



# Model of Action Reintegrative Case Management for Children & Youth in Conflict with the Law

A practical guide proposing a tailor-made case management approach to ensure children & youth in conflict with the law access comprehensive and resilience based reintegration processes

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Terre des hommes (Tdh) is the leading Swiss child rights organisation. Since 1960, Tdh has helped build a better future for vulnerable children and their communities, making an impact with innovative and sustainable solutions. Active in more than 30 countries, Tdh works with its own teams and/or local and international partners to improve the daily lives of millions of children and their relatives through programmes on health, access to justice, migration, protection, water and sanitation and emergency relief. Our work is financed by support from private individuals and institutions, with administrative costs kept to a minimum.

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# Navigating the Model of Action (MoA): Reintegrative Case Management for Children & Youth in Conflict With the Law

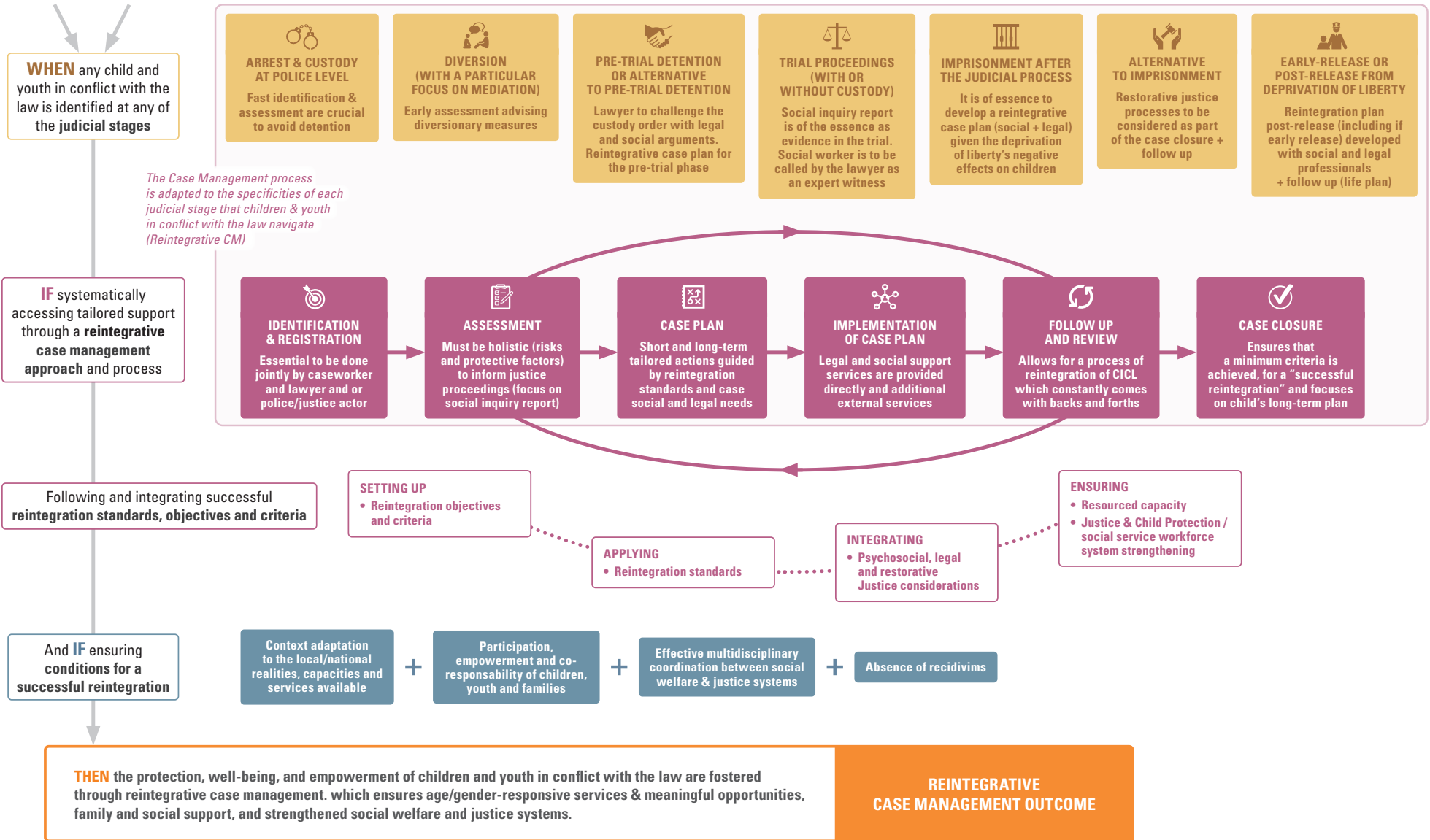
No	Section/Subsection	Description
	<b>Reintegrative Case Management for Children &amp; Youth in Conflict with the Law – Snapshot</b>	Provides a visual representation of the main elements of the reintegrative case management system for children and youth in conflict with the law. To facilitate the use of the MoA, different elements of the snapshot are hyperlinked with sections of the MoA where detailed information can be found.
1.	<b>Introduction</b>	<p>Outlines the objectives, target users, scope &amp; structure to facilitate navigation of the MoA for users.</p> <p>Highlights the gaps encountered by children and youth in conflict with the law to successfully reintegrate and, hence, the rationale of the MoA.</p>
2.	<b>Tdh expertise &amp; framework for action: Access to Justice for Children &amp; Youth Protection Case Management</b>	<p>Based on Tdh’s programmatic framework (theory of change), identifies Tdh’s added value and strategic positioning for addressing reintegrative case management for children and youth in conflict with the law.</p> <p>Details a conceptual framework for the reintegration processes of children and youth in conflict with the law.</p>
3.	<b>Digging into the core elements of the Reintegrative Case Management for Children and Youth in conflict with the law</b>	<p>Describes the essential elements to adapt a standard case management approach and steps when working with children and youth in contact with the law:</p> <ul style="list-style-type: none"> <li>• The different children that might fall into the category of children and youth in conflict with the law;</li> <li>• The different pre-judicial and judicial stages they might go through;</li> <li>• The essential considerations impacting children and youth in conflict with the law, to be applied along the case management process.</li> </ul> <p>It highlights restorative justice approaches and practices as paramount for the reintegration process.</p>
4.1	<b>In practice (WHAT): Goal, standards, and criteria for the ‘Successful Reintegration’ of Children and Youth in Conflict with the Law</b>	<p>Sets out the reintegration-oriented goal of case management with children and youth in conflict with the law, including the 10 key standards that should apply to any reintegration process and how they align with case management principles and steps.</p> <p>It also highlights, in a checklist form, the key criteria to assess ‘successful reintegration’ for children and youth in conflict with the law.</p>
4.2	<b>In practice (HOW): Applying Reintegrative Case Management across any justice stage</b>	Allows MoA users to identify at which justice stage a child/young person is and how to operate a tailor-made case management system having the reintegration goal at the center.
4.3	<b>In practice (WHO): Human Resources for reintegrative case management</b>	Highlights the roles and responsibilities of each of the multisectoral professionals within the reintegrative case management process and their interlinkages.
5	<b>Annexes</b>	<p>Includes additional tools to be applied along the reintegrative case management process and stages of justice to support the reintegration of children and youth in conflict with the law:</p> <p><i>Annex 1:</i> Guiding considerations promoting psychosocial resilience of children and youth in conflict with the law for a successful reintegration.</p> <p><i>Annex 2:</i> Legal considerations around a child’s/young person’s case (that matters both to legal professionals and case workers)</p> <p><i>Annex 3:</i> Risk Levels</p> <p><i>Annex 4:</i> Case Management Forms Overview</p>

# The Model of Action for a Reintegrative Case Management for Children and Youth in Conflict with the Law – Snapshot

## CHILDREN AND YOUTH      TYPES OF OFFENCES

- Suspects •
- Offenders •
- At risk •
- Infractions •
- Misemeanors •
- Felonies •

Click on the boxes/elements of the snapshot to find detailed information in the different sections of the MoA





# 1. Introduction

*"We are completely out of any system, and no one seems to care... justice proceedings are really tough but additionally, the feeling of not being able to access services of health or counseling, education, or employment is unbearable, will we be always 'labeled as bad' and how we are going to get out of this situation?"*

Adam, 16 years old.

## 1.1. Purpose & Target Users of the Model of Action: Case Management for Children and Youth in Conflict with the Law

### 1.1.1. What is the Model of Action?

The **Case Management for Children and Youth in Conflict with the Law (MoA)** is a global model to guide Terre des hommes (Tdh)'s and partner's operations in the design, implementation, and monitoring of **reintegration-oriented interventions** directed to work for and with children and youth who are going through different stages of justice proceedings, be them formal (State) or community-based dispute resolution mechanisms.

The MoA is intended to provide technical direction to teams on how to tailor case management systems to respond to the very specific needs of children and youth in conflict with the law<sup>[1]</sup>. It intends to specialize and qualify Tdh's reintegration-based interventions (both direct interventions and those focusing on system strengthening).

It provides **structured content, principles, and standards** as well as **tools, linking knowledge and practice in child and youth justice and case management**, ensuring coherent and integrated programming.

### 1.1.2. What are the main outcomes and objectives of the MoA?

The MoA is intended to be **practical technical guidance** to assist Tdh staff and partners (State authorities and civil society organizations) in their efforts to design, implement, and support the reintegration of children and youth in contact with the law. In addition, it can be leveraged as a **tool to support capacity development, resource mobilization, partnership identification, advocacy, and child and youth rights accountability**. It should inform regional and country strategic planning processes, as well as the architecture and scope of the projects aiming at supporting the reintegration of children and youth in conflict with the law.

This MoA is a first-of-its-kind tool proposing reintegrative case management systems for children and youth in conflict with the law.

It is steered to fulfil the following outcomes at two different levels:

#### Goals (long-term outcomes)

- ✓ Specialized, integrated, and inclusive reintegration processes are accessible for all children and youth in conflict with the law (impact on system strengthening: justice and social welfare/child protection)
- ✓ Children and youth reintegrated have enhanced capacities, opportunities, and support to become active social citizens (impact on children and youth)

#### Outcome (following the application of the Reintegrative Case Management System)

The protection, well-being, and empowerment of children and youth in conflict with the law are fostered through reintegrative case management, which ensures age, gender, and diversity-responsive services and meaningful opportunities, family and social support, and strengthened social welfare and justice systems.

<sup>[1]</sup> Children and youth in conflict with the law refers to children alleged as, accused of, or recognized as having infringed criminal, civil or customary laws. As stated in the *General Comment of the Committee on the Rights of the Child 24/2019 'Children's Rights in the Child Justice System'*, it is essential to use non-stigmatizing language relating to children and youth in conflict with the law, particularly avoiding the use of the term 'juvenile'.

The MoA aims to contribute to the following objectives:

- Strengthening the **comprehensiveness, effectiveness, and quality of reintegration processes** (field projects, advocacy, capacity development) for children and youth in conflict with the law. In turn, it increases visibility and resource mobilization.
- Increasing **dedicated and integrated justice and protection interventions** to address comprehensively and sustainably the reintegration of children and youth in conflict with the law, in any stage of judicial proceedings, and within plural justice systems.
- Ensuring reintegrative case management systems are prioritized, well-resourced, and **comply with and reinforce the rights of children and youth in conflict with the law.**

### 1.1.3. Who are the target users of the Model of Action?

The MoA is intended to be a resource for all **Tdh staff and partners** supporting child and youth justice programming in different countries and regions. This includes personnel engaged in program design, implementation, monitoring and quality assurance, and resource mobilization.

More specifically, it should be a **key tool for Tdh and partners' technical teams, notably: legal professionals, social workers, case workers, psychologists and counsellors, vocational trainers, medical staff, etc.;** all staff working directly with children in conflict with the law.

The MoA promotes approaches that **must be adapted in recognition of the different operating contexts, different legal frameworks, and plural justice systems,** being of particular paramount the diversity of children and youth in conflict with the law.

It presents a **framework model that orients practice,** but the MoA must be adapted for each national/local context through a **localized participatory process.**

It may be of interest to share and engage on the MoA more widely with donors, coordination platforms, networks, and other stakeholders. To support communication on the framework, a summary Snapshot of the MoA has been produced that can be disseminated both within Tdh and externally. The MoA is intended to be a living resource. It will be updated as needed based on continued participatory consultation, with a sustained focus on the lived experiences of children and youth in conflict with the law as related to their reintegration processes following the methodology proposed in the MoA.



## 1.2. The need to have tailor-made (reintegrative) case management for children and youth in conflict with the law

### 1.2.1. Who are children and youth in conflict with the law as used in the Model of Action?

Broadly speaking, the term ‘children and youth in conflict with the law’ refers to individuals under 18 years old who come into contact with the justice system as a result of being suspected/alleged of or accused or recognized to have committed an offense as outlined in the applicable regulations<sup>[2]</sup>.

There are several important aspects of the **general definition** that require a closer examination:

- ▶ Children and youth can come into conflict with the law as defendants in **various jurisdictions**: criminal, civil/family/personal status, administrative, community-based, etc. **The process and outcomes of these justice proceedings can have profound effects on the children’s lives** in both the long and short term, significantly hindering their development and opportunities. Indeed, cases within justice processes might determine with whom children and youth will live, what contact they will have with their parents and siblings, where they will go to school, and whether they go into detention.
- ▶ While the international definition of children and youth in conflict with the law sets the **age** at 18 years old, many domestic legislations expand the applicability of child/juvenile justice systems to youth whether until the age of 21 or even the age of 24 years old. There is no universal definition of youth. Tdh acknowledges that youth of at least 24 years old who come into conflict with the law have more chances of not reoffending again if they are included in child/juvenile justice systems. **This Model of Action can apply to youth until 24 years old even when references are only made to children.**

#### Brain development & its connection with the reintegration process for children and youth in conflict with the law

From a neuroscience and psychological development perspective, brain hierarchy (how and when the brain develops sequentially throughout childhood and adolescence) is key to understanding that human functions of reasoning, logical thought, judgment, and impulse control start developing in adolescence and are still under development until mid-20s. Therefore, Tdh considers youth as including the periods from late adolescence (15) and early adulthood (24-25) defined by a critical development period, emphasizing how considerations for both children and youth should differ from adults, from a legal and psychological point of view and how approaches of intervention and support to reintegration should be particularly tailored to their psychosocial development.

From a legal perspective, different laws regulating the functioning of the justice system as applicable to children and youth extend their protection including youth until 24 years old.

<sup>[2]</sup> This accounts for the ‘principle of legality’ which states that no one can be sanctioned/punished or have their rights affected unless there is an applicable law, in force at the moment of the (alleged) commission of that offence, that provides for such sanction, punishment or infringement of rights.

## 1.2.2. The fundamental rights of children and youth in conflict with the law and how those rights are linked with the availability of proper and 'successful' reintegration processes

Children and youth in conflict with the law are entitled, by law, to a set of rights that should be exercisable at all times. As such, the **Convention on the Rights of the Child (CRC), Articles 37 and 40**, foresee specific rights and conditions that justice (and social/child protection) systems should ensure in all cases. For instance:

- ▶ **Depriving a child of his/her/their liberty shall be avoided** and when used it shall be in strict accordance with the law, and shall be used only as a measure of last resort and for the shortest appropriate period of time. While deprived of liberty, children have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty.
- ▶ Every child alleged as, accused of, or recognized as having infringed the law shall be **treated in a manner consistent with the promotion of the child's sense of dignity and worth**, which reinforces the child's respect for the human rights and fundamental freedoms of others, and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.

The CRC General comment No. 24 (2019) on children's rights in the child justice system deeps into the abovementioned articles and, as a fundamental priority, states the obligation to the States to have available specialized justice systems for all children in conflict with the law<sup>[3]</sup> (inclusive of legislation, institutions, and professionals). Additionally, it emphasizes the following relevant aspects:

- Children differ from adults in their **physical and psychological development**. Such differences constitute the basis for the **recognition of lesser culpability and a separate system with a differentiated, individualised child-centered approach**. Exposure to justice systems has been demonstrated to cause harm to children, limiting their chances of becoming responsible adults (e.g., labelling them prematurely can severely limit their future opportunities.)
- Evidence-based interventions with children and youth in conflict with the law should be organized and developed in a way that reflects not only the multiple psychosocial factors contributing to such behaviour but also the protective factors that may strengthen resilience (including, in both cases, by considering a sociological approach: individual, family, community, society). **Interventions must be preceded by a comprehensive and interdisciplinary assessment of the child's needs and rights.**
- Children should be provided with a **physical and psychological environment conducive to maximizing the prospects of their 'successful reintegration'** and supporting the child to gradually assume a constructive role in society.

**The (successful) reintegration of children and youth in conflict with the law can only be operationalized properly if it is grounded in a 'positive sense of justice'**, broadening and improving the relationship between children and the justice system/s, its ultimate goal is to improve indeed its life-long impact on children. **Reintegration shall be the principal aim of child justice systems.** Those children who have experienced justice proceedings as a consequence of being alleged as, accused of, or recognized as having infringed the law, know very well the negative impact that it can create in their lives in the short-, medium- and long-terms, especially when reintegration is not at the heart of child justice from the very beginning and at any stage of justice processes.

**Understanding adequately the process of reintegration, how to apply it, and when it can be considered 'successful' remains a must and urgent challenge to address.**

<sup>[3]</sup> The *CRC GC 24/2019* refers expressly to children recruited by non-State armed groups, including those designated as terrorist groups, and children coming into conflict with customary, indigenous, and non-State justice systems.

### Children and youth worldwide struggle to access support for reintegration

The UN Global Study on Children Deprived of Liberty (2019)<sup>[4]</sup>, which has gathered the voice of many children in custody, stresses the fact that those children have repeatedly said that ‘they are struggling to access support for reintegration’.

*“I felt so desperate and lonely. It was not suitable for a human being.”*

Mohammed, 17 years old

*“I would recommend finding a solution for us that is protective, where we feel safe, and heard, and where they can help us find a life for us. I wanted to learn and live safely. We have this right, don’t we? I feel hopeless and I am struggling with the stigma that I put on my family, I’ve lost their trust. I still hope that one day someone will help me to have a normal life.”*

Sylvia, 13 years old

### 1.2.3. How to define ‘reintegration’ of children and youth in conflict with the law and what is the (essential) connection with a case management approach?

**Reintegration** aims at re-establishing the roots/sense of belonging and a place in society for children who have conflicted with the law, so that they feel part of, and accepted by the community. It shall include a set of tailor-made interventions and multidisciplinary coordination within a socio-ecological model approach (individuals, family, community, system).

Reintegration is not just about rehabilitation<sup>[5]</sup>, nor only about aftercare<sup>[6]</sup> and it is not definitively a stand-alone service, but a whole process. While the reintegration of a child in conflict with the law is very important when a child is out of custody/deprivation of liberty, the entire police, judicial, and social/child protection processes and staff within the system/s should aim at facilitating it and at enabling reintegration from the beginning (or the earliest possible) a child is in contact with the justice system.

To this end, reintegration must be a common concern and collective aim of all professionals working with children and youth in conflict with the law. Reintegration needs and potentialities must therefore be assessed and taken into account by all actors involved in child-friendly justice systems before, during, and long after the disposition of the case and release from detention or custodial care.

A positive experience of justice for children and youth in conflict with the law comes from due process, a specialized system, and from well-trained and knowledgeable justice and child protection/social workforce who apply a tailor-made and comprehensive process of reintegration and the different steps it involves, because they well understand not only the experiences of justice but also those accumulated by children much before they came into conflict with the law; which explain in many cases the journey they have followed until being part of the justice system.

<sup>[4]</sup> General Assembly Resolution A/74/136, 11 July 2019.

<sup>[5]</sup> **Rehabilitation** refers here to a broad array of psychological programs and educative services that are designed to assist offenders in addressing a range of needs related to their behaviour and achieving a more productive and satisfying lifestyle.

<sup>[6]</sup> **Aftercare** refers here to control, supervision, and care exercised over children after they are released from juvenile facilities/detention and designed to support children’s return to their families/community with less risk of recidivism (probation, counselling, enrolment in a community program, etc.). Aftercare is part of reintegration, but concepts are not the same and should not be used interchangeably. Aftercare happens after the completion of the sentence, once the child or young are released and hence, can go back to their family, community, and environment. It is recommendable that reintegration finishes between 6 months to 2 years since aftercare the phase starts, depending on the concrete circumstance of the case and the person’s skills, available.

This is where a **case management approach** is paramount for children and youth in conflict with the law. Case management is understood as a way of organizing and carrying out work to address an individual child's (and their family's) needs in an appropriate, systematic, and timely manner, through direct support and/or referrals, coordinating multidisciplinary services and in accordance with an objective: for children and youth in conflict with the law the objective being their successful reintegration.

**Having case management procedures in place ensures quality, consistency, and coordination of services.** However, more often than not, child protection case management does not reach children and youth in conflict with the law for various reasons:

- ▶ Children and youth in conflict with the law remain at the margins of protection systems (e.g. those deprived of liberty).
- ▶ Legal/justice and social professionals do not work together and are unaware of each other's role and how they can together maximize the outcomes of the justice process for children and, accordingly, coordinate properly the process of reintegration aligned with the best interest of the child.
- ▶ Child protection case management standard processes are not adapted to all the different stages of justice a child in conflict with the law might experience and go through (police, diversion, trial, alternatives to detention, custody/deprivation of liberty, post-release).

Tailor-made (reintegrative) case management for children and youth in conflict with the law is, therefore, a cornerstone of child justice systems and as such should be developed and incorporated as a coordinated system in all reintegration processes.

**This Model of Action is the first-of-its-kind to address the very specific needs and the reintegration processes at all stages of justice for children in contact with the law within child protection case management systems. And, as such, it aims at providing a key reference on how to adapt domestic case management systems to serve the (social and justice) interests and rights of children and youth in conflict with the law.**

A photograph showing a person's arm and hand reaching out from a window. The window has blue metal bars. The hand is pointing towards the right. The background is slightly blurred, showing more of the window structure.

