses (larceny and burglary) and truancy predominate among the offenses listed for INTAKE clients. Male clients are more involved in criminal mischief than are female clients; female clients are more often runaways than male clients. Among males, fifteen and sixteen year olds, and among females, fourteen and fifteen year olds, are the most frequent clients.

Recidivism is defined for purposes of the project as re-contact with the INTAKE unit after referral or internal handling, exclusive of voluntary reappearance for further help or reassurance. All cases appearing before the court are at least initially processed by INTAKE; therefore, INTAKE is necessarily apprised of recidivists' new appearances as they happen. At the time of the June, 1978 monitoring report of Mr. Mason, a thirteen percent recidivism rate was reported. Mr. Howatt estimates a cumulative ten to eleven percent recidivism rate currently.

In the very early months of operation, three outside agencies were primarily responsible for ancillary services. They were the New Leaf Organization, a job-placement advisory service; the YWCA Intervention Project; and the Nashua Community Council. As of the time of Mr. Mason's monitoring report, twenty-four agencies were accepting referrals. Presently, there are twenty-nine outside agencies, private concerns, and groups of professional people providing services to INTAKE clients. The services provided by these agencies are summarized below.

1. ADULT LEARNING CENTER -- A free public school for adolescents and adults who wish to prepare for high school equivalency certification (GED), to receive remedial schooling, or training in vocational skills.

2. BURGER KING FOOD PROGRAM -- Burger King donates each month redeemable coupons for meals for INTAKE clients to whom regular meals are not available.

3. COUNSELLING SERVICES:

Program on Alcohol and Drug Abuse (PADA) -- A program conducted by the Division of Public Health of the state Department of Health and Welfare providing rehabilitative services to alcoholics and drug abusers and preventative counselling.

Southern New Hampshire Services -- A small private family counselling service; fees arranged on a scale to accomodate ability to pay.

Nashua Youth Council -- An agency providing a comprehensive range of services free of charge to clients; includes personal counselling, arts, crafts, outdoor activities, and drug rehabilitation.

Nashua Community Council -- Local mental health agency, and the only public agency offering counselling services to children under ten years old.

Epilepsy Foundation -- Local office of the National Epilepsy Foundation; a research foundation providing information, counselling, and therapeutic services for victims of epilepsy at no expense to the patient.

4. NASHUA FAMILY PLANNING -- Provider of free clinical and laboratory services to low-income persons subject to eligibility regulations of the federal Department of Health, Education, and Welfare. Services include medical examination, counselling, pregnancy testing, venereal disease testing, and sex education.

5. FOSTER HOMES -- A small number of state-licensed foster homes are available for placement of children who must be removed from their homes. Placements are made in unusually severe cases or temporarily in crisis situations. See note on the state Division of Welfare below.

6. GREATER NASHUA CHILD CARE CENTER -- The Child Care Center is a licensed day care facility located in central Nashua, which takes on some older INTAKE clients as volunteer "assistants."

7. NEW HAMPSHIRE LEGAL ASSISTANCE -- Provider of free legal services to persons needing counsel but unable to retain counsel on their own. Cases referred to legal assistance involve social security benefits, landlord-tenant problems, some domestic relations matters, or representation of juveniles in court. See note on private attorneys below.

8. MEDICAL SERVICES -- INTAKE has concluded agreements with several providers of medical services for free treatment for INTAKE clients who are uninsured or otherwise unable to pay for needed medical care.

Memorial Hospital -- Emergency room services provided free to INTAKE clients.

Dental -- Clients in need of treatment and unable to pay for dental care are referred to local dentists, through their professional society in Nashua, on a rotating basis, each dentist taking one patient per year gratis.

Optometric -- An arrangement similar to that described above for dental service makes available eye examination and eyeglasses for indigent clients who have vision problems. Some serious schoolwork difficulties have been solved in some cases after eye examination and provision of glasses.

Pharmaceutical -- An arrangement has been made to secure emergency prescription-filling services from a group of local drug stores.

9. NEW HAMPSHIRE DIVISION OF WELFARE -- The Division of Welfare is responsible for handling cases of suspected abuse or neglect under the provisions of RSA 169:40 and 41. The division conducts investigations in neglect and abuse cases, often calling upon the probation office to submit reports and recommendations. Children placed in foster homes are referred to the division for Medicaid benefits, and foster homes must be licensed by the division.