## **2. Tdh Expertise & Framework for Action: Access to Justice (A2J) & Child Protection Case Management**

## 2.1. Reintegration as a paramount aim of child-centered justice in Tdh

Tdh Access to Justice (A2J) for Children & Youth Program's Theory of Change<sup>[7]</sup> aims at contributing to a significant improvement and promotion of safe, restorative, and inclusive access to justice for children and youth where their rights are upheld. It focuses on children in contact with the law: suspects, offenders, victims, and witnesses, but also on children at risk of being in any of the above-mentioned situations as justice parties.

Within the program, Tdh has achieved to be a leading worldwide reference on Child & Youth Justice, and as such, leads the cutting-edge Global Initiative on Justice With Children<sup>[8]</sup>.

The Tdh A2J program's work focuses on the following interlinked pathways of change contributing to SDGs 5, 13, and 16 and to the implementation of the CRC and the GC 24/2019 as referenced in the previous section:

1. Procedural safeguards are reinforced across child justice systems.
2. Inclusive and non-discriminatory access to justice, with a focus on gender justice, is prioritized.
3. Plural justice systems are strengthened and officially interact together.
4. Social cohesion is enhanced through the promotion of local justice for children and youth as well as through their role as agents of change to achieve peaceful societies.

Within this programmatic framework, the notion of child-centered justice is the cornerstone of Tdh A2J interventions and seeks to guarantee all the above axes, broadening and improving the relationship between children and youth and justice, having as the ultimate goal a life-long and positive impact on them. This is when reintegration becomes a paramount aim of child-centered justice as promoted by Tdh.

## 2.2. The 'continuum of care': child protection expertise in reintegration processes for children and youth in conflict with the law

The Tdh A2J Program is technically and operationally supported by Child Protection Transversal Expertise, to strengthen the protective environment of children and youth improving their psychosocial well-being and resilience and that of their families and communities, addressing risks and protective factors at all levels of the socioecological framework. Child & Youth Protection Case Management is one of the core expertise of the organization translating into practical approaches and tools to better provide protective accompaniment to children and youth victims or at risk, as well as strengthening connection between formal and informal systems.

Concretely, in the frame of the Tdh's A2J ToC, child protection and safeguarding are integrated throughout the continuum of care provided to children and youth in contact with the law (including by working with their families and communities) but also to infuse them in practice in the work to be done with the different justice and the child protection social workforce systems and mechanisms.

A tailored case management approach is fundamental to guide and centralize the delivery of social service support to children and youth in conflict with the law and their families, to promote a reintegrative process through structured steps, holistic and coordinated support, and providing key tools and procedures to facilitate, in practice, the assessment and determination of the Best Interest of the child, as a primary consideration, during pre-judicial stages, as well as along the judicial process and upon release, facilitating the process of re-entering into their communities and society<sup>[9]</sup>.

<sup>[7]</sup> [www.tdh.org/en/our-impact/justice](http://www.tdh.org/en/our-impact/justice)

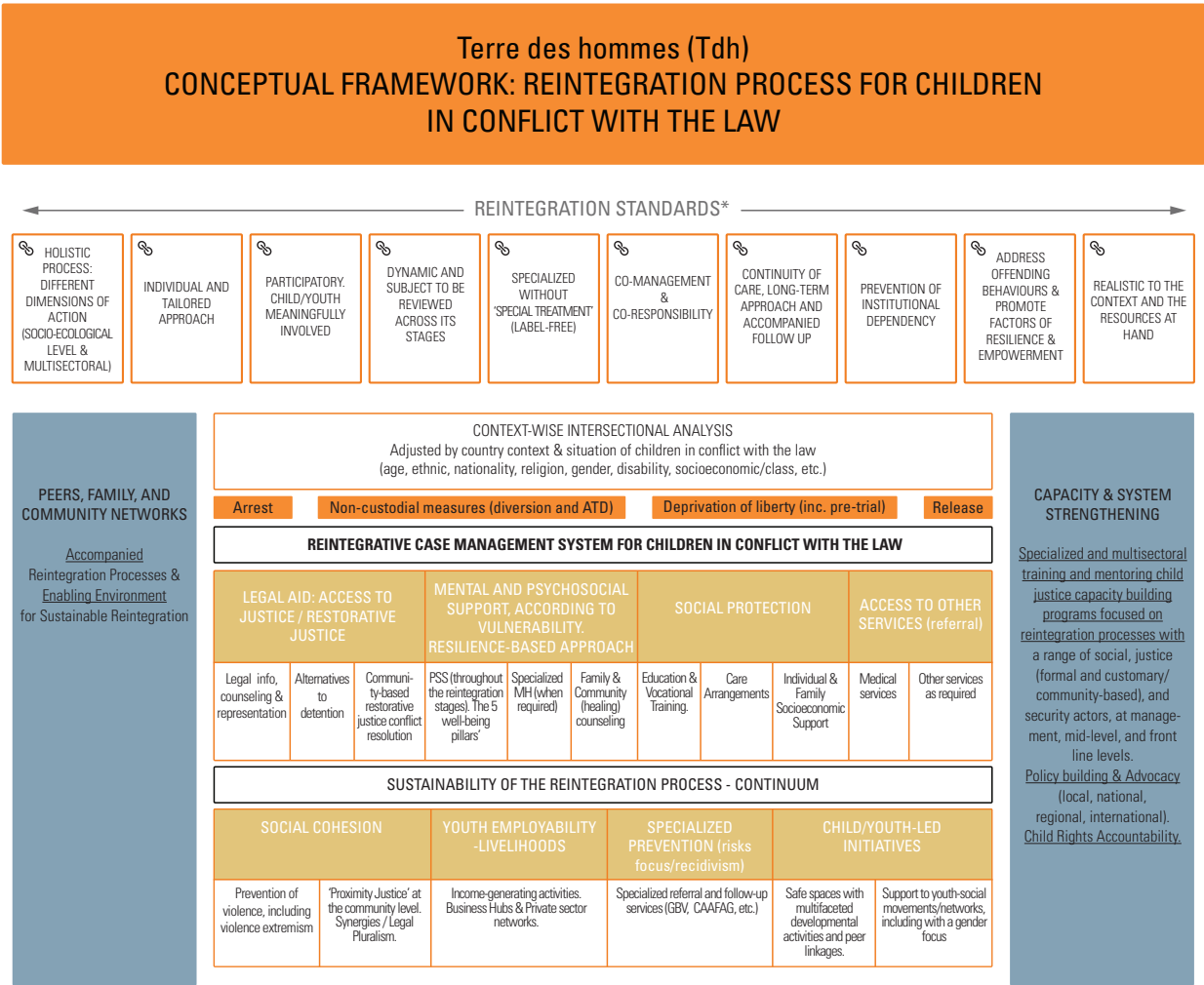
<sup>[8]</sup> [www.justicewithchildren.org](http://www.justicewithchildren.org)

<sup>[9]</sup> The *CRC General Comment No. 24* (2019) on Children's Rights in the Child Justice System recommends that when judicial dispositions should be given by judges referring a child case, due weight is to be given to the child's best interests as a primary consideration as well as to the need to promote the child's reintegration into society.

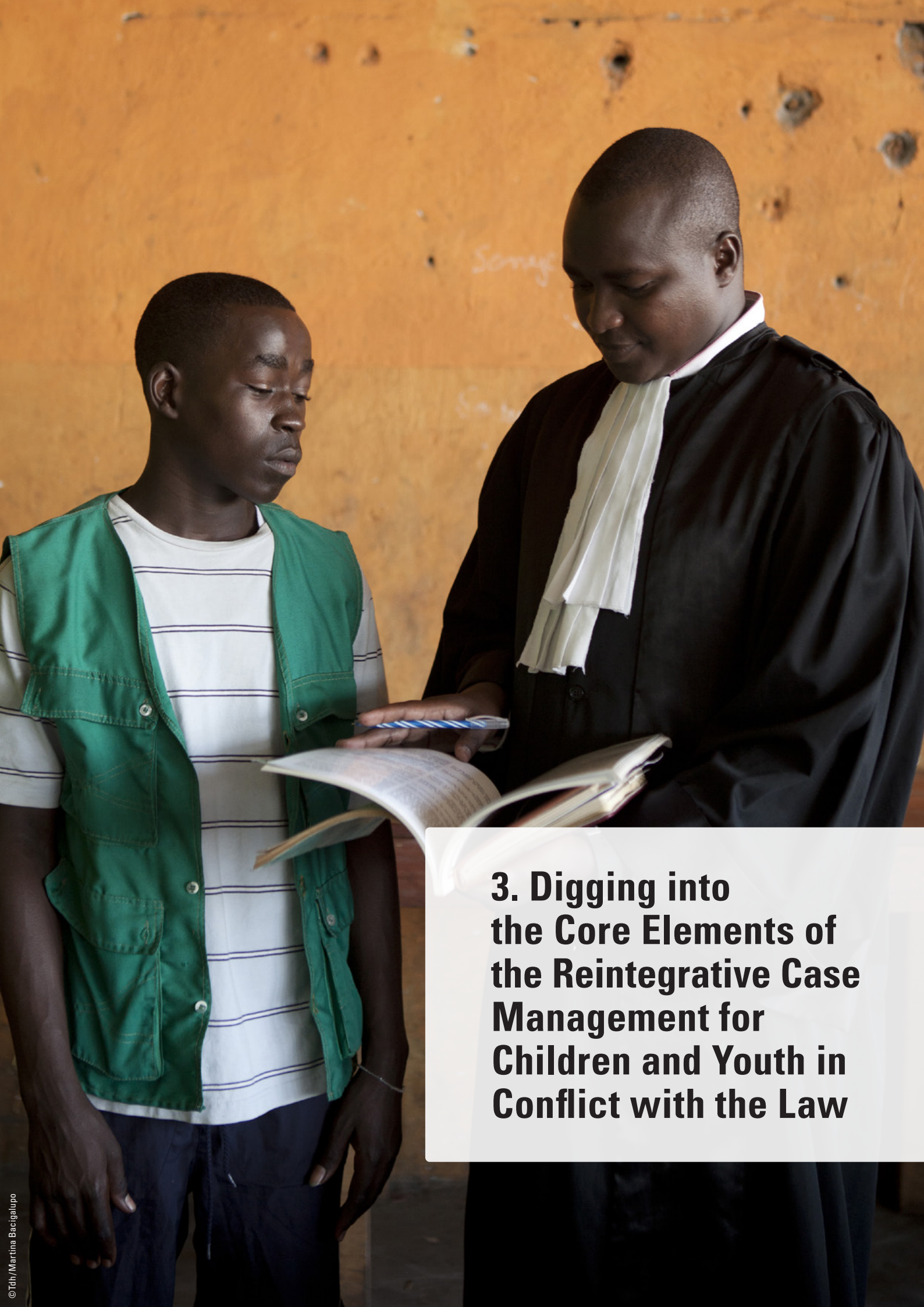
This Model of Action embeds the unique expertise of Tdh to foster a specialized child protection case management system for children and youth in conflict with the law, where justice and social workforce work together, under a tailor-made system, towards ensuring a successful reintegration of these children.

### 2.3. Tdh’s Reintegration Conceptual Framework for Children and Youth in conflict with the law

Tdh has designed and implemented a comprehensive model to ensure the reintegration of children in conflict with the law in more than four regions and 30 countries worldwide. As per the visual below, this conceptual framework is nurtured by **10 key standards and a set of interventions at different stages of the justice processes all of them governed by a reintegrative case management system.**



🔗 Section 4.1.1 In Practice (WHAT) of the Model of Action explains in detail each of the reintegration standards and the different steps within the case management system, to know in practice how to apply them.



### **3. Digging into the Core Elements of the Reintegrative Case Management for Children and Youth in Conflict with the Law**



This section provides an overview of the core elements and considerations for social and legal professionals working with children and youth in conflict with the law involved in reintegrative case management system.

### 3.1. Children and Youth in Conflict with the Law are diverse: the categorization criteria for reintegrative case management

#### 3.1.1. A focus on children and youth in conflict with the law: suspects/ alleged, offenders, and at risk of being suspects/ alleged and/or offenders

As referred to in the previous section, this Model of Action is directed to provide reintegrative case management to children and youth in conflict with the law. For the purpose of the MoA, three main categories are to be defined:

Category	Description
<b>Suspects/Alleged</b>	A suspect is a child believed to have done something wrong, or believed to have committed an offense. In criminal law, a child who is under suspicion or under investigation by law enforcement is considered a suspect. A prime suspect is believed by police to be the suspect who most probably committed a crime. A formal suspect may be arrested when the facts and circumstances would lead a reasonable child to believe a suspect may have committed an offense crime or is about to. Suspects are also named in some cases 'alleged offenders'
<b>Offenders/Defendants</b>	Once a child suspect is (formally, by the prosecutor) charged with a crime he/she/they becomes a child defendant (or accused).
<b>At the risk of being suspects/ alleged and/or offenders/defendants</b>	A child who is being identified as having a 'risky behavior' that could lead him/her/them to be in conflict with the law. Children who have experienced difficult life circumstances (including deprivation, neglect, violence, exploitation, or abuse) in key developmental stages may resort to negative coping mechanisms and behaviors. Consequently, they are more at risk than other children to become suspects and/or offenders. These behaviors can be identified by social/child protection actors or even the police. It is also important to avoid generalization/labeling of children in difficult/risky situations but to properly identify those risks and their potential consequences to address them effectively and with appropriate professional support and care.

#### Why does the MoA on Reintegrative Case Management focus only on children and youth in conflict with the law?

The choice made to focus on children and youth in conflict with the law for this Model of Action and not on other children that could be justice parties (child victims and child witnesses) respond to their different needs, and different treatment by justice and social workforce systems and, hence different reintegration processes. However, it is essential to note that child victims and witnesses are to be provided with case management process as well and standard case management procedures can apply, but their adaptation to reintegration pathways and approaches, their experiences with the justice systems, and their needs, differ from the ones captured in this MoA and should be designed specifically in another tool.

## But children and youth in contact with the law can also be (and usually they are) victims

It is not uncommon that children and youth in conflict with the law have been (or still at the time of the alleged commission of the offense) victims themselves. This is a crucial element to be considered by justice and social workforce not only on the case that is being dealt with within the justice institutions but also as part of the reintegrative case management.

### The 'dual status victim-offender' and how to apply it to Reintegrative Case Management processes

It exists a recognized term '**dual status victim-offender**': it calls for considering children primary victims and not only perpetrators in a justice process when it can be proved that they were forced to commit the offense (e.g. children exploited and recruited by armed forces or armed groups) or they have been themselves victims of crimes that could also affect their offense-related behavior (e.g. gender-based violence child survivors, abused children in any form).

As shown in the above examples in the brackets, these situations are particularly relevant for children having faced adverse childhood experiences. It is worth noting that the dual victim-offender standard is often insufficiently considered when criminal charges pend over a child suspect and/or offender. Hence the consideration of him/her/them as a victim of crime is frequently overlooked within the criminal law. This shortcoming of contextual considerations of the offense itself, or even the lack of understanding on coercive dynamics behind the offense, where the child suspects and/or offender (and this could extend to children at risk) could be regarded as a victim her/him/themself. The above is to be closely regarded in the child's individual assessment within the reintegrative case management process and could be crucial evidence or exonerating/mitigating circumstances in the justice process.

*"I lost two and a half years of my life in prison even though I didn't do anything. I was never a criminal, but a victim. I was never listened to. Life deprived of liberty is suffocating. You lose all your hopes. Losing freedom means losing life. I need love, connection with my family, medical, psychological and legal support to face all this, and I want to be free and safe."*

Sarah, 15 years old

## 3.1.2. Classification of offenses that might apply to children and youth in conflict with the law

In every country, offenses are put into distinct categories. While there is a need to look at the domestic regulations, within this MoA we are using the **most common categories: "felony", "misdemeanor", and "infraction"**. Decisions on offense classification are made by state legislators; the determination focuses on the seriousness of the offense, and it has a lot of impact on the justice process a child might be exposed to and, hence, the reintegrative case management process he/she/they will need to follow.

Type of offense	Description
<b>Infractions</b> (also sometimes named violations or contraventions)	Petty offenses are typically punishable by fines, but not jail time. Because infractions cannot result in a jail sentence or even probation, child suspects or defendants charged with infractions do not have a right to a trial. In infractions, a child defendant wouldn't be provided with a lawyer by the State. Often, prosecutors don't appear on behalf of the government in cases involving infractions.
<b>Misdemeanors</b> Globally speaking misdemeanors are the offense category that most children and youth in conflict with the law are exposed to.	Offenses that normally can carry up to a year in jail. Misdemeanors can include payment of a fine, probation, community service, etc. Children defendants charged with misdemeanors are often going to trial and should be provided with legal representation at government expense if they do not have one private attorney.
<b>Felonies</b>	The most serious type of offense. Felonies often involve serious physical harm (or threat of harm) to victims, but they also include offenses like white-collar crimes and fraud schemes. Offenses that otherwise are misdemeanors can be elevated to felonies for second-time child suspects or offenders.  Felonies carry potential imprisonment that ranges from time in prison, being a year on the low end to 10, 15, or 20 years, depending on the class or degree assigned to the felony in question. As with misdemeanors, states may also subdivide felonies by class or degree.

There are some **particular situations**, depending on national legislation, where children and youth enter into conflict with the law and that deserve specific attention. Particularly, regarding early identification of these children/youth as primary victims and having access to a tailored case management approach is paramount to mitigate the impact of the justice system and ensure better chances to support psychosocial wellbeing and resilience.

#### **Moral crimes and their impact on children**

In certain national legislations, moral crimes are legally proscribed as infractions, misdemeanors, or felonies. Morality is defined as a descriptive account of social and personal values about how people should behave. Moral crimes can entail a variety of acts that are believed (within national contexts) to go against society's norms or moral code, its accepted values, and rules of behavior (e.g. forms of sexual and gender-based violence, crimes related to different sexual and gender identities). Its impact on children who are at risk or already in conflict with the law can be highly severe, producing psychosocial distress, extreme harm, and suffering. It is particularly relevant to deeply consider this during the reintegration pathways before, during, and after the justice processes, both from legal and social/child protection professionals.

#### **Children associated with armed forces or armed groups (CAAFAG) and their increased risk of being charged with security-related offenses**

Children and youth suspected of security-related offenses tend to spend more time in pre-trial or administrative detention and are also subject to harsher sentences than children and youth prosecuted for other crimes. They also have higher chances of being channeled directly to adult-related justice systems. While children and youth recruited and exploited by armed groups (generally, known as CAAFAG) should be in all cases treated primarily as victims this is often not the case. Their contact with justice systems is extremely severe and the consequences of their lived situation coupled with the treatment they received within justice proceedings, including their labeling 'as dangerous', makes their reintegration very challenging. Specific risks and correspondent protecting actions and a more intense accompaniment during their reintegration are absolutely needed. Specialized legal aid as prompt as possible and mental health and psychosocial services might be considered from the onset the child/young person in this situation is identified and registered in the reintegrative case management systems.

#### **Migrant children and youth navigating administrative processes, including administrative detention**

Migrant children and youth encounter extremely difficult challenges during their migration journey, including being exposed to police and judicial authorities for matters concerning their civil documentation, being unaccompanied, etc. More often than not they face justice processes that they do not comprehend, and they do not have access to legal aid throughout these processes. Many of them end up being placed in 'administrative detention', resulting in their deprivation of liberty. While this MoA mainly refers to criminal justice processes, most of the elements and recommendations on how to operate Reintegrative Case Management apply to migrant children and youth in administrative processes, particularly the considerations related to deprivation of liberty. It is worth noting that administrative detention put migrant children and youth at heightened risk of negative coping mechanisms that can lead them to enter into conflict with criminal law when left without comprehensive support. Reintegration process is provided while in administrative detention and after it.

#### **Different forms of deprivation of liberty of children and youth: 'protective custody'**

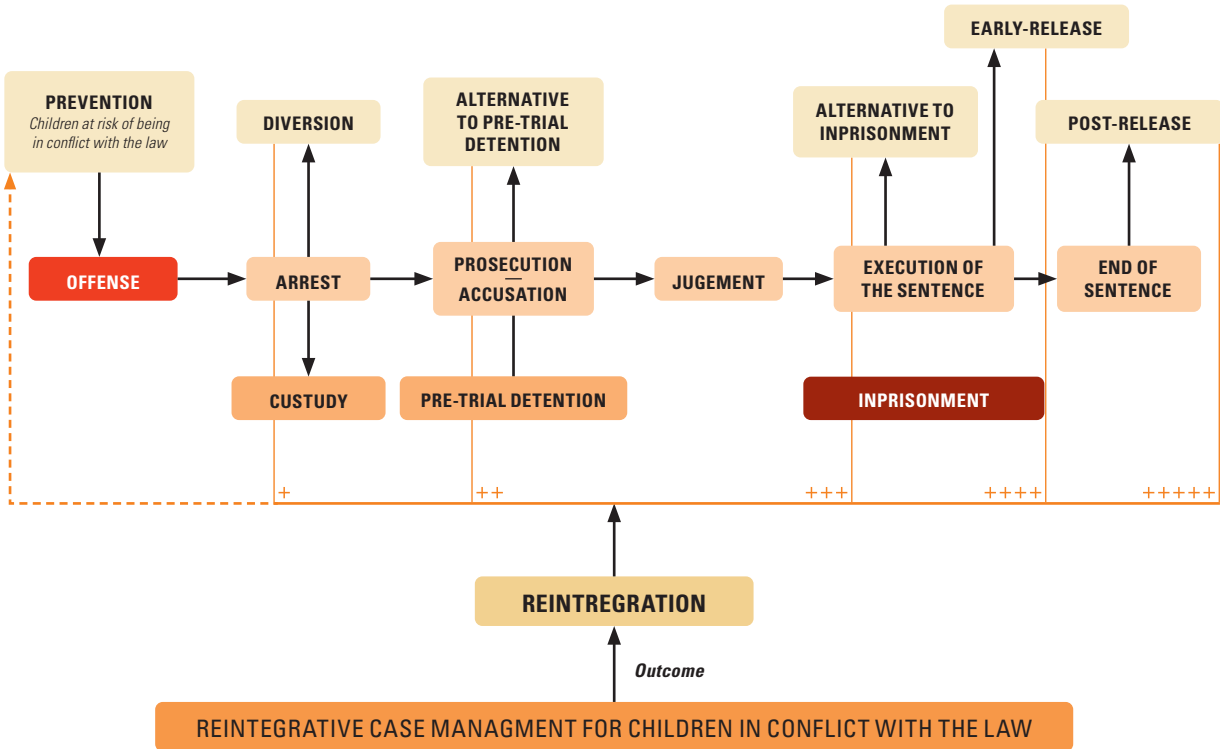
In many countries, children and youth accused of infractions or that are victims of 'moral crimes' are placed under the so-called 'protective custody'. This is a form of deprivation of liberty that usually it is operated after an order (or similar) has been formally issued by a competent authority (justice or else). Children and youth in those situations are to be treated as being deprived of liberty formally and same considerations apply within Reintegrative Case Management system.

### 3.1.3. The stages of justice proceedings that children and youth in conflict with the law navigate

For the purpose of this Model of Action, an indicative but comprehensive ‘justice process/es’ that children and youth in conflict with the law could navigate (partially or totally) has been considered.

As shown in the visual of the indicative justice process/es designed for the Model of Action (see below):

- ▶ **Reintegration applies to all the different stages that a child in conflict with the law might go through, though with a different intensity** (see the + signs within the visual). The longer a child remains in the justice system, including very specifically if deprived of liberty, the greater need for a reintegration plan that addresses the protective factors of the child considering the harm that the justice proceedings and the time spent deprived of liberty have done to him/her/them.
- ▶ It is of particular relevance to the **reintegration process in the stage of diversion, where it is often overlooked if not inexistent**. However, the reintegration process at this stage is crucial and should adopt a **preventative approach** (see ----- line in the visual below) maximizing the chances of that child not being in conflict with the law. If not done appropriately, the risk is that the successive times the child might be in conflict with the law, the diversion might not be the pathway taken by the law enforcement authorities given the recidivism/re-offending behaviour.



**Visual:** Indicative visual representation of the criminal justice process/es

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## Justice stage

## Description & key elements to consider

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### Infract Arrest & Custody at police level

The arrest of a child by a law enforcement authority (typically, the police) refers to the means **the act of apprehending a child for the alleged commission of an offense**. At the very moment of the arrest, it is considered that the child is in conflict with the law. No child should be detained (in custody at the police station) for more than 24 hours. He/she/they has the right to speak and access a lawyer and his/her/their family/caregiver should be informed of the whereabouts of the child and the alleged offense he/she/they's been arrested for.



### Diversion (with a particular focus on mediation)

Diversion can be defined in different ways, but the term always refers to **measures for dealing with children and youth in conflict with the law without resorting to formal judicial proceedings** or formal trial. Hence it would be the prosecutor who received the case from the police who will decide on the diversion pathway without opening a formal judicial case.

Diverting children and youth in conflict with the law implies that they are referred to appropriate community-based organizations, services, programs, or activities, thereby avoiding the negative effects of formal judicial proceedings such as the stigma of conviction and a criminal record.

The purpose of diversion is to **avoid instituting judicial proceedings against children and youth in conflict with the law, or to suspend judicial proceedings**, as well as to influence a child's proper development; enhance their personal responsibility; and promote their reintegration into society. Diversion can only be used in cases of children and youth in conflict with the law who are at or above the minimum age of criminal responsibility.

Moreover, diversion can only be applied in cases of children and youth in conflict with the law who enter the (child) justice system.

For the purpose of this Model of Action, **while recognizing the various diversion options that can be put in place, 'mediation' is highlighted as one of the most effective ones for children and youth in conflict with the law, precisely for its intrinsically restorative justice nature**. In short, 'mediation' is defined as the process in which a neutral person (the 'mediator', who is to be specifically trained<sup>[10]</sup>) assists the victim of the offense and the child-offender to discuss and resolve the conflict and to reach a solution acceptable for both parties.



### Pre-trial detention or alternative to pre-trial detention

Pre-trial detention, **also known as preventive detention, provisional detention, or remand is the process of detaining a child until their trial after he/she/they has been arrested and charged with an offense**. A child who is on remand is held in a prison or detention center or under house arrest. The judicial order to keep a child in pre-trial detention is normally issued by a judge at the request of the prosecutor assigned to the case after police custody. Children held in pre-trial detention have not yet been convicted of a crime. Many are held due to a lack of alternatives or because they cannot afford to pay a bail fee. Pre-trial detention undermines the chance of a fair trial since adding to the physical and psychological negative impact of being deprived of liberty, preparing for a trial from a prison cell is indeed an arduous task.

When judicial proceedings are initiated in cases of children and youth in conflict with the law, the use of deprivation of liberty should be strictly limited throughout the child justice process and, therefore, the maximum and effective use of alternatives to detention guaranteed. Alternatives to detention refer to *"measures that may be imposed on children who are being formally processed through the criminal justice system, at both the pre-trial stage and post-trial stage, that do not involve deprivation of liberty"*. In this case, the judicial order by the judge is to grant the child an alternative to pre-trial detention until the trial is set.

Alternatives to pre-trial detention usually come with conditions imposed by the judge, for instance: the requirement to report regularly to a police station or probation service (or other competent body), being at home at a certain hour, attendance at school, attendance at a named place at certain times of day, periods of curfew, requirement not to associate with or contact certain persons, requirement not to go to certain places. Where there are serious concerns about the child and in order to avoid any form of pre-trial detention, the court may also impose stronger conditions: close supervision, intensive care, etc.

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<sup>[10]</sup> Tdh, 2020. *Guide on Penal Mediation for Children, Burkina Faso*.

Tdh, 2021. *Juvenile Penal Mediation in Palestine. A Framework for Advancing the Regulatory Process*.

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**Justice stage****Description & key elements to consider**

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**Trial proceedings**

In general terms, the trial is a **structured process where the facts of a case are presented to a judge by the child defendant's lawyer and the prosecution (accusation)**. The trial proceedings could be divided into one or various sessions depending on the type of offense, and the number of witnesses, including expert witnesses, brought by the parties. The main outcome of the trial proceedings is for the judge to decide if the child defendant is guilty or not guilty of the charge.

The **right of children and youth in conflict with the law to a 'fair trial'** means the obligation of the judge to guarantee, among others, the principles of legality and proportionality, the presumption of innocence, the right to legal advice and representation, the right to be heard and the right to appeal.

**Imprisonment**

Understood as the **restraint of the child's liberty in a custodial institution**. When the child is declared guilty by the competent judge during the trial, the sentence imposes him/her/them the sanction to be deprived of liberty for a determined period of time. It can only be a measure of very last resort and for the shortest appropriate period of time.

The evidence available shows that deprivation of liberty is fundamentally harmful to children, jeopardizing their development and putting them at increased risk of abuse, violence, and social discrimination, highly compromising their reintegration.

**Alternative to imprisonment**

Alternatives to post-trial detention, **also called 'non-custodial sentences', provide (community-based) options for the supervision and rehabilitation of children found guilty of a criminal offense in a sentence issued by the judge rather than sending them to any form of the detention facility.**

The purpose of a sentence imposed by the court on a child in conflict with the law granted with an alternative to imprisonment is to accelerate the child's reintegration into society.

**Early-release and/or post-release**

The aim of the early release scheme is to encourage and motivate children and youth in conflict with the law from the point of entry into custody and throughout their custodial journey to engage meaningfully within their reintegration by having the chance to **reduce their sentence of deprivation of liberty**. The role of the child protection/social workforce and the lawyer of the case to get early release options for the child is crucial and so is the reintegrative case management system.

Post-release refers to the **finalization of the time sentence issued by the judge** when the child is free to leave the custodial center

### 3.2. Restorative justice as a paradigm conducive to the reintegration of children and youth in conflict with the law<sup>[11]</sup>

Restorative justice represents a change of paradigm away from combined traditional welfare and punitive justice approaches to children and youth in conflict with the law. **Restorative justice has been defined from a wider perspective as a response to crime that respects the dignity and equality of each person, builds understanding, and promotes social harmony through the healing of victims, offenders, and communities.** Restorative justice starts from a different and broader conception of the crime itself, since it is not perceived just as an infringement of the law, but acknowledges that the child offender harms the victim, the community, and him/her/themself. It considers that society is formed by the conjunction of individual interests which forms the social fabric, broken when a crime is committed.

Restorative justice processes aim at bringing the different interests of the parties (victim, offender, and community) together, where each of them plays a crucial role in the resolution of a case.

**Within restorative justice processes, children and youth in conflict with the law clarify relationships, responsibilities, and accountabilities,** allowing both victims and offenders to make sense of their experience as a starting point to rebuild their lives after the offence. It also has the **potential to change perceptions and consequences of offending (why) for them and can thus make reintegration of the children and youth in conflict with the law both possible and desirable even in the eyes of the victim and the community.**

There are a number of proven effective restorative justice tools and methodologies that are paramount to some of the interventions that the reintegrative case management system looks at: **mediation, peace circles, or family group conferencing** which have indeed a lot to offer in terms of defining relevant objectives and criteria of reintegration of children and youth in conflict with the law.

While reintegration should be an individualized process that looks into the specifics and potential of the children and youth in conflict with the law, and thus restorative justice approaches may not be suitable for all cases. Nevertheless, there are **elements such as the child's positive self-assessment including shifts in relationships and behaviors, the victim's recovery and the reinforced social ties with the families and the communities that should be complementary elements in whatever reintegration pathway** is decided, to make it durable and conducive of positive personal development of the reintegrated children and youth.

<sup>[11]</sup> Thematic Policy *Tdh Restorative Juvenile Justice* (2014):  
[www.tdh.org/en/digital-library/documents/thematic-policy-2014-restorative-juvenile-justice](http://www.tdh.org/en/digital-library/documents/thematic-policy-2014-restorative-juvenile-justice)

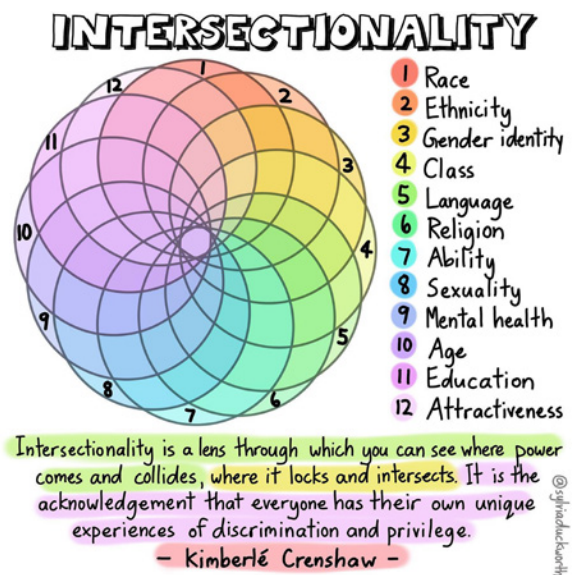
### 3.3. Understanding key factors (to be assessed) that affect children and youth in conflict with the law

The so-called 'push' factors or causes that bring children and youth in conflict with the law are highly varied. While the 'consequence' is the (alleged) commission of an offense, to offer a solution that is reintegrative in essence, it is paramount to look through an intersectional lens and to apply a socioecological model.

#### 3.3.1. Intersectionality: beyond age and gender, a full spectrum of identity elements of the child are relevant for reintegration processes

An intersectional lens would look, at least, at the following factors: age, sex, gender, sexual orientation, gender identity, race, ethnic belonging, religion, disability/impairments, socio-economic and educational background, language, geographical location, and family status.

These intersectional factors are to be analysed as to how they might have affected the child to (allegedly) commit an offense and/or how they could exacerbate the risk of children being in conflict with the law. They represent (alone or as a combination of various) in many instances the systemic roots and motives of child and youth infringements (or potential infringements) of the applicable laws.

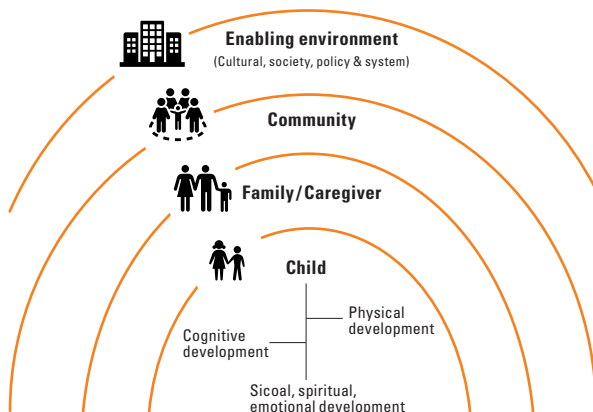


**This lens helps comprehensive assessments during a case management process. Not as an interview or diagnosis tool, but as a key for understanding different aspects that form the identity of the child, and how those factors can influence positively or negatively the justice process and the process of reintegration.** It is not simply that there is a problem with mental health abilities or disabilities, or a problem of race or non-adaptative behaviours, it is about seeing a person with all their psychosocial characteristics interconnected.

**Additionally, and importantly, the power wheel and understanding of intersectionality support caseworkers and lawyers' competencies in understanding power imbalances and to be accountable and use power responsibly.** A child in contact with law finds him/her/themself in a situation of power unbalance: justice systems are difficult to navigate and often lack of child-friendly measures that make the process understandable by a child. This is particularly enhanced by language barriers with migrant/refugee children or from minority ethnic groups. Being immersed in a totally unknown environment and in contact with the people that holds important power in society, and particularly power over the child's life, is intimidating and can be stressful without appropriate support and information. Caseworkers and lawyers should always bear this in mind, offering opportunities to support navigating the justice system and mitigating risks of a traumatic experience throughout the process, interactions and treatment while being in contact the law.



### 3.3.2. Socio-ecological approach: interventions all different levels (child, family, community, institutional environment)



A socio-ecological model would consider the complex interplay between the child (looking at her/his cognitive, physical and social, spiritual and emotional development), the family/caregiver, community, and enabling environment (culture, society, laws/policies, and systems). It allows to comprehensively understand the range of levels that put children at risk of being (or already) in conflict with the law but also the protective/resilience factors at different levels of the interplay that are to be taken into consideration when designing and implementing the reintegration case plan.

#### How intersectional and socio-ecological factors interact in the reintegration of children and youth in conflict with the law?

Intersectional and socioecological key factors are paramount. Prevention of recidivism and a 'successful' reintegration would require actions at different levels at the same time:

- **Children and youth in conflict with the law are not always perceived positively by others but also by themselves;** stigma, discrimination, labelling and exclusion, as well as different kind of abuse and violence, impact children's self-esteem and sense of agency constituting important barriers for psychosocial well-being, resilience and reintegration.
- Further, **children cannot simply revert to their previous identities (formed by several intersectional and socioecological factors) after a justice process;** in the time they have been away, their family and community has changed, as well as themselves. These factors can contribute to children feeling alienated and losing their sense of belonging, hinder reintegration sustainability and increasing chances of recidivism. It is therefore a complex adaptation particularly for the most common ages of children and youth in conflict with the law representing critical stages of role and identity construction processes.
- Besides aspects at individual, family and community level that favour and/or hinder successful reintegration, **institutional factors influence the reintegration process.** When the contact with justice system or the detention experience has been marked by humiliation, abuse, exploitation or any type of violence or discrimination, the traumatic effect on their psyche is even more difficult to address during a reintegration process. Being the reason why, a close accompaniment along the whole process during contact with justice can help mitigate risks or negative impacts, promoting a positive sense of justice and maximizing chances of reintegration since the earliest stage possible.
- **Strong coordination between justice and social/child protection systems,** institutions, and actors, clear about their mandate with the necessary capacities and resources to promote child friendly and fair justice proceedings, based on the existing frameworks and reintegration policies, are equally important to promote such positive sense of justice.

#### Trauma informed practice and reintegration accompaniment of children and youth in conflict with the law

Research into youth crime has established a connection between **adverse childhood experiences (ACE)** and problems later in life including life-course offending. Not all young people who have had such experiences suffer from trauma. However, many young people in conflict with the law do not have essential supportive relationships and their resilience is focused on survival rather than recovery and young people's offending anti-social, aggressive and criminal behaviour may represent their way of coping with trauma and surviving in this threatening world but also, at a deeper level, a cry for help from strong, caring and competent adults.

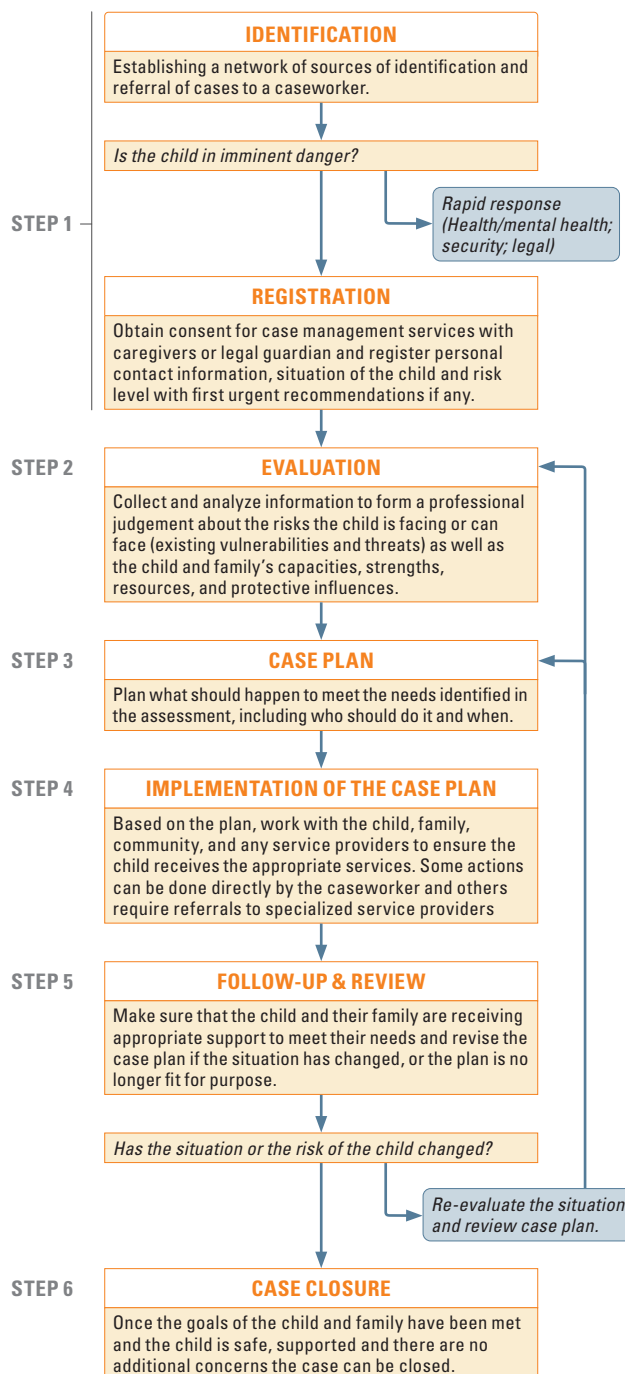
ACE and trauma may create a sense of vulnerability and helplessness in the face of a hostile, unjust and unpredictable society as well as can have a damaging effect on the development of the brain's capacities. This can affect the ability to concentrate and to control emotions with obvious impacts in their successful reintegration. Nevertheless, research also demonstrates how positive experiences, relationships and other protective factors can activate pro-social contributing to recovery and growth: promoting safety, connection, trustworthiness, respect and empowerment. This model of action embeds all this research learnings into a reintegrative case management approach requires practitioners to be well trained and prepared to work with young people with sensitiveness, genuine listening, engagement and understanding.


### 3.4. The steps and tools of a case management process

Case management is a **standardized approach** that provides, **step by step, continuous and effective provision of assistance and accompaniment to a child in need of protection** (which extends to any type of protection, including judicial protection, before, during and after any justice process), ensuring each case is handled competently, on time, and with appropriate standards of service, guided by the principle of child’s best interest based on child needs, strengths and legal rights to further promote protection of rights, wellbeing and resilience.

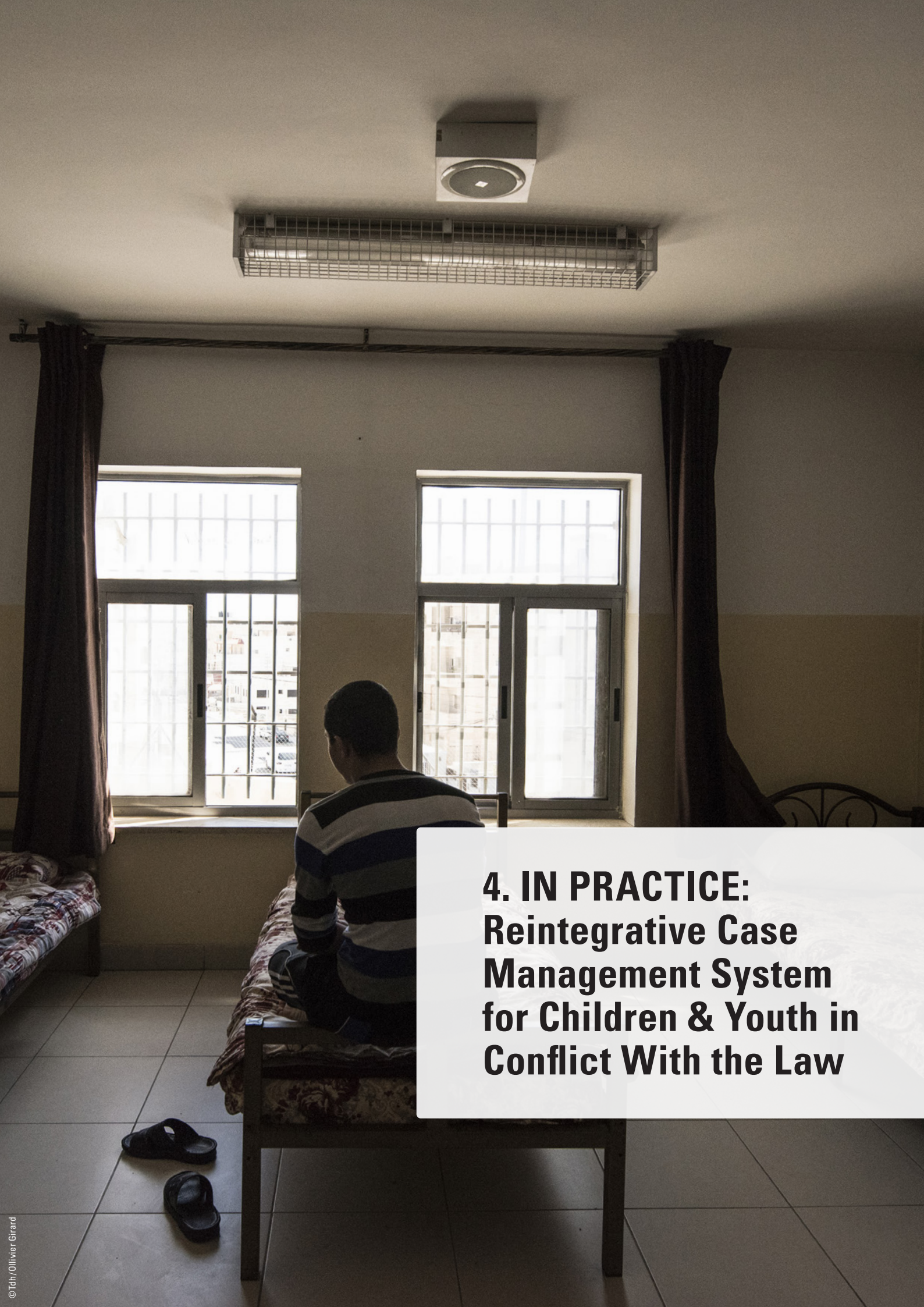
**Data collection and information management tools:** each step of case management has specific **core forms and complementary ones** <sup>[12]</sup> to collect all relevant information and keep confidential track of all details always contained in an individual case file. Information storage and processing can be done in paper or digitally. Forms and information management tools must always be adapted to the context reality and the specific target group.