10. NEW HAMPSHIRE DIVISION OF VOCATIONAL REHABILITATION -- Physically and emotionally handicapped adolescents are referred to this division of the state Department of Education for testing and training, with a view towards eventual development of marketable skills and gainful employment.

11. NEW LEAF -- A project operated within the probation office which makes employment referrals and provides some job openings through the Neighborhood Youth Corps Program.

12. ODYSSEY HOUSE OF NEW HAMPSHIRE -- A residential drug counselling and therapy program to which juveniles involved in drug offenses or related problems may be directly referred. Odyssey House offers intensive, structured care.

13. NASHUA PARK AND RECREATION DEPARTMENT -- Primarily during the summer months, juveniles who have damaged public property are assigned to work on small public works and improvement projects as a form of restitution.

14. RECREATION PROGRAMS -- The Nashua YMCA, YWCA, Boys' Club, and Girls' Club offer recreational and educational activities in the form of structured athletic and arts and crafts programs. In appropriate non-serious cases, where problems arise from idleness, these programs are quite workable and effective.

15. SALVATION ARMY -- Although not strictly a "referral" agency. The Salvation Army has on occasion provided emergency food and clothing to INTAKE clients and their families.

16. SOCIAL ASPECTS OF DRUG ABUSE -- Like New Leaf, this project operates within the probation office, providing through a group representing the legal, medical, and social service fields a drug education program teaching the relationships between drug and alcohol abuse and patterns of social behavior.

17. PERSONAL PROFESSIONAL SERVICES:

Volunteer Program -- There are currently fifteen volunteer probation officers who have been carefully screened and trained and who have served a minimum of three years working with INTAKE clients.

Tutors -- It has been found that a majority of juveniles coming in contact with INTAKE are scholastic underachievers. Many of the tutors who volunteer their time are students at area colleges, called upon as needed.

School Guidance -- School districts within the Nashua District Court jurisdiction have a cooperative arrangement with INTAKE whereby guidance counsellors and INTAKE staff members jointly develop plans for solving problems arising from poor school performance. Cases handled through school guidance are closely monitored often on a daily basis.

Private Attorneys -- Nashua area attorneys have from time to time provided legal services to INTAKE children and their families, either under a fee arrangement or pro bono. The INTAKE unit makes no referrals or selections; clients and their families select from a list. Private counsel and counsel from New Hampshire Legal Assistance provide legal services to approximately 65% of INTAKE clients. Counsel is mandatory in delinquency cases.

Private Psychologists, Psychiatrists, and Counsellors -- Nashua area professional people have from time to time provided mental health counselling and treatment for a fee or for free.

In the past year, three agencies have been added to the list of outside services. The Matthew Thornton Health Plan, Inc. has begun to provide comprehensive health care services to some INTAKE clients. Additionally, the Pinehaven Center and Teenhaven have begun to take referrals. INTAKE has also accumulated donations for a small emergency fund to provide emergency food, clothing, and shelter to clients and their families in serious need.

CONCLUSIONS AND RECOMMENDATIONS

Diversion Generally

Pre-adjudicatory juvenile diversion has been practiced informally in New Hampshire and nationally for decades, by way of police officer discretion in whether to proceed with formal petition and hearing, and through involvement of probation officers in advisory capacities with respect to disposition of juvenile cases. This acceptable yet unorganized effort began a process of dramatic change in the 1960's, when diversion approached the focal point of the juvenile justice process. Juvenile courts were found to be failing in the effort to rehabilitate juveniles, and it became apparent that the adjudicatory process has no power to deal thoroughly with the causes of delinquency in many cases and hence is not able to prevent reoccurrence of juvenile crime. See C. Hess and E. Hoglund, COMPENDIUM ON THE NEW HAMPSHIRE JUVENILE JUSTICE PROCESS, at 31, 32 (1978). Another criticism given significant authority currently is that the juvenile court as presently constituted is simply not equipped to deal with PINS' underlying social, attitudinal, and psychological problems. See e.g. P. Kfoury, "A Short Paper on PINS and the Juvenile Court", 18 NEW HAMPSHIRE BAR JOURNAL 187-189 (1977). The legislative intent of 1975 New Hampshire Senate Bill 18, which amended the statute law to remove PINS from the status of delinquents and to provide for separate means for PINS disposition, manifests a recognition of the inability of traditional juvenile adjudication to strike at the major contributing factors in cases of delinquency and need of supervision.

Also during the 1960's, the United States Supreme Court began to hand down a series of decisions affecting the rights of juveniles in formal court. The cumulative effect of the Court's rulings in Kent v. United States, 383 U.S. 541 (1966), in re Gault, 387 U.S. 1 (1967), and in re Winship, 392 U.S. 358 (1970) has been to formalize the juvenile court process and expand the rights

of juveniles to notice, hearing, a decision on the record, legal counsel, and many of the other guarantees of the adult legal process, despite the inherent informality and flexibility of the parens patriae philosophy of juvenile justice. As a practical matter, the new requirements have prompted resolution of juvenile matters outside the formal court process.

More directly, Congressional policy giving rise to the passage of the Juvenile Justice and Delinquency Prevention Act of 1974 was declared to be the diversion of juveniles from the "traditional juvenile justice system". 42 U.S.C.A. § 5602 (B) (1970). LEAA's funding priorities with respect to juvenile justice programs identify diversion projects and utilization of community resources as optimal approaches to prevention of juvenile crime and of the social conditions giving rise to neglect, abuse, and the need for supervision.

Finally, as discussed in the PROJECT DESCRIPTION, the immediate rationale for diversion projects such as Nashua INTAKE is the reduction of the size of the juvenile calendar by culling out those cases which need not, and probably should not, consume the court's time.

The Nashua Approach

i. Diversion in New Hampshire

In New Hampshire, approximately sixty percent of all juvenile matters are diverted or otherwise disposed at the police level. See COMMISSION ON CRIME AND DELINQUENCY DETAILED STUDY OF NEEDS, at 61 (1978). Other diversion projects are undertaken by the individual courts and municipal probation offices, there being no state-established diversionary process. Nor are there presently any statutes affecting the jurisdiction of the district and municipal courts, or the authority and responsibility of probation officers, specifically to engage in intake/diversion projects. The proposed revisions of New Hampshire RSA 169 include provision specifically

for children in need of services and empower the court to order supervision of children and families by social service agencies, defining "services" to include care, guidance, counselling, therapy, and placement. See proposal for §§ 169-D:2(b) and 169-D:17. Nonetheless, the present statutes and the case law do require appropriate rehabilitative treatment in a manner consistent with the best interests of the child. New Hampshire's juvenile statutes are to be construed liberally to effect protection and rehabilitation of the state's children. If this policy can be fulfilled at the pre-adjudicatory stage, there is no need for formal adjudication as long as children are given the full protection of the court. Arguably then, those courts and municipalities which have operated intake and diversion projects, such as Nashua, Keene, Hooksett, Concord, Claremont, Goffstown, and Conway, have come closer than the others to effectuate the purposes of the juvenile law in New Hampshire. Hess and Høglund, supra, at 35, 57-58.

ii. Advantages Presented to the Juvenile Justice System by the Nashua Project

The grant application cites several benefits that INTAKE presents to the juvenile justice process. First, the intake officers are certified and trained probation officers, possessing all authority necessary to conduct investigations and make recommendations to the court with respect to the handling of juvenile cases.

Secondly, the INTAKE unit is a discrete part of a unified series of agencies authorized by law to handle juvenile matters. Its relationship with the court and the probation office lends a stabilizing influence and a sense of authority which would not be present in a private agency handling counselling and referral services. This position of permanency and authority makes possible a constant and efficient liaison between the INTAKE unit and the Juvenile Division of the Nashua Police Department.

Thirdly, changes in the method of disposition of status offenders and PINS, occasioned by amendments to RSA in 1975 (L. 1975 C.502:8) enacted as RSA 169:13-a, have made it necessary to call upon community-based agencies and other resources to handle a substantial portion of INTAKE clients who cannot be lawfully confined with delinquents. There is no state facility for the confinement and rehabilitation of PINS and status offenders. INTAKE holds a position of total support from the court and probation office, and can draw upon the resources of outside agencies from a position of clear authority.