The Case Management standard approach as well as its forms and tools, aims to be adapted to specific situations, target groups and objectives, while the standard methodology remains the same. Children and youth in conflict with the law are a very diverse group that requires tailor-made support and accompaniment. **The case management steps should be adapted to the stage of judicial process** at which the caseworker begins the work with the child and the lawyer and **incorporating socioecological, psychosocial, intersectional and restorative elements** that can be relevant for judicial decision-making. Case Management forms should be adapted as well, to capture relevant information for each judicial stage, but also for the specific reintegration goal.



 *The reintegrative case management steps and tools specificities are described and explained in the following Section 4.2: In Practice (HOW), with detailed guidance and tools for each step of case management adapted to each stage of the judicial process.*

<sup>[12]</sup> A standard package of global forms, meant to be in constant review and adaptation, are accessible in the Alliance for Child Protection in Humanitarian action resource hub. An overview of all case management forms for each step of reintegrative case management is available in [Annex 4](#) (annexes are explained in following Section 4: In Practice)



**4. IN PRACTICE:  
Reintegrative Case  
Management System  
for Children & Youth in  
Conflict With the Law**

The following part focuses on the practical implementation and application of all core elements and considerations already described above, through 3 subsections:

**(4.1) WHAT** is the reintegration-oriented goal, what the reintegration’s standards and what outcomes and criteria caseworkers and legal professionals should follow and assess along the reintegrative case management process with children and youth in conflict with the law.

**(4.2) HOW** to conduct each step of the Reintegrative Case Management process, depending on the concrete justice stage the child is in when he/she/they is registered into the system and having in mind the different pathways the case can follow in the justice system.

**(4.3) WHO** are the essential human resources needed to put in place the Reintegrative Case Management process, their roles and responsibilities as well as the linkages and coordination with multidisciplinary actors and service providers involved along the pre-judicial and judicial stages and overall reintegration process within those stages.

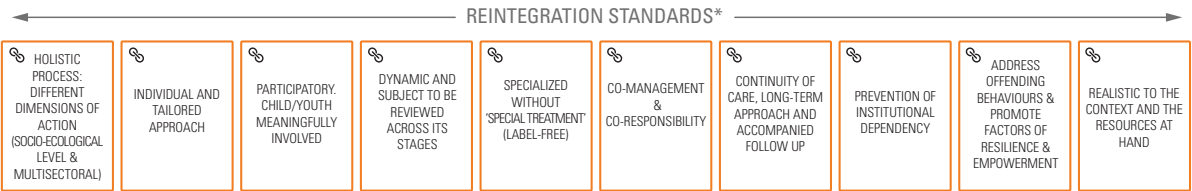
### 4.1. In Practice (WHAT) – Successful Reintegration of Children & Youth in Conflict With the Law: Standards and Criteria

The **ultimate goal** of any child in the justice systems is his/her/their **successful reintegration**<sup>[13]</sup> and all actions, whether at the social/child protection and the justice levels should be designed and implemented in that direction. **Reintegration is hence understood as a process which, when applying quality standards, will lead to the reintegration outcome with specific objectives and criteria for it to be considered successful.**

*(The first part of this section provides a detailed overview and description of the quality standards to apply along the reintegration process, followed by the description of what is considered the reintegration outcome, the specific objectives and criteria towards successful reintegration)*

#### 4.1.1. The 10 key standard of the reintegration process of children and youth in conflict with the law and its application through reintegrative case management system steps

The multiplicity of actors and services involved along a judicial process, including pre and post-judicial stages, and sometimes their disconnection, hampers the necessarily tailored continuum of care and the child’s understanding and participation along his/her/their own reintegration process, challenging that it’d be successful, both the process and its outcome. Reintegration standards are essential to follow in order to work **towards a successful process and outcome.**



*The following 10 standards are explained in detail below, including what elements and steps of case management better contribute to apply the standards.*

<sup>[13]</sup> Article 40 of the UN *Convention on the Rights of the Child (CRC)* set reintegration as one ultimate goal of juvenile justice without specifying means to reach this goal but establishing that support policies and services towards the reintegration of child and young offenders should be promoted, monitored and evaluated in terms of outcomes (objectives/impact), rather than just in terms of outputs (services).

No	Standard	Description	Case Management Step concerned
1	<b>Reintegration shall be a holistic process that requires different dimensions of action</b>	<ul style="list-style-type: none"> <li>• <b>Services:</b> An interdependent and multidimensional range of services should be provided. The selection of these services shall be made according to the needs of the child in question previously assessed thoroughly, rather than provided accordingly to their availability in a given place/time.</li> <li>• <b>Multidimension:</b> The multidimensional approach when designing and providing services should consider and tackle the different risk and protective factors following when possible the socio-ecological model, thus, looking holistically at the different factors and layers impacting a child's life.</li> <li>• <b>Multidisciplinary:</b> At a minimum, holistness requires that the services to be provided are based on a multidisciplinary understanding of the reintegration process and address its key dimensions: health (including mental health and sexual reproductive health when required), psychosocial support, education, vocational training, and income-generating opportunities, life skills, peer and mentorship programs, cultural and sports activities and social networks. Specialized therapies and treatment should be foreseen to complement the basic service packages as well as activities around restorative justice. Together they should contribute to ensuring a self-directing living for the reintegrated child.</li> </ul>	<p>Using a case management approach promotes in practice a structured approach for a <b>holistic process</b> against a punctual support or assistance, always keeping a central reference for the child and family and ensuring coordination of multidimensional range of services needed for reintegration depending on each case's existing risks (analysing threats and vulnerabilities) and protective factors (analysing capacities and resources)</p> <p>Concretely, through <b>Step 2 Assessment:</b> each case is thoroughly assessed considering both risks and protective factors at all levels (individual, family, community and system) that can help or hamper a reintegration process.</p> <p>Based on this thorough and continued assessment, <b>steps 3 (Case Planning) and 4 (case plan implementation)</b> facilitate simultaneous planning and access to multidimensional services required to support reintegration (legal, medical, psychological, economic, educational...) maintaining information centralized through a unique case file and caseworker, in charge of coordinating direct one-to-one support and referrals to relevant service providers, while keeping track of all information susceptible to evolve and be updated along the process.</p>
2	<b>Individualized and tailored approach</b>	<ul style="list-style-type: none"> <li>• <b>Careful with one-size-fits-all or only rehabilitation services:</b> Due to limited resources and given the still lack of accurate conceptualization of reintegration in laws and policies (and, in turn, the gap in specific training for different professionals involved), reintegration processes are at risk of being conceived as a one-size-fits-all approach or, as highlighted, being blurred with rehabilitation services or only focusing on the aftercare phase.</li> <li>• <b>A degree of flexibility:</b> While proven methodologies, their related tools, and then pilot actions shall be specifically designed, those should accommodate a degree of flexibility such that an individualized approach can be ensured. The experience of children can be extremely different, as their environments, socioeconomic conditions, risks, and protective factors, and beyond their different moments of life and personality. Proper assessment tools of the individual/family/social situation and needs are thus crucial and should be available to different professionals (from different backgrounds: social workers, police, probation officers, child counsellors, prosecutors, judges, etc.) in contact with the child since he/she/they enters the system.</li> <li>• <b>Mandatory Reintegration Plan:</b> The Reintegration Individual Plan, designed as part of the reintegrative case management system for children and youth in conflict with the law, should be in place and mandatorily activated and followed up.</li> </ul>	<p>Case Management approach allows for a <b>child centred process and individualized decision making</b> to the very specific needs of a child and his/her/their family and community, since its early stages:</p> <p><b>The first step of identification &amp; registration</b> can and should be done at the earliest stage when the child comes in contact with the judicial system. When this happens, an <b>early thorough assessment (step 2)</b> allows for better understanding of each individual child's vulnerabilities and threats (risk factors) and what capacities and resources to strengthen (protective factors) to explore tailored actions with the child and family and work on with due time to maximize chances of a successful reintegration process.</p> <p>The whole CM approach allows a step by step, child-centred process including as a central aim a tailored understanding of each child situation (including family and community) and to work on tailored reintegration plans and criteria for reintegration, including close accompaniment and individual follow up, allowing to take into account restorative justice considerations along the process of accompaniment and support, depending on each case and its socioecological implications.</p>
3	<b>It must be participatory. It is a MUST that the child/young is meaningfully involved in his/her/their own reintegration</b>	<ul style="list-style-type: none"> <li>• <b>A reintegration plan not having the participation of the child/young person concerned won't work:</b> The meaningful participation and involvement of children in their own reintegration is, obviously, the crucial element of the equation to achieve the results sought: a self-directed life by them far away from crime and the justice system. If children do not participate in all decisions concerning their reintegration pathway, from the design of the Reintegration Individual Plan to its closure and follow-up, then, not only positive impact would be hard to achieve but also reintegration won't comply with their best interest.</li> <li>• <b>It is a duty of the professionals involved:</b> The different professionals involved in supporting and accompanying the reintegration process shall believe in and apply this standard to the highest level and shall guide and help the child to consider carefully all his/her/their options with all the information at hand provided in a way they can fully understand. Respect for the informed decisions of children is <i>sine qua non</i> for their real participation.</li> </ul>	<p>The Case Management approach promotes a <b>participatory process of accompaniment</b>, where the child and family participate in all decisions concerning the reintegration pathway, facilitated by appropriate tools for key steps of the process (<b>2nd step -assessment, 3rd step short case plan and medium/long term reintegration plans</b>) and particularly with additional tools for <b>family conferencing</b> involving children, families and other involved professionals as well as tools for follow up to ensure, together with the child and family, that services provided are appropriate and effective until case closure.</p>

**4** *Reintegration is dynamic and, thus, subject to be reviewed*

- **The reintegration plan will change if it is well done:** When reintegration is appropriately planned and it works, progressive changes at different levels will be present in the life of the child/young concerned.
- **Reviews and accompaniment of the child/young person:** Hence, it is indispensable a close accompaniment of the child with trained professionals with different expertise who can monitor the evolution and, together with the child, adjust the Reintegration Individual Plan designed in the first place. It is advisable on average to make a joint review by the professionals involved, child, and family if appropriate every 3 to 6 months, but the periodicity will depend on the case at stake and may not be linear.

One of the key added values of using a case Management is that it is a **non-linear process**, based in relationships and interactions and adapted to the evolution of different needs, capacities and resources of the child and family along the different stages of the judicial process. As reintegration is dynamic and subject to review at any stage, case management provides a flexible approach, and tools to review any decisions or measures along the process to adapt the tailored reintegration plan as required (**step 5: follow up & review**)

**5** *Specialization without 'special treatment'*

- **Specialized tools and processes:** Reintegration processes for children and youth in conflict with the law need specialization which shall be present at the level of laws and policies, at the level of tools, guidance, and methodologies, and definitively at the level of interdisciplinary teams. The lives, factors, and situations children and youth in conflict with the law face are very specific and hence, should be addressed with the required specialization they demand.
- **Avoid categorization of children/youth in the process of designing the reintegration plan:** But this is to be taken carefully as reintegration shall involve a progressive socialization process with peers, family, and overall communities. Designing and implementing "ad hoc" reintegration programs, specific to certain categorizations of children may indeed be counter-productive for successful reintegration, given the additional stigma, "label" and isolation it may pose to them. It also might produce that children in the process of being reintegrated can only perceive themselves as always to be considered dangerous, criminals and then hindering their hopes, motivation, and opportunities. Professionals involved in the reintegration of children and youth in conflict with the law must avoid judgments or categories and focus on understanding their concrete situation and potential.
- **Peer- and community-based approaches:** Reintegration measures that foster activities in and for the community, healthy relationships with peers who have not experienced justice issues, and/or mentorship with former reintegrated youth are proven effective actions that should be greatly considered.

Case Management is a structured and **specialised approach to child protection**, not only dedicated to children and youth in conflict with the law, but for all children with complex needs requiring protective and coordinated accompaniment, therefore facilitating the integration of children and youth in conflict with the law and their support to reintegration as part of, or connected to wider child protection systems (formal and informal) to ensure a specialised support, avoiding a specialised treatment, categorization and stigma.

Context tailored guidance on caseload registration and information management is paramount to integrate children and youth in conflict with the law cases for reintegration into a wider child protection information management system. At the very beginning of a CM process (**Step 1-Identification and case registration**) each case is registered accordingly. Through **steps 3 and 4 (case planning and implementation)** access to services and supports involved are carefully planned to avoid special treatment or stigma.

**6** *It should entail co-management and co-responsibility*

- **Agreed roles and responsibilities between professionals involved:** Because reintegration is not meant to be a stand-alone service or a one-way road, but a complex and multidimensional process, the involvement of well-trained (with ongoing training to be provided), specialized and interdisciplinary professionals is key for the successful reintegration of children and youth in conflict with the law. This involvement needs to be agreed and regulated, with clear roles and strong coordination mechanisms working together in an effective way (avoiding delays, bureaucracy, etc.) considering that all of them are duty-bearers and responsible for reintegration to be granted and developed with all due standards. Here a tailor-made reintegrative case management system for children and youth in conflict with the law is of the essence.
- **Agreed roles and responsibilities between the child and his/her/their family/caretakers:** Co-management and co-responsibility reach as well, and very particularly, the child subjected to reintegration. He/she/they has the right to participate but also the duty to do his/her/their best to cooperate and comply with the agreed process. Their families and community members should be part of this shared scheme.

Using a case Management approach **promotes collaboration and coordination** as a core component (as a basic principle, case management cannot be done by one agency or one team). It provides tools and guiding processes to establish clear roles and responsibilities of interdisciplinary professionals and all duty bearers involved within the formal and community systems, including particularly the child and family's involvement and cooperation along the journey.

Specifically, **steps 4 & 5 (case planning & case plan implementation)** provide tools to think about interdisciplinary support needs for each case as well as practical tools for inter-services mapping, referrals and follow up, including, for instance, multidisciplinary case conferencing guidance and tools for co-responsible decision making.

**7 Reintegration shall ensure the continuity of care, a long-term approach, and accompanied follow-up**

- **Key elements of the 'continuity of care':** Designing and implementing appropriate reintegration programs require considering the "continuity of care" approach throughout all stages. This care, as previously mentioned, should be holistic, individualized, and specialized. In order to activate the "continuity of care" approach within the reintegration of children and youth in conflict with the law, there are five elements that should always be oversight:
  1. **Continuity of control, supervision, and accompaniment** by professionals, by also by family, peers, and community members to be involved;
  2. **Continuity in the range of holistic services provided**, focusing on the needs and not only on the availability of those;
  3. **Continuity in program and service content**, ensuring that disruptions because of funding gaps, lack of trained professionals, inefficient coordination mechanisms and/or logistics issues are controlled and overcome;
  4. **Continuity of social environment**, given that reintegration aims at reconstructing the social ties, any intervention should at all times incorporate social networks and peer, family, and community-related interventions complementary to the other different services provided;
  5. **Continuity of attachment**, mainly of the child by stimulating his/her/their participation and ownership of the process, by supporting the child to narrate, assume and take responsibility for his/her/their behavior so that his/her/their life experience is not defined as an unlawful past, but revisited in terms of remaining emotions, reasons and actions and by guiding and encouraging the potential to overcome the harm caused and become a citizen with a constructive and contributing role in life and within society.

**8 Reintegration should prevent institutional dependency**

Children placed in custodial institutions have the risk of developing (or confirming) a tendency to passivity and dependency towards the responsible adults and towards the institution (exacerbated by the obedience, passivity, and sense of hierarchy directions often imposed while in custody). This is a very specific issue in itself to be prevented but that needs to go hand in hand with the "continuity of care".

- **Two interlinked sides should be considered within the reintegration of the children to prevent institutional dependency:**
  1. When **custody measures** are inevitable, key elements of custody must be carefully weighed and planned to minimize institutional dependency. These include the duration of custody, the conditions of custody, the regularity and type of contact with the outside world, the possibility to develop life skills, and individual participation and responsibility in activities and daily life while deprived of liberty.
  2. The **aftercare phase** of the reintegration needs also to be well planned. Hence, if reintegration is well understood and applied by all professionals, even before a child is sent to prison, the judge (advised by the interdisciplinary team working on the case) would have into account those elements before adjudicating a deprivation of liberty sentence.

Using a Case Management approach ensures practically a continuum of care during the **whole process from identification (step 1) until case closure (step 5)**, through the close accompaniment role of the caseworker and the therapeutic relationship of trust with the child and family.

The case worker's central reference promotes a child and family's continued ownership and responsibility of the care plan, to identify ways to strengthen protective factors as well as address the needs along the process of reintegration, while working together with other interdisciplinary professionals and relevant actors within the child's social environment.

A case management approach and process focus on **autonomy and responsibility**, mostly needed after custody, transferring appropriate competences such as self-awareness, self-regulation, problem management and solving, decision-making and reinforcing positive coping strategies.

The caseworker's role as central reference and its protective accompaniment along the process provides a sense of continuity, support and basic sense of safety and predictability to mitigate distress risks in a child or youth facing important changes and challenges along his/her/their reintegration pathway. Child and adolescent's brain science demonstrates the importance of support and sense of emotional safety to better develop or improve life skills and positive coping strategies.

Within case management process a particular attention is given to a common understanding between caseworker, child and family of the risks and protective factors (through **step 1 assessment**) as well as in promoting autonomous decision making during **case & reintegration planning (step 2)** regarding the types of action, support and access to services needed, in order to avoid that the case is "managed and led" by a caseworker, but instead, promoting a process of co-management and active involvement of the child, specifically in the aftercare phase if following deprivation of liberty.

**9 Reintegration should address as a priority the causes for offending behaviors and promoting factors of resilience**

The reintegration process should be individually focused, community-based, and build on the strengths and resilience of children, families, and communities. New trends are shifting the approaches considered in the past decades which focused primarily on studying the offending behavior to predict future criminal acts (likelihood of recidivism). Contemporary interventions are being tweaked towards addressing offending behavior and not simply repressing it.

- **Preserving and restoring the sense of dignity and identity requires unraveling past episodes:** Children and youth in conflict with the law need to be heard and accompanied to understand themselves and find meaning both in their past and their future life.
- **At the same time, it is essential that children and youth believe and focus on their strengths and protective factors:** those that will make possible the positive transition and that will make them more resilient to drive their reintegration successfully.

*Tdh supports and applies a **desistance approach to crime**<sup>(14)</sup> to be embedded in the reintegration of children and youth in conflict with the law. The desistance approach concerns the process through which a person ceases criminal and/or antisocial behavior. Desistance supports those who have committed a crime to enter a new phase of life characterized by the absence of crime but furthermore the adoption of a new lifestyle and a sense of belonging to the community.*

*Desistance is characterized by a **focus on the successes of the individual rather than the failures**. A resilience-based approach requires thinking about and respecting individual strengths, abilities, decision-making capacity, and agency.*

A tailor-made reintegrative case management approach allows seeing each child as unique, with a unique history, family, relationships, skills and resources, and its final goal is the successful re-entry of the child into family, community and society.

Case Management is a **strengths and resilience-based psychosocial approach**<sup>(15)</sup>, as it contributes to children and families' natural resilience and their ability to identify the risks and the protective factors that will make them more resilient to drive the reintegration process successfully. Case management approach promotes skill building, identifying key resilient capacities to strengthen as well as providing close listening and understanding to help finding a meaning to both past and future building the basis towards a positive transition and transformative process.

Furthermore, through its multidisciplinary collaborative approach, the caseworker acts as central reference but ensures the provision of additional specialised legal and psychological support for rehabilitation, when needed along the reintegration process.

The comprehensive **psychosocial elements for assessment (step 2)** facilitates an overview of all idiosyncratic elements of a specific child and case, focusing on all areas of child's life including socioecological layers, the risks and protective factors surrounding the child that can facilitate or challenge the reintegration goals, as well as individual needs, vulnerabilities and strengths to work on (through **steps 2, 3 & 4: assessment, case plan and implementation**) with the support of different professional service providers, addressing needs, reducing perceived vulnerabilities and promoting strengths throughout the process.

**10 Reintegration should be realistic by all means as otherwise, it won't happen exacerbating the risk of re-entering the justice system**

- **Grounded in each context, local availability of services and professionals:** If the reintegration of children and youth in conflict with the law is to succeed, then it is required to have a coherent and grounded reintegrative system that identifies concrete and feasible interventions, which analyses and take into account local needs, which involve the training of the appropriate multisectoral professionals.
- **Time is of the essence – do not place higher expectations on a short period of time:** Referring to a realistic reintegration approach implies acknowledging and assuming crucial but often forgotten elements, such as time. Despite adequate and comprehensive service provisions, the children may not immediately behave as expected which in many systems will result in a reduction of support services or provisions, contributing to hindering the reintegration pathway and exponentially exacerbating the spiral of recidivism and hopeless feelings. Criminal records of children are another element that can jeopardize an initial successful reintegration if opportunities in the outside world are shut down for them.

The multidimensional and complex characteristics of an effective reintegration process can be unrealistic and overwhelming if a system is not well structured and established. **Establishing a tailor-made reintegrative case management system with appropriate and realistic resources** planned for, will be crucial to provide a structured step by step approach to identify and develop concrete progressive actions (together with the child, family, community and multidisciplinary professionals within the system) that can maximize chances of successful reintegration for children and youth in conflict with the law in a given context.

In particular **step 2 (short term case plan and long-term reintegration plan and criteria)** integrate tools to support realistic and time bounded measures and actions already agreed with the child and key resource people and layers surrounding the child.

<sup>(14)</sup> Tdh, 2022. *A theoretical framework to guide interventions with children and youth in conflict with the law*. Promoting desistance from crime and restorative justice in Tdh programming.

<sup>(15)</sup> Case Management is one of the key methodological approaches within Tdh *Mental health and psychosocial support Framework: Towards psychosocial resilience and wellbeing, a framework to ensure a community-based and contextualised approach to mental health and psychosocial support interventions*, 2020.



## 4.1.2. Reintegration Outcome: Objectives and Criteria

To promote the **outcome of successful** reintegration at all steps and actions, minimum essential criteria for reintegration should be established first, to adapt it to each case and allow professionals to work in that direction.

The following outcome, objectives and criteria do integrate a socioecological and intersectional approach and have been developed based on the Tdh's Psychosocial resilience and wellbeing framework. <sup>[16]</sup>

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### Successful reintegration of children & youth in contact with the law

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<b>Goal</b>	Children and youth reintegrated within their families and communities have enhanced capacities, opportunities, and support to become active social citizens.  Specialized, integrated, and inclusive reintegration processes are accessible for all children in contact with the law.
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<b>Outcome</b>	The protection, well-being, and empowerment of children and youth in contact with the law are fostered through reintegrative case management, ensuring age/gender-responsive services & meaningful opportunities, family and social support, and strengthened social welfare and justice systems.
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<b>Specific objectives and criteria for successful reintegration</b>	<ol style="list-style-type: none"> <li><b>1. Children and youth reintegrated have adequate daily functioning</b> (feeling safer having minimum stability regarding physical and mental health.)</li> <li><b>2. Children and youth reintegrated have positive social networks and support</b> (connection against isolation: feeling increased connection with loved ones and meaningful relationships)</li> <li><b>3. Children and youth reintegrated access education and/or livelihoods and employability opportunities matching his/her/their life aspiration</b> (feeling worthy and more hopeful about a life plan)</li> <li><b>4. Children and youth reintegrated feel respected with a positive sense of justice</b> (confidence and trust in the public/institutional system that has given them fair treatment and opportunities and, hence, they are ready to engage with the public/institutional systems moving forward as need be).</li> </ol> <p>The four specific objectives will revert to <b>avoiding/minimizing recidivism</b> of children and youth reintegrated.</p>
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A reintegration approach within case management with children and youth in contact with the law means adapting and orienting all case management steps and tools, adapting to each stage of the judicial process, towards the ultimate goal of reintegration of children and youth in conflict with the law. The table below provides an overview of the **reintegration criteria** and objectives towards a successful outcome, and how case management steps specifically support and contribute to it, while applying reintegration standards mentioned above. The criteria are developed from psychosocial resilience considerations and child wellbeing & development dimensions adapted to the situation of children and youth in conflict with the law. *(see Annex 1 for psychosocial resilience considerations)*

<sup>[16]</sup> Towards psychosocial resilience and wellbeing. A framework to ensure community based and contextualized approach to Mental Health and Psychosocial Support. Terre des hommes Lausanne, 2019.

## Children and youth reintegrated have adequate daily life functioning

(feeling safer. Physical and mental health stability)

Criteria for successful reintegration		Case Management steps contribution
<b>Child</b>	Increased self-regulation capacities and decreased overwhelming emotions Good physical condition and increased positive habits	<p>Upon <b>identification and registration of the case (step 1)</b> a risk level of the case is determined to take urgent measures when needed for physical and emotional stability.</p> <p>The <b>assessment (step 2)</b> provides a wider overview of all areas and stressors at all socioecological layers to inform short term and long-term <b>case plan actions (step 3)</b> with the child, family and community in parallel to promote sustainable safety and regular daily functioning. Trained caseworkers in focused MHPSS, Level 3 can provide essential support in self-awareness and emotional regulation capacities. When needed, medical or additional clinical support will be called upon (through <b>case plan and implementation/referral steps 3 and 4</b>).</p> <p>In parallel the caseworker ensures availability and access to essential services as well as connections with relevant actors (through referral pathway, coordination and case conferencing).</p>
<b>Family</b>	Household decent living conditions and socio-economic support to avoid prolonged deprivation of basic needs	
<b>Community</b>	Child and family not threatened or experiencing violence in their community	
<b>System</b>	Available medical and MHPSS services to turn to	

## Children and youth reintegrated have positive social networks and support

(connection against isolation, feeling more connected with loved ones and meaningful relationships)

Criteria for successful reintegration		Case Management steps contribution
<b>Child</b>	Strengthened bonding and help seeking capacities	<p>The <b>assessment (step 2)</b> helps determine meaningful and positive relationships for the child to promote connection and prevent isolation, and at the same time identifies personal challenges as well as capacities and resources to bond (pro-social capacities) to identify <b>case plan actions</b> (transferring competences and identifying peer support and mentoring spaces) enable the young person to become more resourceful and to gain access to the relationships and resources for a rounded life.</p> <p>In parallel, the caseworker ensures registration and connection (through <b>coordination, referral pathway and case conferencing</b>) with child welfare and social protection services to ensure sustainable and non-stigmatising support.</p>
<b>Family</b>	Strengthened positive relationships and care within family	
<b>Community</b>	Community acceptance and sense of belonging – child & family don't experience discrimination. Children and youth have access to positive peer support networks	
<b>System</b>	Ensured connections with child welfare and social protection services – Child and family are aware of protective resources and can access them when needed	

**Children and youth reintegrated access education and/or Livelihoods and employability opportunities matching a life project** *(feeling worthy and more hopeful about a life plan)*

Criteria for successful reintegration		Case Management steps contribution
<b>Child</b>	Life projects: knowing what we want and like Increased sense of agency and autonomy	<p>The <b>assessment (step 2)</b> enables us not only to find out about the child's past and identify issues to be addressed in psychosocial activities, but above all to develop a life project based on the child's skills and interests, using a participatory approach. This life plan guides the child's <b>case plan (step 3)</b> within the centre and, above all, their social, professional and educational reintegration upon release.</p> <p><b>A case plan participatory approach methodology</b> is essential to strengthen agency, autonomy and responsibility: the C&amp;Y actively identify the resources, and actively engage with opportunities and services. During <b>case implementation (step 4)</b> referral to a service is not simply a matter of completing a referral form but a process of preparing the young person and gaining the individual's genuine commitment to participate actively so as to sustain their relationship with the resource.</p>
<b>Family</b>	Family/caregivers supporting life project	
<b>Community</b>	Community-based opportunities to exchange, learn and develop appropriate skills	
<b>System</b>	Systematic livelihoods and education programmes for children and youth in conflict with the law	

**Children and youth reintegrated feel respected with a positive sense of justice**

Criteria for successful reintegration		Case Management steps contribution
<b>Child</b>	Understanding own drivers to offence Understanding of own rights' enforcement Participation in decision making, acknowledgment and legal empowerment	<p>The <b>assessment (step 2)</b> allows a dialogue and understanding of child's past and drivers to offence, trained caseworkers provide invaluable support for a child/youth to self-explore and strengthen critical and creative thinking, problem solving and decision-making capacities (focused MHPSS, Level 3). When needed additional specialised support, clinical MHPSS will be called upon (through <b>case plan and implementation/referral steps 3 and 4</b>). It is essential that this deeper understanding of child's driver to offence and key considerations of child's life (<i>see Part 3.3 key factors</i>) contribute to the <b>social report</b> that should <b>inform judicial decisions</b>. Increasing the chances that reintegration process will not only activate the obligations of the child or young person to acknowledge and respect the rights and needs of others, but also the obligations that society and the criminal justice system have towards the well-being, growth and development of the child, for a positive sense of justice.</p> <p>During <b>case plan (step 3) family case conferences and restorative practices</b> are key to support understanding of drivers of offence, acknowledgement, participation and empowerment. The case management tailor-made approach helps in informing timeframes for short- and long-term planning, taking into account different levels of offence and risks of recidivism.</p>
<b>Family</b>	Understanding of drivers to offence Participation in decision making	
<b>Community</b>	Relevant community actors and/or structures supporting reintegration	
<b>System</b>	Child and youth justice policies include reintegration as a core element with a focus of facilitating reintegrated children and youth an active place in society	

Reintegration criteria thus, inform the adaptation of the specific tools for each step of case management:

- Main elements, areas and key questions to guide the assessment.
- Case plan short/long term objectives and actions and timeframes depending on the type of offence.
- Case closure should only happen when there is enough progression against reintegration criteria, which are to be integrated as key reference for minimum elements met when deciding if whether or not a case can be closed, including case plan timeframes depending on cases and types of offences. This case closure criteria will help evaluating progression towards successful reintegration goal.

Please refer to [section 4.2 HOW below where the specificities of each step by stage of judicial process and tools are explained](#) and see [Case Management tools specificities in Annex 4 \(overview of case management forms\)](#)

**Important to consider that, case management steps, tools and relevance of particular elements hereabove mentioned to pay attention to, will slightly differ and need to be adapted to the judicial stage where the case is identified and registered as well as the legal considerations for each stage: the tailored reintegrative case management approach across judicial stages is described in the following section (In Practice: HOW).**



## 4.2. In Practice (HOW) – Applying Case Management Steps with Children and Youth in Conflict with the Law across Pre-Judicial & Judicial Stages

The following section explains in detail in a checklist way key consideration to have in mind in each stage of the reintegrative case management system across each of the stages of justice that a child in conflict with the law might go through. These key elements are the essential ones (though not exhaustive) that case workers, legal and justice actors concerned in the process need to ensure they are in place.

### Reintegrative case management steps

1. Identification & Registration, Intro & Engagement
2. Assessment
3. Case Plan (Reintegration Plan)
4. Implementation of the Reintegration Plan
5. Follow up & review of the Reintegration Plan
6. Case Closure & Review in the future

*By clicking on each of the steps, the link will direct you to the description of each corresponding step and the key considerations to adapt to each of the judicial stages.*

Please refer to *visual in section 3.4 for the case management steps flow* and refer to *Annex 4 for an overview of corresponding forms.*

### Judicial stages for children and youth in conflict with the law

Please refer to *visual in section 3.1.3 to remind the interconnection between stages and the different pathways a child can follow depending on the case and concrete outcome of it in each stage.*

- Arrest & Custody at Police Level
- Diversion (with a focus on mediation processes)
- Pre-trial detention or Alternative to Pre-trial detention
- Trial proceedings
- Imprisonment after the judicial process (deprivation of liberty)
- Alternative to imprisonment
- Early-release or post-release from deprivation of liberty

To facilitate the use of this tool, the following tables are divided as follows:

- Each step of the reintegrative case management steps covers the key consideration to have in mind during the judicial stages.
- When additional information is recommended, a note has been included with the reference to a concrete annex that can be found in Part 5 of the Model of Action.
- In an ideal world, reintegrative case management support should be provided throughout the whole pre-judicial, judicial and post-judicial stages to ensure the continuum of care. Nevertheless, the reality on the ground is not that simple as not all children and youth in conflict with the law go through all judicial stages and even if they do, is challenging that the life of a project will be ensured along the duration of the judiciary procedures. Therefore, in some cases, a case management process is agreed with judiciary actors to start at specific stages, and the essential is that reintegrative considerations are implemented since the very early stages of identification and registration of a case.
- Therefore the Reintegrative Case Management system can start at any judicial stage and it can be closed likewise at any judicial stage (e.g. a case that is only registered when the child is in trial proceedings and the case is closed at deprivation of liberty with a Reintegration Plan to follow and review; or, a case that is registered at the arrest phase but ends up being closed after the trial when and alternative to imprisonment is granted to the child). This is why is so important to consider different key considerations in each of the Reintegrative Case Management steps across all stages of justice that are concerned by a judicial case of a child.



## STEP 1 CM – Identification & Registration

**Identification** requires a network of actors as sources of identification and a clear referral pathway, for caseworkers to receive appropriate referrals to start the process which will vary depending on the judicial stage where the child/youth is.

**Registration** requires informed consent of the child and caregivers/legal tutors including initial legal and protection assessment depending on judicial stage, as well as assignation of a risk level and urgent recommendations if any.



### Arrest & Custody at police level

- **Establishing a network of contacts** (sources of information: lawyer, police or community sources) is paramount to be able to reach children from the onset of the arrest, which is of particularly delicate moment from both sides, the legal and the social/child protection.
- It is of essence that the case worker is contacted whether by the **lawyer** of the case (within the bar association, or working for national associations/firms), or by the **police**.
- The 1st step is to promptly **ascertain where the child is being arrested**.
- **The lawyer** should be present and/or call in and should **verify if the arrest was implemented in accordance with the applicable law** (e.g. on which grounds, under which circumstances). The most important thing to do at this stage is to **visit the child in person before he/she/they is interrogated** and provide him/her/they with legal advice on his/her/their rights and the procedures he/she/they is expected to face. It is critical to meet the child prior to his/her/their interrogation and to explain the interrogation and his/her/their rights.  
*Please refer to Annex 2 – Legal considerations* around a child's/young person's case (that matters both to legal professionals and case workers) to ascertain which key questions and elements around the arrest of the child are crucial to be asked and known, both by the lawyer and the caseworker identifying the case.
- **The caseworker** should **locate and contact the family** or a support person for the child. This is indeed very important and both lawyer and caseworker are to work together to identify, brief, and support that person and **request consent for case registration**. Caregivers/legal guardian should provide the valid consent. Mandated government institutions should validate the support (direct complementary intervention or support to state-social worker).
- **The caseworker** should **register the child** (if consented) and work closely with the lawyer to note all relevant legal information in the registration form that matters for the situation the child is navigating and the potential impacts on the services he/she/they is in need, of by already establishing any urgent protection concerns and the **initial risk level of the case** which will determine the more or less urgency of the actions to be taken before moving to the next stage of assessment.
- Support right from the initial stages, even before delving into the investigation of the child is crucial because there can be situations where the child falsely admitted to the crime (for instance instead the caregivers, influenced by the belief that the resulting sentence would be less severe compared to that of an adult).

*Please refer to Annex 3 – Risk Levels.*

*Please refer to Annex 4 – Case Management forms overview.*





### **Diversion (with a particular focus on mediation)**

- **Sources of identification:** in order to ensure higher chances to access children's cases in a stage of diversion, it is of the essence that a network of contact with **police/lawyers/mediation professionals** is established in advance so they can call in the caseworker as soon as the case arrives to their desks.
- When the identification and registration of the child is done at the diversion phase, the **caseworker needs to be attentive and ask for the police/justice file**<sup>[17]</sup> on the child's case to understand (at the minimum):
  - what happened to the child,
  - what his/her/their situation was before the contact with the police/justice using intersectional and socioecological lenses,
  - type of offense he/she/they was accused of,
  - if the child had access to a lawyer (if yes, the caseworker to be in touch with the lawyer, if not the caseworker needs to quickly raise the issue and coordinate for the child to have access to legal support),
  - if any social elements are present in the police/justice file,
  - reasons where he/she/they was granted a diversionary measure, for how long, if any complementary services are recommended or not, focal point to follow up with the child while executing the diversion measure.
- The **registration and opening of the case with the reintegrative case management system should be with a preventative approach.** While diversion measures are highly recommended, it is important for the caseworker to take into account that the child might be in need to access complementary services (e.g. individual or family counseling) for the diversionary measure to be effective and avoid any recidivism.
- If the practice of mediation is used, it is essential that the caseworker is part of the process from the onset.
- When a case is identified at this stage, assessment should be recommended to be done before applying diversion measures, to better prepare the child for the process



### **Pre-trial detention or alternative to pre-trial detention**

- **Sources of identification:** entry points of the child in a pre-trial situation for caseworkers are the **police/prosecutor/lawyer** of the child if assigned or if accessed by the child.
- **The caseworker** should include in the registration that, given the identification upon deprivation of liberty of the child, a **high-risk level is assigned**, being immediate actions to take the legal and social/child protection accompaniment of the child while in detention.
  - Minimum **weekly (physical) access to the child** in pre-trial detention is of the essence.
  - The **family/support person of the child should be also granted access** to the child, since it is a right of the child deprived of liberty in any form to *'maintain contact with his or her family through correspondence and visits'*<sup>[18]</sup>.

*Please refer to the Annex 3 – Risk Levels.*
- The lawyer should rapidly verify if the **order of pre-trial detention** was issued in **accordance with the applicable law**, examining what are the reasons given by the (juvenile) prosecutor to opt for a detention instead of for an alternative to pre-trial detention which will be always a preferred option for the child while awaiting trial. The lawyer and caseworker are to work together to bring legal and social/child protection arguments to **challenge the pre-trial detention order.**
- The child already placed in pre-trial detention is to be **fully aware of all his/her/their rights while in detention** and safeguards/avenues to ask for support in the event of uncomfortable or dangerous situations that could take place while deprived of liberty.

*Please refer to Annex 2 – Legal considerations* around a child's/young person's case (that matters both to legal professionals and case workers) to ascertain which key elements around the pre-trial detention are crucial to be considered by both the lawyer and the caseworker identifying the case.
- If the child is identified and registered within the reintegrative case management system once an alternative to pre-trial detention has been granted to him/her/them by the prosecutor of the case, it is very important to access all the legal information about the child and the case. Cooperation with the lawyer and the assigned authority to the case is needed.
- For children identified in pre-trial custody: **case management support should at least be ensured until the judicial case is established, and not to be closed before**, if impossibility to continue support, a case transfer can be foreseen, but only after the judicial case is established.

<sup>[17]</sup> Please note that depending on the legislation of the country, diversion measures for children could be granted at the police level or by the prosecutor of the case. Hence, the file of the child could be at police level (police file) or with the (juvenile) prosecution (justice file).

<sup>[18]</sup> Article 37 of the *Convention on the Rights of the Child*.



### Trial proceedings (with or without custody)

- **Sources of identification:** entry points of the child in trial situation for caseworkers are the **prosecutor/ lawyer** of the child if assigned or if accessed by the child
- **Contact with the lawyer** assigned to the case is very essential when the identification and registration are done once the child is going through trial proceedings. The caseworker should **gather all the legal/ justice implications of the case on the child**, and if legal rights have been respected so far, particularly if the child has been (or is still while trial proceedings) placed in custody (at police level and/ or pre-trial).  
*Please refer to Annex 2 – Legal considerations* around a child’s/young person’s case (that matters both to legal professionals and case workers).
- At the moment of the Identification and registration of a child that is already going through trial proceedings, the **assignment of an initial risk level** by the caseworker necessitates close **coordination with the lawyer** of the case and with the family/legal guardian if at all possible.  
*Please refer to Annex 3 – Risk Levels.*



### Imprisonment after the judicial process

- **It is paramount that every child sentenced to deprivation of liberty is registered in a reintegrative case management system (if not done before).**
- **Sources of identification:** Caseworkers' **network with detention facilities** where children are deprived of liberty is to set up or strengthened. This justice stage (imprisonment following a conviction) is probably the most difficult one at all levels for children, highly detrimental, harmful and dangerous for their future chances if a comprehensive reintegration is not properly designed, implemented, adapted as needed, and monitored.
- Ideally for children identified at deprivation of liberty (or in alternatives to detention): reintegrative case management should start **at least 6 months before release**.  
*Please refer to Annex 2 – Legal considerations* around a child’s/young person’s case (that matters both to legal professionals and case workers)
- Children identified in deprivation of liberty without support are to be assigned a **high-risk level**. Deprivation of liberty in all cases is fundamentally harmful to children, jeopardizes their development, and puts them at increased risk of abuse, violence (including the normalization of violence), social exclusion, and discrimination.  
*Please refer to Annex 3 – Risk Levels.*



### Alternative to imprisonment

- The social/protection aspects of the alternative to imprisonment granted to a child require a close engagement of the social workforce and hence registration of the case in reintegrative case management is key to ensure that the alternative given is conducive to the ‘successful’ reintegration of the child.
- If a child is identified already at the stage of alternative measures granted, **the caseworker should gather pertinent information on what has happened in previous stages, and if legal rights have been respected**. For that contact with the following professionals is needed: **(i) the lawyer** assigned to the case, **(ii) the probation officer** assigned to the child to monitor the implementation of the alternative, and **the staff at the social center/other** where the child needs to implement the alternative are key.
- Registration and risk level at this stage should consider that favorable protective conditions while the alternative to imprisonment is carried out are key for the case outcome at the justice level. If the child is not compliant/not monitored/not supported with tailor-made complementary service, the would-be high chances of him/her/they being given a deprivation of liberty sentence instead.



### Early-release or post-release from deprivation of liberty

- **Sources of identification:** Caseworkers' **network with detention facilities** where children are deprived of liberty is to set up or strengthened.
- The identification and registration of children at this stage is probably the most difficult one in terms of the reintegration process. As much as possible, it is highly recommended to try to identify children and youth in conflict with the law in previous justice stages **(at least 6 months before release)**. It is crucial to assess the risk level at the moment of the release. *Please refer to Annex 3 – Risk levels.*
- Special attention regarding the identification and registration is to be put to children and youth in conflict with the law in an early release stage, given the risk of having the early release measure eventually revoked if conditions attached to that measure are not correctly fulfilled and reported back to the competent authority with the potential risk to re-enter deprivation of liberty.





## STEP 2 CM – Assessment

**Assessment** is the process of gathering and analysing individual and family's threats and vulnerabilities, as well as strengths, capacities, resources and protective influences over the child's life and his/her/their reintegration. The elements gathered will inform a professional judgement about the reintegrative case plan.