Fourthly, as a condition of participation in the INTAKE program, the payment of restitution has in many cases been imposed. The INTAKE unit, as an arm of the probation office, has full authority to supervise the collection of restitution.

Fifthly, the INTAKE unit can respond immediately to crisis situations. INTAKE officers work on a twenty-four hour call schedule in addition to office hours. As officers of the court, INTAKE officers have full authority to take into custody suspected victims of child abuse and neglect. Particularly at night and on weekends or holidays when the Division of Welfare local office is closed, INTAKE can take all reasonable steps to take a child into its protective custody until the Division of Welfare can take the case and the court can hear it.

Sixthly, and most obviously, INTAKE is empowered to handle a substantial portion of cases which would otherwise be placed upon the court's calendar for formal adjudication. This has had the effect of cutting the juvenile docket at least in half, reducing significantly the time from the filing of a juvenile petition to hearing and disposition in cases where formal adjudication is indicated, and in the larger sense reducing the time from the appearance of a problem to its remedy.

iii. Advantages Presented to the Nashua INTAKE Client

Court appearances are known to be traumatic for children and parents. INTAKE presents an opportunity to avoid court and to avoid being subjected to formal investigation by the probation office. Voluntary participation has proven beneficial in two major and related ways; it has encouraged free flow of personal information, particularly sensitive information necessary for the successful resolution of problems, and it has motivated parents, guardians, and juveniles to actively participate in solving their problems. Where the parties have so participated, they have largely perceived progress as the result of their efforts, and have thus been prodded to rely more and more upon their own strengths and abilities to avoid further difficulty.

First, clients benefit from the position of authority that INTAKE holds, as an adjunct of the court, with respect to the outside agencies involved in referrals. A significant share of INTAKE's responsibility is to work with clients and outside agencies in a combined effort to solve the problems that contribute to delinquency, the commission of status offenses, and the occurrence of domestic problems. This effort often involves coordination among several agencies, and the INTAKE unit is very able to secure participation of each service agency necessary to arrange suitable care plans for clients.

Secondly, where outside referral is appropriate, INTAKE can provide additional follow-up services to clients who desire them. Generally, follow-up is accomplished through the outside agency to which referral is made. Interference or unnecessary involvement in the work of outside services is contrary to the theory of intake and diversion as practiced in Nashua, and accordingly, INTAKE limits its role to reassurance and help beyond that provided by the agency, leaving it to the outside agency to deal with the client in the proper manner. This posture eliminates duplication of effort and assures that the INTAKE unit and outside agency will not find themselves at cross purposes.

Thirdly, because INTAKE is an arm of the court, clients are reassured that successful participation precludes further action from the court. No information developed during INTAKE interviews or follow-up can be used as evidence in subsequent proceedings.

Fourthly, INTAKE presents a remedial course of action which in certain cases is beyond the practical power of a court to order, oversee, and enforce. The nature of the relationship between the INTAKE client and the program allows the development and beneficial use of facts and other information not always relevant or competent in judicial proceedings. Further, this information is destroyed one year after the closing of the case. The court's juvenile records, on the other hand, are never destroyed, and although sealed, remain in existence indefinitely.

Justice Harkaway remarked to the writers that the INTAKE Project is absolutely necessary for the efficient and proper management of the district court's caseload and for the provision of the level of services that the court is under an obligation to provide. Ironically, he notes, the project really cannot be a true "model" project, as the abundance of community services in Nashua upon which the court has drawn is not present everywhere in New Hampshire, and the beneficial and cooperative relationships that have developed in the Nashua project cannot be realistically prescribed to materialize or exist elsewhere.

The writers conclude that the Nashua Juvenile Court Intake Project is a highly workable method for providing comprehensive protection and treatment services for juveniles. It has consistently expanded its service capability and operated successfully since its inception. The INTAKE unit has attracted and retained conscientious and hard-working professional people

for its staff and managed to secure for its clients the services of highly competent outside professional persons and agencies in the Nashua area. The project has substantially reduced the proportion of cases formally adjudicated, and effectuated a recidivism rate of approximately 11% since the commencement of its work, a rate which is substantially below the national rate. That the project is internally strong enough to continue to provide quality services to the Nashua area is beyond question.

The writers recommend continued support of this project to ensure its permanent success, in accordance with established Commission policy.

END