*Annex 1* provides an overview of psychosocial resilience considerations embedding intersectional and socioecological elements to help exploring key area, to be coupled with legal considerations in *Annex 2*. *Annex 4* provides an overview of the common areas of assessment adapted hereinbelow to each stage of justice.



### Arrest & Custody at police level

- At this stage, when the child is already registered a first **focus should be done in a “rapid assessment”** (see *Annex 3 – Risk levels* for timeframes of action and *Annex 4 – overview of CM forms*) and once urgent actions have been taken ensuring mitigation of Risks, caseworker would start a comprehensive assessment for further continuation of support of the case.
- The assessment led by the case worker should contain a **specific legal section** that contains at least the following aspects:
  - The legal risks of the arrest for the eventual judicial process that the child might need to go through. If there is a risk of deprivation of liberty (e.g. the police are keeping the child arrested for more than 24 hours, if the child accessed or did not legal and social support from the beginning of the arrest, if the family is aware/supportive or not and can be/is willing to be in contact with the child, the type of evidence that the police has against the child).
  - The abovementioned legal aspects are to be put in relation to the impacts on the child (current and future) from a socio-medical point of view.
- The arrest is often a moment when the few remaining inner resources of a child are lost through abuse or denial of appropriate and child-friendly justice and social apparatus. A thorough assessment is essential to support the child in that very harsh, scary, and often confusing moment, but it is also a very relevant tool to **examine threats, vulnerabilities that could be mitigated and capacities and resources to reinforce**, within the reintegration plan to be done in successive steps of the reintegrative case management system. These must be guided by the socioecological areas to explore (*see Annex 4 – Overview of case management forms*).

*Please refer to Annex 2 – Legal considerations* around a child's/young person's case (that matters both to legal professionals and case workers) and to *Annex 3 – Risk Levels*.



### Diversion (with a particular focus on mediation)

- At this justice stage, all the elements included in the assessment would be **crucial to precisely recommend the optimal diversion measure** for the specific case, considering the individual and family-related risk and strength factors (*see Annex 4 – Overview of forms and assessment elements*) but with **specific attention to the choices of the child and exploring psychosocial wellbeing (and level of understanding of the diversion measure, strengths and capacities requiring support and preparation)**; working with him/her/them to make informed choices on what he/she/they consider would be best. This is essential not only because children are entitled to be informed and given the chance to decide across justice processes that directly concern them, but also due to the fact that it exponentially increases the chances of commitment and responsibility to the diversionary measure.
- The assessment must also collect any relevant information of previous judicial stages the child has gone through if identification and first contact have been done at this stage.
- At this point, the assessment could be also used to **recommend conditions for the diversionary measure, applying already reintegrative elements**. For instance, mediation could be the recommended diversionary measure, but **psychosocial wellbeing must be explored prior to the mediation** as psychosocial support might be required so the child goes to the mediation process in a better state of mind, feeling supported and understanding better the principles and objectives of a mediation process, particularly towards the victim but also towards the responsibility he/she/they need to assume beforehand. Post-mediation conditions could be also flagged in the assessment to ensure a continuum of care.



## Pre-trial detention or alternative to pre-trial detention

- At this stage, **a justice file of the child has been formally opened**. It is paramount that the case worker and the lawyer of the child work together to include in the assessment all key elements that could help the case of the child move forward within the formal proceedings (**case-building elements**) since the assessment might be also used within the judicial process and might **help judges taking a better decision in the best interest of the child**. Those key elements include as a minimum the following:
  - **Specific risks (immediate and future)** for children that are kept in **pre-trial detention**, particularly highlighting how damaging this situation could be for a safe and successful reintegration of the child. Alternatives to pre-trial detention are always to be sought.
  - Whether in pre-trial detention or in an alternative to pre-trial detention, child protection/social services, legal services, and family counseling are to be ensured. Those are essential to support the child, increasing the chances of him/her/them being compliant and having good behavior; elements that could highly and positively impact the course/outcome of justice. For this it is essential to explore **psychosocial wellbeing as well as child's interests and views** regarding the situation.
- If the first point of contact with the child (identification) has happened at this stage, caseworker and lawyer should explore impact over the child regarding actions and measures taken during previous judicial stages and whether child's legal rights have been respected. If the child was registered and assessed in previous stages, a review of the assessment including complementary information might be needed at this stage.
- If the child has been sent to pre-trial detention, the assessment must include specific points to **consider and analyze child safeguarding aspects while the child is deprived of liberty**. As a minimum (not exhaustive), the following aspects are to be taken into account and integrated in the general areas of the assessment (*see Annex 4 with the overview of main areas of information*):
  - Initial medical examination
  - Personal property
  - Room safety measures.
  - Prohibition of the use of force and restraints.
  - Security and other staff behavioral measures & communication towards children deprived of liberty.
  - Privacy of communications with family, lawyer, social/child protection personnel
  - Food service, ongoing medical care, social/child protection services, legal aid, personal hygiene, recreation, religious/cultural practices.
  - Telephone/correspondence access & visitations, education/vocational programs.

*Please refer to Annex 2 – Legal considerations around a child's/young person's case (that matters both to legal professionals and case workers), particularly regarding potential ill-treatment of children in pre-trial detention, and to Annex 3 – Risk Levels.*

- If child is deprived of liberty and depending on the case, it might be needed that a complementary, but separate 'Family Assessment Form' is to be used by the caseworker and kept in the same case file for reintegration plan conclusions considering household risks and protective factors.  
*(Please refer to Annex 4 for an overview of all the case management forms)*



### Trial proceedings (with or without custody)

- The assessment at this justice stage is crucial and would be **used as ‘social inquiry report’**. Please refer to *Annex 2 – Legal considerations* around a child’s/young person’s case (that matters both to legal professionals and case workers) to dig into the ‘social inquiry reports’ and how they are a key piece of revision by judges in children’s cases to decide on the judgment.  
**From a psychosocial, socioecological and intersectional perspective**, to build and inform the social inquiry, all areas of the child’s life including risks (threat and vulnerabilities) and strengths (capacities and resources) should be explored. *(Please refer to Annex 4 for an overview of assessment form areas)*
- The assessment might include **an analysis indicating whether the child is ‘fit-for-trial’** considering **psychosocial wellbeing (capacities, resources, weaknesses, threats and vulnerabilities) and child’s views, as well as physical health aspects**, to highlight or recommend key measures to be taken at the trial **to ensure the safety and wellbeing of the child** (e.g., video conference/video recording, accompaniment by a support person).
- If the child is/was in pre-trial detention at the time of the trial, the assessment (‘social inquiry report’) should highlight information on **how the child is being treated behind bars** (e.g., child safeguarding minimum elements mentioned above), if he/she/they were subjected to any inappropriate measure, ill-treatment, or else detrimental for the wellbeing of the child and his/her/their chances of reintegration, etc.
- It is always a good practice to recommend in the ‘social inquiry report’ a suitable course of action at the justice level to ensure the reintegration of the child where social/child protection aspects are of the essence (assessment form should always include a section on professional summary conclusions as well as views of child and family – *please refer to annex 4*)
- If the first point of contact with the child (identification) has happened at this stage, (so no previous assessment or follow up have been done before trial) the caseworker and lawyer should explore and incorporate in the assessment, the impact over the child regarding actions and measures taken during previous judicial stages and whether child’s legal rights have been respected. If the child was registered and assessed in previous stages, a review of the assessment including complementary information related of all points above, might be needed at this stage.



### Imprisonment after the judicial process

- If the first point of contact with the child (identification) has happened at this stage (so no previous assessment or follow up have been done before trial) the caseworker and lawyer should explore and incorporate in the assessment, the impact over the child regarding actions and measures taken during previous judicial stages and whether child’s legal rights have been respected. If the child was registered and assessed in previous stages, a review of the assessment including complementary information related of all points above, might be needed at this stage.
- The assessment should incorporate a **legal section** aiming at challenging from a psychosocial and medical point of view the deprivation of liberty measure given its (always) detrimental effect on children and **exposure to increased risks of abuse, violence, acute social discrimination, and denial of their civil, political, economic, social and cultural rights**, hindering successful reintegration process and hence increasing social exclusion and recidivism rates. A **recommendation of specific alternatives to imprisonment** with conditions tailored to the case (including conditions of increased supervision if the case requires so) is to be included in this section.
- The assessment in detention should highlight information on **how the child is being treated behind bars** (e.g., child safeguarding minimum elements mentioned above), if he/she/they were subjected to any inappropriate measure, ill-treatment, or else detrimental for the wellbeing of the child and his/her/their chances of reintegration, etc.
- The assessment in detention is an important tool to prepare the child for the after release exploring with the child what are the **main challenges and stressors during detention but also foreseen upon release**, so to start working on those as soon as possible to strengthen capacities to deal with and mitigate negative coping mechanisms after release.
- Exploring all Key areas to inform short term plan and reintegration plan is crucial during imprisonment *(Please refer to annex 4 for an overview of assessment form areas)*
- The assessment during imprisonment must start working towards a reintegration plan, exploring **child’s interests and life projects** upon release, to identify key elements for action and services to access at earliest stage possible.
- Depending on the case at hand, **it might be needed that a complementary, but separate ‘Family Assessment Form’** is to be used by the caseworker to explore household conditions (risks and protective factors) for reintegration.
- **Alternative care arrangements:** Some children in contact with the law may be denied returning to home/parents or community when they have been released from sentence due to unacceptable behaviour for the parents and community members. Supervised independent living should be explored and will require preparation for reintegration with the community. Other relevant options in context should also be explored (the assessment form should include a section on care arrangements to ensure all suitable options are explored – *see Annex 4 with overview of case management forms and content*).



### Alternative to imprisonment

- The assessment should **determine/recommend the optimal alternative to imprisonment tailored to the child's current situation and interests** based on an analysis of several aspects by using an intersectional lens and a socio-ecological approach (*see section 3.3 of the MoA*).
- If the first point of contact with the child (identification) has happened at this stage, (so no previous assessment or follow up have been done before trial) the caseworker and lawyer should explore and incorporate in the assessment, the impact over the child regarding actions and measures taken during previous judicial stages and whether child's legal rights have been respected. If the child was registered and assessed in previous stages, a review of the assessment including complementary information related of all points above, might be needed at this stage.
- As mentioned in the above stages of justice, depending on the case at hand a **'Family Assessment Form' might need to be used by the caseworker as a complement to the Child Assessment Form**.
- **Alternative care arrangements:** Some children in contact with the law may be denied returning to home/parents or community when they have been released from sentence due to unacceptable behaviour for the parents and community members. Supervised independent living should be explored and will require preparation for reintegration with the community. Other relevant options in context should also be explored (the assessment form should include a section on care arrangements to ensure all suitable options are explored – *see Annex 4 with overview of case management forms and content*)
- The assessment at this stage should **include a short legal analysis of the case** with a view to supporting the completion of the alternative to imprisonment and, hence, being able to close the case within the justice system as soon as possible. It is important for the caseworker to realize that at the time of the implementation of the alternative to imprisonment the case of the child is not only open formally within the justice system but also at a very critical stage where if the alternative to imprisonment does not go well, the risk to be sent to deprivation of liberty is exponential. Legal and social/child protection services are a must to be provided while the child is complying with the alternative to imprisonment.



### Early-release or post-release from deprivation of liberty

- The assessment at these stages mainly focuses on social/child protection aspects as well as the **child's interests** that are necessary **to build a Life Plan** with the child (see the following STEP 3) and to **identify what are the main stressors** for the child upon release and decide jointly mitigation actions.
- If the first point of contact with the child (identification) has happened at this stage, (so no previous assessment or follow up have been done before trial) the caseworker and lawyer should explore and incorporate in the assessment, the impact over the child regarding actions and measures taken during previous judicial stages and whether child's legal rights have been respected. If the child was registered and assessed in previous stages, a review of the assessment including complementary information related of all points above, might be needed at this stage.
- Exploring all key areas to inform short term plan and reintegration plan is crucial upon release (*Please refer to Annex 4 for an overview of assessment form areas*) integrating objectives and criteria for reintegration based on explored areas. (*Please refer to section 4.1.2 Reintegration outcomes, objectives and criteria*).
- As mentioned in the above stages of justice, depending on the case at hand a **'Family Assessment Form' might need to be used by the caseworker as a complement to the Child Assessment Form**. *Please refer to Annex 4 for an overview of case management forms*.
- **Alternative care arrangements:** Some children in contact with the law may be denied returning to home/parents or community when they have been released from sentence due to unacceptable behaviour for the parents and community members. Supervised independent living should be explored and will require preparation for reintegration with the community. Other relevant options in context should also be explored (the assessment form should include a section on care arrangements to ensure all suitable options are explored – *see Annex 4 with overview of case management forms and content*)
- Special attention is to be put by the caseworker to **cases of 'conditioned' early release**, where the child is likely to need extra support and services to navigate life after deprivation of liberty including by being compliant with the conditions of his/her/their early release, Reinsertion processes are never linear (*see Reintegration Standard 4 in section 4.1.1*) and it is extremely difficult for children to manage the fear to be sent back to deprivation of liberty if they commit any mistake.



## STEP 3 CM – Case Plan (The Reintegration Plan)

A reintegrative case plan would be based on assessment outcomes, composed by immediate, short-term planning (actions along the judicial stages) and a medium term and long-term reintegration plan (towards reintegration criteria to be met in post-judicial stages). While **specific examples of interventions are advisable for particular judicial stages**, a reference on types of **interventions that can be transversally applied to any stage**, depending on the case and needs are provided in an additional table below.



### Arrest & Custody at police level

- There would not be, as such, a Reintegration Plan since at this justice stage the child would not be formally in the justice system. A standard case management child protection system (short-term case plan) would apply keeping in mind the following aspects:
  - It is extremely relevant that the caseworker considers **preventative actions** to support the child (and eventually his/her/their family) aiming at minimizing he/she/they would be at risks of arrest by the police. A second arrest, even if the offense is minor or even if the child is not the main offender but was somehow involved in a situation, would put this child at risk of entering the justice system.
  - The caseworker should **ensure legal aid is provided to fully close the case at the police level** and ensure the child does not have any police background record.
  - Additionally, the caseworker should ensure identifying key **relevant family members' support or alternative care options** when needed.



### Diversion (with a particular focus on mediation)

- The Reintegration Plan should embed a restorative justice process as a diversionary measure. It is important that the caseworker works with the lawyer to determine **which of the restorative justice practices fits better with the case and has more reintegrative potential** (based on all areas explored in assessment, summary professional conclusion as well as child's views and interests).
- **Mediation is recommended if all the parties agree.** Social/child protection and legal expertise in designing a tailored mediation process are of the essence, precisely for the Reintegration Plan to comply with its main objective which is keeping the child safe and well-supported while minimizing/preventing recidivism (based on areas explored in the assessment, vulnerabilities, threats, capacities and strengths of the child, together with reintegration objectives and criteria).

*Tdh counts with a specific expertise in mediation as a restorative justice practice. It is of particular relevance for the Reintegrative Case Management System for Children and youth in conflict with the law the Guidelines of Penal Mediation for children developed in Africa and in the Middle East.*

*Guide pratique de la médiation pénale pour mineurs au Burkina Faso (2020) <sup>[19]</sup> Juvenile Penal Mediation in Palestine. A Framework for Advancing the Regulatory Process (2021)*

- Specialized professionals' engagement with community structures supporting children and resorting to community leaders (elders/youth) where relevant before and after mediation process would also be recommended (in line with reintegration objectives and criteria – Please refer to section 4.1.2 Reintegration outcomes, objectives and criteria.



### Pre-trial detention or alternative to pre-trial detention

- Within these two stages of justice (where the child is in transition), the Reintegration Plan should include (at least) different actions directed to support (at least):
  - Comprehensive and close follow-up care services with increased intensity if the child is in pre-trial detention.
  - Ensure psychosocial focused support if the child and family are distressed about trial proceedings and provide all needed information for predictability about the process.
  - Specialized and child friendly legal aid to prepare for trial proceedings.



### Trial proceedings (with or without custody)

- If the family of the child is supportive and can have a positive impact on the current situation of the child but also looking forward within the justice process, it is highly advisable that the Reintegration Plan is set up with the key **multidisciplinary professionals** involved in the case, the child, and his/her/their family using the methodology of '**Family Case Conferencing**', where the caseworker might be a suitable facilitator of the process bringing together all the parties with the child at the center of the decision-making process, analyzing the support and responsibilities the child and his/her/their family members assume and the specific support different professionals will provide along the process. Please refer to the Reintegration Standard 6 related to co-management and co-responsibility of the reintegration process of children and youth in conflict with the law.

<sup>[19]</sup> Tdh (2019). *Guide pratique de la médiation pénale pour mineurs au Burkina Faso*. [www.tdh.org/de/media/990](http://www.tdh.org/de/media/990)



### Imprisonment after the judicial process



### Alternative to imprisonment



### Early-release or post-release from deprivation of liberty

- Once a sentence has been issued by a judge, the Reintegration Plan gets a bit more complex, and it is advisable to consider in parallel within the same Reintegration Plan the following phases:
  - **Short- and/or medium-term actions** (those would depend on the time of the imprisonment sentence, or the time dictated by the judge to comply with the alternative to imprisonment). The actions included in the Reintegration Plan will be directed to ensure the well-being of the child, access to decent and dignified living conditions, and a range of protective services, that would be reinforced if the child is deprived of Liberty:
    - Ensure effective connection with loved ones throughout deprivation of liberty.
    - Ensure at the maximum extent possible facilitating (i.e. privacy and confidentiality) spaces for individual and group psychosocial support during deprivation of liberty.
    - Ensure access to learning recreational opportunities during deprivation of liberty.
    - Ensure access to recreational opportunities during deprivation of liberty: arts, sports, creativity and imagination-based forms of expression through age/culture/gender appropriate engaging methodologies.
    - Legal and civil documents.
    - Community engagement when appropriate.
  - **Long-term: the Life Plan.** It looks at (i) actions/services that prepare children imprisoned for their release and (ii) post-release actions/services that are to be planned and decided according to the child's/young person's interests and wishes for the future:
    - Formal education (accelerated learning or continue disrupted education including state examinations) and/or vocational training to support skill-building and enhance self-efficacy and agency matching life projects explored during assessment.
    - Ensure as much as possible alternatives to detention meaningful for child's interests and potential learning (matching life project) and contributing to community and social cohesion.
- **Alternative care arrangements:** Some children in contact with the law may be denied returning to home/parents or community when they have been released from sentence due to unacceptable behavior for the parents and community members. Supervised independent living should be explored and will require preparation for reintegration with the community. Other relevant options in context should also be explored.
- **Linked with the assessment exploration,** is important to discuss with the child/youth (his/her/their family or other support persons with a concrete role in the **Life Plan**) the strengths in terms of capacities and resources as well as the difficult barriers and potential stressors (and sometimes unexpected for them) that a child coming out from prison might need to navigate: frustration, exclusion, anger, etc. and how to identify, accept and progressively overcome them with support, including assessing how those barriers can have an impact on the Life Plan.
- The table below is indicative reference (to be adapted on a case-by-case basis) for case plan actions timeframes that should be considered depending on the offense at stake and, hence, the time of the imprisonment/alternative to imprisonment issued by the judge. This is to apply together and aligned with reintegration objectives and criteria. *(please refer to section 4.1.2 for complementary elements adapted to the case)*

<b>INFRACTION</b>	Case Plan interventions should be planned for <b>at least 3 months</b>
<b>MISDEMEANOR</b>	Case Plan interventions should be planned for <b>at least 6 months</b>
<b>FELONY</b>	Case Plan interventions should be planned for <b>at least 9 months</b>

## Elements of case plan applying a socio-ecological approach (non-exhaustive list but just as indicative reference to be considered)

### Child

- Child-friendly information on rights and responsibilities (direct support provided by the duo lawyer/caseworker) before, during and after judicial process.
- Individual or group mental health: level 3 focused support techniques (see MHPSS and trauma-informed care below).
- Psychological clinical support (Level 4) when needed and severe distress and emotional instability is identified provided by specialized service provider.
- Peer support (participation opportunities in sport, arts or any other educational or recreational spaces or activities to facilitate connection and bonding opportunities with peers).
- Peer mentoring (among children in similar conditions and past experiences and exchanging on successful reintegration life stories).
- Ensure access to learning opportunities (formal/informal).
- Explore livelihood income-generating opportunities strengthening economic autonomy plans and projects.

### Family

- Direct family support: identification of relevant family focal point for accompaniment (and family tracing if needed).
- Ensure caregivers' mental health support when needed, before, during and after judicial process.
- Family Group Conferencing.
- Assessing and strengthen parenting and supporting skills before release and reintegration. Ensuring household access to basic needs (Access to food, water, shelter, health) and services (to income generation and/or livelihoods) before and during reintegration.
- Facilitate appropriate alternative care environment if required.

### Community

- Using sport, arts and creative imagination as methodologies for building social inclusion and cohesion.
- Restorative community practices - customary justice included or articulated with formal justice process and outcomes, linked to community acceptance.
- Ensure access to existing community services and structures for children at risk follow up.
- Resorting to community leaders (elders/youth) to 'mentor' the child.



## STEP 4 CM – Implementation of the Reintegration Plan

Key consideration applicable to all stages of justice



### Arrest & Custody at police level

Based on the case plan, the caseworker should work with the child, the family, the judicial actors involved, the community and any service providers to ensure the child receives the appropriate services defined in the previous case plan step.

Services can be directly provided by the reintegrative case management core team (duo caseworker/lawyer see HR section below); or might require referral to external multidisciplinary service providers.



### Diversion (with a particular focus on mediation)

**Direct services provision** by the core team according to the needs and short-term action plan agreed.

- **Legal aid:** advocating for a child's situation with justice actors, presenting and defending social reports in court) and obtaining legal and civil documents.
- **Mental Health and Psychosocial support (MHPSS).** Levels 1 to 3 of the MHPSS pyramid can be directly provided by a trained core team:
  - **Level 1 MHPSS interventions:** ensuring and advocating for access to basic needs and safety, basic information on rights and responsibilities, predictability over judicial stages and risks.
  - **Levels 2 and 3 MHPSS interventions** that can be provided by trained caseworkers:
    - Level 2 family and community-based support: Promoting restorative practices and engagement with community structures and services support; ensuring family connection, mediation and family conferencing.
    - Level 3 focused support through appropriate communication, listening and strengthening competences and skill building techniques (strengthening communication skills, self-awareness, emotional and behavioural regulation techniques; trust building techniques, strengthening empathy and bonding skills; problem solving and decision-making techniques)



### Pre-trial detention or alternative to pre-trial detention

Please refer to [Annex 1 Psychosocial considerations](#) and [section 4.1.2 reintegration objectives and criteria](#), to complement and adapt depending on each case.



### Trial proceedings (with or without custody)

Other specific actions planned for will require a **referral to other specialised service providers** (such as clinical psychological support through individual or group sessions; medical services; formal and/or non-formal education, recreational activities, vocational training, employment opportunities...)



### Imprisonment after the judicial process

- and must be coordinated by the caseworker.
- clear guidance on information sharing procedures and data protection must be available and understood by all stakeholders involved, **upholding confidentiality** and data protection rights by all service providers.

When implementing the Reintegration Plan, there are **specific considerations that are to be taken into account for children and youth who are deprived of liberty** (whether in pre-trial detention or already serving a sentence of imprisonment):



### Alternative to imprisonment

- Access to almost any type of specialized service might be highly limited in detention centres. The caseworker should strongly **advise and advocate for allowing external multidisciplinary professionals** to enter the detention centres to provide the specialized services children are entitled to and that are essential for a successful reintegration process. Working with professionals who are not part of the daily imprisoned life of children comes with additional benefits as children will normally feel more at ease and safe with those professionals.



### Early-release or post-release from deprivation of liberty

- **Specific attention to medical services** provided to children and youth deprived of liberty. It is highly advisable that caseworkers verify that medical professionals working with children deprived of liberty are specifically trained to identify potential sexual and gender-based violence (SGBV), ill-treatment, etc., and that are working in hand with child psychologists and lawyers when they identify a potential case. Professional confidentiality is of the essence. It would be important to check with the detention management authorities if specific protocols exist or not to determine the best course of action for the child.

- **Clinical Mental Health and Psycho-Social Support (MHPSS Level 4) in detention are to be carefully considered.** When clinical services are required (L4 of the MHPSS pyramid), caseworkers should verify at least that: (i) a tailor risk assessment has been done, (ii) specialized and trained professionals can provided the service required and (iii) the detention facilities ensure confidentiality between the child and the professionally providing the services.



## STEP 5 CM – Follow-up & review of the Reintegration Plan

Key consideration applicable to all stages of justice



### Arrest & Custody at police level



### Diversion (with a particular focus on mediation)



### Pre-trial detention or alternative to pre-trial detention



### Trial proceedings (with or without custody)



### Imprisonment after the judicial process



### Alternative to imprisonment



### Early-release or post-release from deprivation of liberty

- **Close follow up is crucial at all stages**, to ensure the case plan is working, and mostly for the child to feel accompanied along the process and having a trust professional as the caseworker to turn to, but also for the caseworker to be able to identify with the child, any relevant changes or new needs along the process that will necessitate a case review (change of course) of key elements of the assessment informing changes in the case plan. The frequency of follow ups to ensure the case is well monitored will depend on the situation of the child, the risk level. *(see Annex 3 – Risk levels)*
- Follow up & review must always be done in relation to the reintegration case plan evaluating process **towards reintegration objectives and criteria**. *(Please refer to section 4.1.2)*
- It is important to remember that **any Reintegration Plan, will always need reviews and required adjustments**. When a Reintegration Plan works, progressive changes at different levels will be present in the life of the child/young concerned that would imply a different perspective of things, a change of opinion pertaining to some previous decisions taken, etc. This is not only perfectly normal but also a positive sign of advancement in the reintegration journey. *(Please refer to Reintegration Standard 4)*
- However, when working with children and youth in conflict with the law, there are **three particular stages that require specific attention** and where it is advisable to **review of the Reintegration Plan** (whether in the short-, medium- and/or long term) but also an **eventual review of assessment elements and risk levels**. The needed adaptations to the Reintegration Plan are to be assessed by multidisciplinary professionals (social/legal) and should be agreed together with the child/young person, his/her/their family as relevant.
  - **Pre-trial detention decision issued by the prosecutor.**
  - **Imprisonment sentence after trial proceedings**
  - **Early or post-release from imprisonment**

The abovementioned three stages of justice come with a very intense charge of emotions and feelings that are complex to deal with requiring specific professional and family support and stages that, when following up, are particularly susceptible to require attention for a case review.

- Please refer to *Annex 2 – Legal considerations* around a child's/young person's case (that matters both to legal professionals and case workers) and *Annex 3 – Risk Levels* to grasp some of the key elements of those justice stages that call for a review of the Reintegration Plan.
- Complex case reviews might need to involve multisector relevant stakeholders, depending on the situation of the child (family, lawyer, psychologist or other specialised service providers involved), through a so-called **"professional case conference"** to explore multiple options and make formal decisions in the best interest of the child. *(Please refer to Annex 4 with overview of case management forms)*

## ✓ STEP 6 CM – Case Closure & Review

Review [Part 4.1.2](#) of the MoA regarding criteria for ‘successful reintegration’



### Arrest & Custody at police level

- **It is not advisable to close a case of a child in arrest and custody**, as being considered at high risk from a protection lens (*see Annex 3 – Risk levels*). If needed, it should be transferred to another protection actor.
- At this stage (pre-judicial), the case closure would go via a standard child protection case management system that would be managed by social/child protection professionals.
- However, special attention to preventative actions completed at the case closure should be reinforced with children at risk of being in conflict with the law following an encounter with the police.



### Diversion (with a particular focus on mediation)

- The case is closed when the mediation outcome is completed/the mediation agreement is complied with. It is advisable that the successful completion of the mediation outcome/agreement is out in writing and filed within the case management system.
- The same will apply if the diversionary measure has been different from mediation.



### Pre-trial detention or alternative to pre-trial detention

- **It is not advisable to close a case when a child is still in pre-trial detention or awaiting trial** while an alternative to pre-trial detention is being implemented (considered at high/medium risk, *see Annex 3 – Risk levels*). If needed, transfer to the competent authority or other specialized actors depending on the circumstances of the case.
- Many children spend in pre-trial detention long periods of time. Avoiding closing a case while this is still the case could help put some pressure on the judicial authorities in charge to expedite the case, as it should be for all children’s cases (right to a speedy judicial process <sup>[20]</sup>). It is important that the caseworker works with the lawyer of the case in this regard.



### Trial proceedings (with or without custody)

- **It is not advisable to close a case when a child is still in trial proceedings** (considered at high/medium risk, *see Annex 3 – Risk levels*). If needed, transfer to the competent authority or other specialized actors depending on the circumstances of the case.
- Avoiding closing a case while a child is at trial could help put some pressure to have the matter determined without delay by a competent, independent, and impartial authority or judicial body in a fair hearing according to law, as it should be for all children’s cases (the right to a fair trial <sup>[21]</sup>).



### Imprisonment after the judicial process

- **It is not advisable to close a case when a child has received a sentence of imprisonment.** If needed, transfer to the competent authority or other specialized actors and ensuring when transferring, that the receiving actor will be able to ensure support and continuation for reintegration.

<sup>[20]</sup> Article 40.2(iii) of the *Convention on the Rights of the Child*.

<sup>[21]</sup> Article 40 of the *Convention on the Rights of the Child*.



### Alternative to imprisonment

- The case will be closed at the justice level when the alternative to imprisonment has been fully and positively completed and it is confirmed as such by judicial order issued by the judge/s assigned to the case.
- Within Reintegrative Case Management, the case will be closed **when the short- and/or medium-term reintegration plan has been completed** (and *positive progression is assessed against reintegration criteria – section 4.1.2 of the MoA*) and when the long-term reintegration plan (Life Plan) has been developed with the correspondent professionals, the child, and his/her/their family when relevant. At case closure, it will be advisable to have already identified follow-up systems, including with community actors.

*The table below is indicative of some key reintegrative timeframe for case closure within reintegration plans (at short-, medium-, and long-term) that should be considered depending on the offense at stake. It should be adapted on a case-by-case basis.*

<b>INFRACTION</b>	Interventions conducted for at least 3 months + 12 months without reoffending for case closure + review 'successful reintegration'
<b>MISDEMEANOR</b>	Interventions conducted for at least 6 months + 24 months without reoffending for case closure + review 'successful reintegration'
<b>FELONY</b>	Interventions conducted for at least 9 months + 36 months without reoffending for case closure + review 'successful reintegration'



### Early-release or post-release from deprivation of liberty

- At the justice level, the case is closed when the early release or the release order has been signed by the competent judicial authority.
- Within Reintegrative Case Management, the case will be closed when:
  - the short- and/or medium-term reintegration plan has been completed (and *positive progression is assessed against reintegration criteria – section 4.1.2 of the MoA*)
  - and the long-term reintegration plan (Life Plan) has been developed with the correspondent professionals, the child, and his/her/their family when relevant. At case closure, it will be advisable to have already identified follow-up systems, including with community actors.

*The table below is indicative of some key reintegrative timeframe for case closure within reintegration plans (at short-, medium-, and long-term) that should be considered depending on the offense at stake. It should be adapted on a case-by-case basis.*

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<b>MISDEMEANOR</b>	Interventions conducted for at least 6 months + 24 months without reoffending for case closure + review 'successful reintegration'
<b>FELONY</b>	Interventions conducted for at least 9 months + 36 months without reoffending for case closure + review 'successful reintegration'

### The criminal records of children and youth in conflict with the law

Criminal records of children and youth are a central element that can jeopardize an initial successful reintegration if opportunities in the outside world are shut down for them. Children and youth with a criminal record face stigma and discrimination in accessing education, training, employment, travel and housing and these obstacles can follow a child and a young person into adulthood impacting adversely on their life chances and their ability to reintegrate positively into society. Lawyers should ask officially for a deletion or anonymization of the child's/young person's criminal record.

The child file in the Reintegrative Case Management System might contain total or partial information about the criminal record. Once the case is closed it is of utmost importance that the caseworker proceeds to anonymize/delete that information.

### 4.3. In Practice (WHO) – Multidisciplinary Human Resources, Roles & Responsibilities

**The Social/CP Workforce, together with law enforcement and security forces, and legal professionals and judicial actors,** form one of the cornerstones of Child Justice Systems across the world, and all three groups of professionals must implement follow and implement a co-operative and interdisciplinary approach when working with children and youth in conflict with the law. A tailor-made reintegrative case management process aims to bridge the gap between both systems, maintaining an accompanying role from prejudicial and judicial stages to post-judicial period ensuring continuity of care until reintegration, and at the same time ensuring support and effective cooperation between parents, child/social welfare and social protection, education, health, law enforcement and justice systems.

#### A central referent: the case worker

While it is widely agreed and proved that the interdisciplinary work to happen effectively relies on a well-functioning case management system, the role of case worker tends to be somehow transferred from one agent of the system (police, justice, child welfare) to another, at various stages of judicial procedures. Despite technological and methodological tools at their disposal, the different professionals on the system do not coordinate properly, affecting largely the reintegration process of the child/youth in question. The principle of having a central referent able to convene (and inform) the different professionals and partners in the reintegration process of the child/youth in conflict with the law needs to be established in many countries. The key is that a shift – or at least a better linkage and increased focus - might need to be made from a case-management of the judicial decision-making and implementation process to a case-management of the reintegration process. The responsibility for managing interdisciplinary interventions and stages in the reintegration process is to be placed on a case manager collaborating with various institutions and services. This may help to bridge the gaps often observed between psychosocial and educational work, between mental health needs and detention regime, between training and motivation or follow-up placement, etc.

**Quality case management is almost entirely dependent of competent human resources.** Accompanying children in complex situations and coordinating numerous actors and services require exploring clear solutions and decisions regarding children’s best interests, which are often complex and unclear. Caseworkers are expected to have numerous competences (skills, attitudes and knowledge)<sup>[22]</sup> to ensure quality of support and services for children and youth, they shouldn’t be expected to do it alone. Constant legal expertise and support throughout the process as well as consistent, structured supervision are essential to adequately promote children’s best interests throughout the case management process and cope with the daily stressors of the work.

#### Who is the case worker?

The profile and background of the caseworker depends on the country and its national social work framework and legislation: In some countries case management work can only and exclusively done by nationally certified social workers, while in other countries this regulation does not exist, and case management work can be done by different types of profiles with social background or no specific educational required background. In the case a social work certification is not required, case management work can be done by different profiles but always having followed a training on case management under international and (if existing) national standards.

Each country has also different terminology to refer to this position: case worker, social assistant, social worker, case manager, psychosocial assistant/worker...). For this reason, and for the purpose of this guidance, case worker is the selected terminology that comprises all different profiles and terminologies and represents a worker that has followed essential case management training.

<sup>[22]</sup> It is recommended that all case workers to whom this model of action is addressed to, should have followed already a case management training, if existing, a national validated one, if not existing in country, the recommended training under international standards, is the *Child Protection Training Package for caseworkers*, developed by the Case Management Task force (where Tdh is an active contributor). It promotes gradual learning through three different levels: 1) foundational training; 2) competency-based training; 3) advanced training. The content of this model of action can be considered a complementary advanced training.

### The role of the case worker and system strengthening

In the particular case of children in conflict with the law, most of the countries only allow for vetted certified social workers and mandated government institutions to engage with children and to provide support and accompaniment throughout the judicial stages. Nevertheless, this can change for post-release stages in a reintegration process, where after judicial procedures, other case workers might be allowed to engage with children in the reintegration process. Due to the importance of continuity along the reintegration process, the ideal would be that a same case-worker follows the case throughout the reintegration process, from earliest identification possible during judicial procedures until reintegration upon and after release. If that is impossible, then the maximum continuity and consent from the child and family to transfer the case between caseworkers must be planned for.

The purpose of this guidance is therefore intended to any direct case management work done by Tdh and partner's staff, but also and importantly, to be framed as a system strengthening guidance, to build capacity and provide support to government mandated institutions and social workers engaging directly with children in conflict with the law.



### 4.3.1. The Core Team for reintegrative case management approach

**The duo of caseworker and lawyer is an indispensable one for a tailor-made reintegrative case management approach.** Joint efforts and good coordination of actions will allow to already provide or ensure the provision focused psychosocial support to the child (access to basic needs, access to appropriate and child friendly information to understand the stages of judicial process, its potential impacts and consequences, keeping the child connected to family and positive social networks against isolation risks, basic emotional support and calming when the child is distressed by lack of information about judicial outcomes or potential consequences). Supervision of the core team is also paramount to ensure appropriate practice support.

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#### Caseworker

*(Social worker, case manager, social assistant, psychosocial assistant or worker...)*

#### Supportive role

- ✓ To accompany the child along all the steps of the judicial and reintegration process (in close collaboration with lawyer) ensuring safety, dignified and effective access to services to respond to the child's needs and promoting child's connections against isolation.
- ✓ Provide focused MHPSS including basic emotional support, lay counselling, family mediation, psychosocial screening, information provision, among others.
- ✓ Advocate on behalf of the child (in close collaboration with lawyer)
- ✓ Share assessments information to inform social reports to use in court.

#### Coordination role

- ✓ Coordinate with key stakeholders (police, lawyer, court/judge, service providers) to proactively identify and refer children (in close collaboration with lawyer)
- ✓ Centralizes all information regarding the case and service providers.
- ✓ Locate services and help children and their family access those services through referrals.
- ✓ Hold case conferences with other actors and services for best interest assessment, decision-making and social reports (in close collaboration with lawyer)

#### Information management responsibilities

- ✓ Documentation and storage of each case's information
- ✓ Uphold confidentiality and data protection protocols along the whole process and oversees confidential information sharing among all actors and service providers involved

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#### Lawyer

- ✓ Ensures continuity of legal support across judicial stages and up to date information until case closure in close collaboration with the caseworker.
- ✓ Provide legal counselling and age/maturity appropriate information (in close collaboration with the caseworker)
- ✓ Provide legal representation.
- ✓ Advocate for child's rights and reintegration goals since the earliest stages of the judiciary process (in close collaboration with the caseworker)
- ✓ Shares all case legal information with the caseworker for record keeping (under confidentiality and informed consent)

*Please refer to Annex 2 – Legal considerations around a child's/young person's case (that matters both to legal professionals and case workers)*

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#### HR standards for reintegrative case management:

- **Core team appropriate number and ratio** is crucial to ensure quality work. For the complex nature of CYICL cases a range between **10 to 20 maximum cases can be handled simultaneously by one caseworker and lawyer**, depending on the cases' type of offence and complexity.
- **Appropriate supervision.** Ideal supervision is strictly technical (without hierarchical links) so it can provide overall support to the core team to ensure competent and accountable practice, planning and overseeing caseloads, assessing and strengthening competencies, promoting reflective practice, critical thinking and decision making, encouraging self-awareness and sensitivity, as well as ensuring core team's wellbeing promoting self-care practices and safe space for discussions. **Ideally 1 supervisor should oversee a maximum of 5-6 caseworkers, including coordination with lawyers.**

### 4.3.2. Multidisciplinary actors and service providers with a key role in reintegrative case management system for children and youth in conflict with the law

To understand the importance of the case manager’s role and the complexity of necessary interconnected actions, the following table lists all actors and simultaneous services involved, that require direct contact and interactions with the child. The case worker supports and filters these interactions, depending on needs of each case, with the primary consideration of the best interest of the child.

<b>Forensic psychologist</b>	<p>Responsible of psychological forensic assessments of children alleged or accused as perpetrators and the victims. It needs to be distinguished from the supportive role of the case worker and clinical psychologist.</p> <p>Forensic assessment will focus on the offending behaviours, and the risk that the child might pose to the society, while the caseworker’s assessment will focus on the child’s life conditions, vulnerabilities and social comorbidities, exploring what risks the environment poses for the child to develop negative coping and adaptative mechanisms that can result in offending behaviours or decrease chances of positive reintegration.</p>
<b>Probation officer</b>	<p>The probation officer is a social worker part of the justice system and enters into action whenever the judicial stage demands it (diversion measures, alternatives to detention or monitoring first steps of release during the probation period), the focus of the probation officer is rehabilitation of offending children and monitoring the evolution, but particularly focusing on the risks that the child poses to society along his/her/their rehabilitation. Differing from the case worker, who works within the child protection system, aims to provide a continuum of care including pre and post-judicial stages, and focuses on reintegration goals, larger than the rehabilitation of the offending behaviours.</p>
<b>Police</b>	<p>The arrest and eventual custody of children is a critical moment that can determine how a justice process might go and its impact on children and youth deprived of liberty. Having close coordination with the police to identify and register arrested children and youth and consider police authorities in the immediate actions to put in place is paramount to ensure children and youth would be granted non-custodial measures but also to put in place a case plan (with reintegrative elements as need be) at the earliest.</p>
<b>Judicial authorities (prosecutors, judges, etc.)</b>	<p>The decision-making competencies granted to judicial authorities in cases of children and youth in conflict with the law make them a key actor to engage with and influence during the reintegrative case management system. The assessment (‘social inquiry report’) is a powerful tool that can determine the justice pathway of a child/young person, how the short-, medium- and long-term reintegration plans are designed and supported by different professionals coordinated by the caseworker can make a huge difference regarding the decisions that judicial authorities might take during trial proceedings (e.g. alternative to imprisonment vs. deprivation of liberty, early release orders). In as much as possible, and when the case advises so, it’d be important to consider judicial authorities in case plan conferences organized by the caseworker.</p>
<b>Custody / detention personnel</b>	<p>As stated in the sections above, the involvement of detention personnel in facilitating the implementation of reintegration plans (short- and medium-term) for children and youth deprived of liberty (whether at pre-trial or due to an imprisonment sentence issued by a judge) is a cornerstone to well prepare them for (early) release. The coordination of the caseworker with the detention personnel is required to ensure the work of the different professionals assigned to accompany the child/young person during reintegration while in detention (legal professionals, psychosocial, educators, medical, etc.) but also to monitor that the treatment and conditions of detention of those children and youth are not only complying with the rights they are entitled to but also are respectful, dignified and conducive to their reintegration.</p>
<b>Caregivers / family / legal guardian</b>	<p>Caregivers and family play an important role and need to be kept involved and updated at the earliest stage possible when the child comes into conflict with justice.</p> <p>Child must participate in deciding what are the meaningful and supportive connections within his/her/their family environment. The caseworker can work simultaneously and separately with the child and family, providing appropriate information to both (in close collaboration with the lawyer) and preparing or monitoring the reintegration process upon the return of the child to the family environment.</p> <p>When dealing with unaccompanied children and youth in conflict with the law, Guardianship will be a necessary additional step to ensure all decision-making is done in the best interest of the child</p>

<b>Resource community people</b>	<p>Besides nuclear and extended family, community networks and peer groups are crucial, specifically for adolescents and youth.</p> <p>Sometimes there are specific people who play an important role and mentorship with the child (leader, teacher, coach, animator, friend... ) supporting reintegration effectively.</p>
<b>Psychologist / focused and clinical services</b>	<p>Provide direct support services depending on needs identified and in close coordination with caseworker, or provide evaluation, screening and referral to external MHPSS service providers, depending on needs:</p> <ul style="list-style-type: none"> <li>• Clinical psychological support services</li> <li>• Group support groups</li> <li>• Peer mentoring support</li> <li>• Family therapy and mediation</li> </ul> <p>Provide up to date psychological information to caseworker.</p>
<b>Other service providers (health/ education/ vocational training, etc.)</b>	<p>A number of service providers might be needed to respond to the child's needs based on assessment and case plan decided together with the child and family.</p> <p>Each and every service will be activated by the caseworker by referral, and the efficiency, quality and dignified conditions of service provision monitored by the caseworker.</p>





## 5. Annexes

## Annex 1 – Guiding considerations promoting psychosocial resilience of children and youth in conflict with the law for a successful reintegration

From a mental health and psychosocial perspective, the main objective is to build child/youth psychosocial resilience capacities and resources to develop a **positive personal identity and control over life outcomes**. In order to achieve such ambitious objective, smaller and more specific psychosocial objectives need to be targeted and strengthened, such as *feeling safe, connected, worthy, respected, and hopeful* <sup>[23]</sup>. To achieve psychosocial objectives of resilience, all social comorbidities and intersectional harms and strengths (so called risk and protective factors) must be considered to address all internal and external factors challenging or facilitating a positive reintegration into communities and society. To do so, it is important to examine through a tailored approach all risks and protective factors at all socioecological levels surrounding the child.

The following table includes an overview of **risks and barriers that can challenge a successful reintegration**, categorized under main areas of child wellbeing and development and therefore to be mitigated and reduced along the reintegrative process of accompaniment, as well as **protective factors that can support and facilitate both the process of reintegration as well as a successful final outcome**, and therefore to be considered and strengthened along the process of accompaniment.

Pillars	Risks / barriers to successful reintegration	Protective factors increasing chances of successful reintegration
<b>Safety &amp; security</b>	<p><b>Emotional instability</b>, challenges in self-regulation and control over non-adaptative behaviors affecting daily functioning (at both extremes from withdrawal and isolation to aggressiveness or hypersocial activity) feeling emotionally unstable leads to perceived unsafeness.</p> <p><b>Prolonged insecurity</b> during the judicial process:</p> <ul style="list-style-type: none"> <li>▶ Due to any form of violence and threat to physical integrity (physical, sexual, emotional) during custody, detention or alternative measures and upon release and reintegration</li> <li>▶ Lacking appropriate information to understand own rights, the situation and potential impact at each stage of the judicial process). Prolonged unstable conditions without appropriate information might lead to further psychological impairment.</li> </ul> <p><b>Deprivation of basic needs</b> upon release in family or in alternative care environment. Prolonged detention increases dependency and vulnerability which can undermine the sense of self efficacy contributing to perceived unsafeness that may exacerbate emotional instability.</p>	<p>Having appropriate information about psychological coping reactions</p> <ul style="list-style-type: none"> <li>▶ Self-awareness on non-adaptative behaviors</li> <li>▶ Emotional regulation capacities</li> <li>▶ Sense of calming or reduced overwhelming emotions</li> </ul> <p>Having access to understandable information on rights, predictability over stages of judicial process and understanding of potential outcomes and consequences (before, during and after judicial process)</p> <p>Basic needs covered upon release to family or appropriate information about how access such basic needs.</p> <p>Appropriate information about potential risks and threats upon release and reintegration and protective measures accessible</p>

<sup>[23]</sup> *Psychosocial Resilience and wellbeing framework*, Tdh, 2020.

## Bonds & Networks

### Disrupted bonds:

- ▶ isolation and disconnection from family or other meaningful relationships during judicial process challenge the transition towards reintegration.
- ▶ Family tensions, fears or apathy upon release and reintegration
- ▶ Unsolved community tensions involving the child upon release and reintegration.

### Undermining relationships:

- ▶ idealizing risky relationships or fear from peer pressure leading to involvement in negative coping strategies or offending behaviours before, during and after judicial process, particularly upon release and reintegration.
- ▶ Social non-adaptive behaviours impeding bonding with others (aggressive behaviours, withdrawal...)
- ▶ lacking seeking support skills (not knowing how to ask for help or where to turn to in case of need for support)

- Supportive family unit, and willingness to invest efforts in reintegration process.
- Supportive extended family members
- Positive peer support and networks
- Caring family – meaningful supportive networks
- Assertiveness, bonding skills and help seeking capacities.

## Rôles & Identity

**Marginalisation, discrimination, stigmatization and prejudice** are characterized by **labelling** and undermining roles and identities. If the perception of the child does not change within family and community it might contribute to reproduce roles and behaviours as a response of socially given and driven identities, increasing risks of recidivism.

### Roles and identity confusion and transition:

Challenges in transition from being in conflict with the law towards positive roles and identities upon release might hamper the process if combined with labelling and stigma.

Particularly:

- ▶ when there has been a period of deprivation of liberty, where the child might have developed a temporary role in detention in relation with other inmates and fearing the transition upon release (being someone in detention facilities and no specific role or labelled role outside)
- ▶ children in conflict with the law due to “moral crimes”: disruption at key developmental stages of identity construction, undermining self-esteem, self-confidence and sense of belonging may lead to sense of alienation and identity confusion which can contribute to significant negative coping and adaptive behaviours mental health clinical implications (depression, abuse of substances, suicidal attempts...).

- Income/means of livelihood to cover basic needs and support family (caregivers/youth)
- Educational and employment/livelihood opportunities
- Financial capacity for accessing education, vocational training.
- Livelihood assets (list of assets from food security resilience)
- Positive role model
- Active and positive Roles and responsibilities within family and community upon reintegration
- Having perceived control over emotions and outcomes, self-efficacy, self-esteem, agency
- Capacity to establish a coherent consistently meaningful roles and a durable sense of identity.

### Perceived vulnerability and helplessness

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**Justice  
& Rights**

Not being consulted or listened to.

Anger as normative and adaptive emotional response to injustice, is often labelled as deviant and repressed, leading to further mental health deterioration interventions avoiding acknowledgement and understanding of cultural, and structural underlying vulnerability conditions and socio-political injustice might be harmful and pathologizing.

Degrading or humiliating treatment during judicial process.

No access to basic rights and information about justice system, stages and consequences in appropriate manner.

Entering the formal justice system with no possibility for diversion or appropriate child-friendly alternative sentencing and restorative justice measures.

Having access and understanding information about justice system, judicial process, stages, consequences, rights and responsibilities.

Positive experience within the justice system.

Access to diversion and alternatives to detention.

Financial capacities to access and claim rights (transport, translation, legal support. . .)

Sense of responsibility and capacity to acknowledge mistakes-weaknesses, capacity to acknowledge impact of own conduct on others.

Critical consciousness and critical thinking capacities, ethical thinking (capacity to debate about what is wrong and just and question norms).

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**Hope  
& meaning**

Perceived unsafety, dependency, helplessness.

No life projects (short, medium, or long term).

Not appropriate household conditions upon reintegration – nothing changes, I don't change.

Labelling and discrimination – unsuccessful change of role upon return to community.

- Creative thinking.
- Planning capacities.
- Access to opportunities.
- Financial capacity to develop life projects.

## Annex 2 – Legal considerations around a child’s/young person’s case (that matters both to legal professionals and case workers)

### Arrest & Custody at Police Level

- The following **details about the arrest should be documented** as accurately and comprehensively as possible:
  - Who carried out the arrest?
  - How many people were there in the arresting authorities?
  - Was an arrest warrant presented?
  - How did the arrest happen?
  - Was any person questioned at the time of the arrest?
  - Was the child subjected to a body search?
  - Was the child hand-tied?
  - Was the child subjected to any means of pressure, threats, physical or verbal abuse during the arrest?
  - How was the child taken to the arresting place (i.e. police station or others)?
  - Was the family informed about the reason for the arrest and how the child was taken?
  - Was the child provided with some information by the arresting authorities?
  - Has any file been initiated at the arresting place?

These details are important to ensure an accurate account of the legal process.

- If need be, **to obtain power of attorney** from the child’s father/mother/legal guardian.
- When visiting a child for the 1st time after his/her/their arrest, explain his/her/their **core rights during arrest**: the right to remain silent and not to incriminate him/her/themselves, the right to notify a third person of the detention, the right to consult a lawyer, the right to obtain medical care, the right to challenge the legality of the arrest, the right to be held separately from adults, etc.
- Provide **information to the child about the interrogation process during arrest & custody** at the police level:
  - The child should be cautious about the information provided in the interrogation as it can be eventually used against him/her/them.
  - Silence and lack of cooperation may be used against him/her/them in court procedures. However, silence may be preferable in some circumstances, especially if the lawyer is not present with him/her/them.
  - His/her/their parents/legal guardian/adult support person may be prevented from visiting him/her/them during interrogation and possibly also in court hearings.
  - He/she/they must know that in some instances, the interrogation can be intense even without the lawyer being called. He/she/they needs to ask for the lawyer to be present and/or inform his/her/their lawyer as soon as possible of the events.
  - Interrogation can continue even when he/she/they is transferred to a pre-trial detention facility.

- Request all the **transcripts and recordings of the interrogation** and verify that the transcripts and all translations summarizing the interrogation do not misrepresent the interrogation record in a manner detrimental for the child.
- Verify if the parents or relatives have been informed where the child is being held and of the interrogation. Note that in cases of security-related offences, that notification (including the one to the lawyer and/or the case worker) can be delayed intentionally. Reinforce oversight/follow-up.
- Submit a **bail request** to the competent authority as immediately as possible (if allowed in the applicable law in the country) adding arguments as agreed with the case worker/child and/or social protection professionals. This may hasten release. In cases where there is no prima facie grounds to detain the child, a request should be for release without bail.
- **If the child was subjected to any ill-treatment, this is the moment to file a complaint.** It is very important that lawyers and caseworkers know and closely monitor possible ill-treatment during arrest, interrogation, transfer to pre-trial, etc. **The conditions of detention during the arrest are to be documented.** If the child is willing to speak about it without causing him/her/them any distress/further harm, a sworn testimony can be carried out by the lawyer. Psychosocial support is to also be provided during these steps and should continue as required. If a complaint is filed by the lawyer, inform the child of all the processes that may take place and prepare him/her/them accordingly, together with the child psychosocial professionals assigned by the caseworker at the moment of the registry due to a high level of risks.
- **If the lawyer has been denied seeing the child during the arrest phase, an appeal is to be submitted** before the competent authority in the country, supported with social protection arguments provided by the caseworker on the case.

*It is very important to do everything possible legally and socially speaking to secure the release of the children from arrest as soon as possible.*

### Pre-trial detention or Alternative to Pre-trial detention

- Closely follow up with the authorities in charge of the investigation of the case the advancements and the evidence/testimonies being collected.
- If the lawyer and/or the caseworker are prevented from physically accessing the child while deprived of liberty following a pre-trial detention order, an appeal is to be urgently submitted by the lawyer to the competent authority.
- Please refer to the 'arrest & custody at police level' section above regarding potential signs of any sort of **ill-treatment** the child in pre-trial detention might be exposed to.
- As the lawyer of the child, **make every effort to prevent pre-trial detention for the duration of the investigation proceedings of the case as extended periods of custody may pressure or influence the decision of the child to make a plea bargain this is not in the best interest of the child.** Stress that pre-trial detention of a child should be a mean of last resort and whenever possible question whether the grounds for the child's continued detention as stipulated in the applicable law / jurisprudence have been met.

- The lawyer should request a **Social Inquiry Report** to be filed to the justice authorities in charge of the case. This report should include recommendations for alternatives to pre-trial detention proposed by the social/child protection staff assigned to the case. Social inquiry reports are highly helpful in preventing pre-trial detention. The role of the caseworker is crucial in bringing together and coordinating among different professionals to perform the social inquiry report according to the specificities of the case. Legal expertise should be also part of the social inquiry report process to advise on the legal effectiveness of the social arguments and recommendations in the report.
- In preparation for the **hearing at this pre-trial detention** stage, the lawyer should have all the child's files (police and prosecution documentation) as well as transcripts of the child's interrogation sessions and if possible, also the video recording of those interrogations. Other people's affidavits if interviewed for the case should be also part of the lawyer's documentation for the hearing.
- In pleas at the hearing for the release of the child, the lawyer should make **reference to any violation of the child's rights that occurred prior to the hearing**, including failure to safeguard his/her/their dignity and physical and psychological well-being and any indication that the child's basic rights and needs, including aspects of family ties, education, recreation were or maybe unduly compromised. The caseworker and the lawyer are to work together on this.
- If possible, under the applicable law, **house arrest**, while legal proceedings take place, is usually an option that courts are open to granting (except in offenses related to security offenses). If house arrest is feasible, the child and the family need to be very aware of its conditions and the responsibilities it entails. The lawyer must prepare the hearing, together with the caseworker, having assessed all the options available, including the feasibility of the house arrest option given family/child conditions/situation. Similarly, any form of conditional release must be very well assessed in advance and prepared by the lawyer with the caseworker, the family, and the child. If failure to meet appropriately house arrest/any other form of conditional release, the consequence for the child to be deprived of liberty for a longer period at the trial stage increases exponentially.

*It is very important to do everything possible legally and socially speaking to secure the release of the children from pre-trial as soon as possible.*

### Trial proceedings (with or without custody)

- In **considering whether to go to trial or to agree on a plea bargain**, the following elements are to be considered by the lawyer preparing the defense of the case:
  - Is there a confession? Was it forced? How long it will take to challenge it, if at all possible?
  - Is the child in pre-trial detention for the duration of the investigation proceedings? If so, could a plea bargain secure a quicker release than the time the proceedings are likely to be extended for?
  - What is the weight of the evidence against the child? How long is it likely to challenge the evidence?

The above **legal elements are to be also put in relation to the psychosocial situation of the child** (if he/she/they is receiving services, if the conditions of pre-trial detention are safe, if the child is receiving the visit of child protection professionals, the lawyer, the family), etc. The caseworker is central in this sense.

Once the above elements have been studied, an informed decision with the child and his/her/their family is to be taken, having in mind the best interests of the child as the first concern.

- If going to trial, **explain the legal proceedings that the court will undertake during the trial process to the child, each step/action, and its potential consequences.**
- At this stage, the lawyer should present any **preliminary pleadings**, for which collaboration with the caseworker is, again, of the essence:
  - Highlight any indication that a statement or a confession used as evidence against the child was taken under duress and request the court to disqualify it. In such a case, a secondary proceeding will be conducted to assess the claims that the confession was obtained under duress.
  - Do not solely rely on the materials in the file prepared by the prosecution. Collect and submit evidence to challenge the prosecution account.
  - Study the materials in the file carefully to identify weaknesses in the indictment (e.g. if the transcripts in the file deviate from the video recording, if witness testimonies against the child carry inconsistencies, inaccuracies, etc.)
- **Appeal against conviction** if the judgment is issued in that sense according to the stipulated time set forth in the law (usually appeal is to happen within 20 days from the issuance of the judgment).
- If no conviction is imposed by the judge, ensure that all the **conditions of the penalty imposed are clearly included in the judgment issued.** Make sure that the certified copies of the judgment are handled to the lawyer, the child, and his/her/their family, and to the caseworker in charge of the case within the reintegrative case management system.

### Imprisonment after the judicial process

- If an appeal against conviction is being prepared, the lawyer and the caseworker must visit the child deprived of liberty as much as possible to prepare the case and make sure that he/she/they is in the best possible condition, including **monitoring the conditions of his/her/their detention closely, as could be used as arguments within the appeal but also for the assessment and assignment of specific services needed within the file in the reintegrative case management system.**
- Once (and if) the deprivation of liberty sentence has been confirmed after the appeal, the lawyer and the caseworker should **follow-up the case to ensure that the reintegration plan is in place** and being implemented and that **appropriate reviews by the judge are carried out** (reduction of the sentence, the possibility of converting the sentence into an alternative to detention sentence, monitoring of the conditions of detention, request the provision of services (medical, others) while the child is in detention, etc.



## Annex 3 – Risk levels for children and youth in conflict with the law

**Risk levels are understood as the risks the child is facing.** As per international standards, children deprived of liberty fall under the category of high risk, as any deprivation of liberty poses serious threats to the physical integrity of a child or youth development. However, for the specific purpose of reintegrative case management approach for children in conflict with the law, a more nuanced approach is needed. **Risks can be changed at any time and at any stage of the judicial process**, depending on internal factors of the child (experiencing acute distress, mental health disorder or serious medical condition) and the surrounding factors (suffering or having suffered violence, abuse, particular threats to physical integrity). **Cases at medium or high risk should not be closed, if needed to, they must be transferred for continued support.**

Timeframes of response	Rapid assessment and intervention immediately before leaving the child.	Intervention should be done within 72 hours upon identification.	Intervention should be done within 1 week upon identification.
	Report immediately to Supervisor and lawyer.  <b>Case planning</b> should be done <b>within 3 days</b> and <b>follow ups at least twice a week</b> until situation improves.	If open case having changed risk, <b>a follow up should happen within 72h</b> and <b>continued at least on a weekly basis</b> until situation improves.	<b>Assessment and case planning within 2 weeks.</b>  Open case follow-up at least every 2 weeks.
RISK LEVELS / Judicial stages	HIGH RISK	MEDIUM RISK	LOW RISK
<b>Arrest &amp; Custody at Police Level</b>	Child in police custody without legal and social support yet – Urgent legal measures needed to ensure release and diversion.  Urgent measures have been taken; child has legal aid but in police custody and suffering violence or in inhuman or degrading conditions.	Child without assigned psychosocial support upon release and return to family and community.  Child being discriminated in family and community.  Child in severe distress or with mental health disorder.	<i>No low risk for a child in police custody.</i>
<b>Diversion (with a particular focus on mediation)</b>	Mediation process causes high distress for the child.  Child without legal and social support during the mediation process or other forms of diversion.  Child with serious health or mental health condition.  Child's lack of remorse or acknowledgement of guilt.	Child is receiving legal and psychosocial support while in mediation or other forms of diversion.  Child is showing signs of normal distress, including physical, cognitive, emotional symptoms and changes in behaviour – for less than 6-8 weeks after signs begun, <u>without</u> adequate support from family, community and service providers.	Child is receiving legal and psychosocial support while in mediation or other forms of diversion.  Child is showing signs of normal distress, including physical, cognitive, emotional symptoms and changes in behaviour – for less than 6-8 weeks after signs begun, having adequate support from family, community and service providers.
<b>Pre-trial detention or alternative to pre-trial detention</b>	Child in severe distress.  Child with serious health or mental health condition.  Child without legal and social support during the mediation process or other forms of diversion.  Child's lack of remorse or acknowledgement of guilt.	Child is receiving legal and psychosocial support while in mediation or other forms of diversion.  Child is showing signs of normal distress, including physical, cognitive, emotional symptoms and changes in behaviour – for less than 6-8 weeks after signs begun, <u>without</u> adequate support from family, community and service providers.	<i>No low risk for a child during pre-trial, as situation needs to be monitored closely.</i>

<b>Trial proceedings</b>	<p>Child without legal and psychosocial support during the trial proceedings.</p> <p>Child in severe distress.</p> <p>Child with serious health or mental health condition.</p> <p>Child's lack of remorse or acknowledgement of guilt.</p>	<p>Child is receiving legal and psychosocial support while in mediation or other forms of diversion.</p> <p>Child is showing signs of normal distress, including physical, cognitive, emotional symptoms and changes in behaviour – for less than 6-8 weeks after signs begun, <u>without</u> adequate support from family, community and service providers.</p>	<p><i>No low risk for a child during trial proceedings, as situation needs to be monitored closely</i></p>
<b>Imprisonment</b>	<p>Child without legal and psychosocial support during deprivation of liberty.</p> <p>Child suffering or having suffered abuse or any type of violence in detention.</p> <p>Child with serious health or mental health condition.</p> <p>Child's lack of remorse or acknowledgement of guilt.</p>	<p>Child is receiving legal and psychosocial support while in mediation or other forms of diversion.</p> <p>Child is showing signs of normal distress, including physical, cognitive, emotional symptoms and changes in behaviour – for less than 6-8 weeks after signs begun, <u>without</u> adequate support from family, community and service providers.</p> <p>Child being particularly discriminated and at risk of abuse.</p>	<p><i>No low risk for a child detention</i></p>
<b>Alternative to imprisonment</b>	<p>Child without legal and psychosocial support during the alternative to detention.</p> <p>Child suffering or having suffered violence or abuse during alternative to detention measures.</p> <p>child in severe distress or with mental health disorder.</p> <p>Child with serious health condition.</p> <p>Child discriminated against.</p>	<p>Child is receiving legal and psychosocial support while in mediation or other forms of diversion.</p> <p>Child is showing signs of normal distress, including physical, cognitive, emotional symptoms and changes in behaviour – for less than 6-8 weeks after signs begun, <u>without</u> adequate support from family, community and service providers.</p> <p>Child being particularly discriminated and at risk of abuse.</p>	<p>Child receives support during alternatives to detention.</p> <p>Child is showing signs of normal distress, including physical, cognitive, emotional symptoms and changes in behaviour – for less than 6-8 weeks after signs begun, having adequate support from family, community and service providers.</p>
<b>Early-release and/or post-release</b>	<p>Child without psychosocial support during the release and return to family and community.</p> <p>Child being discriminated in family and community.</p> <p>Child in severe distress or with mental health disorder.</p> <p>Child's lack of remorse or acknowledgement of guilt.</p>	<p>Child &amp; family with psychosocial support during the release and return to family and community.</p> <p>Unstable situation upon return (first 6 to 8 weeks) during transitioning role upon return and starting access to services.</p>	<p>Child, family and community with close psychosocial support during the release and return to family and community.</p> <p>Child not being discriminated and receiving support in family and community.</p> <p>Child accessing services, education or livelihood and recreational opportunities.</p> <p>Child starts having a social network and positive peer support relationships.</p>

## Annex 4 – Case Management forms overview

### 1. Identification & registration

#### Consent & Assent Form

To record the case's permission (from the child/caregivers/legal guardians) to participate in the case management process, to collect and store information about their case, and to share information with other service providers.

#### Case Registration & Initial Assessment Form

To register the case for case management and to record personal contact information and assign a code to the child and case, so all the rest of forms can be anonymized.

First initial assessment on:

- legal aspects with lawyer (charges and appropriate legal rights and considerations adapted to the stage of identification)
- risk level assigned to the case with first urgent recommendations if any.

#### Family location

When no family member is aware or contacted about the situation of the child, the caseworker will try to locate family members in agreement with the child.

The family situation can be a sensitive topic as some may fear persecution and data must be well protected.

### 2. Assessment

#### Assessment form

To record information gathered on the case regarding both risks and needs, as well as strengths and resources, in each of the following areas:

- Child's physical wellbeing & health
- Child's knowledge, skills, and psychosocial wellbeing
- Child's social relationships (with peers, family, community and with any relevant judicial actors or institutions)
- Child's education, work, free-time and interests
- Legal situation and documentation
- Living environment / Household environment (for certain stages, this part can be done separately, for the child and family-see next form)
- Care arrangements
- Community, safety and security, integration and support

Not in all stages a thorough assessment will be needed for all areas. For contextualisation purposes: each area can contain a list of questions adapted to the judicial stage, integrating psychosocial and legal considerations.

The information recorded in this form together with the conclusions and recommendations will be analysed and used as a base for developing the case plan.

#### Family assessment form

When the child is in custody separated from family/household, separate and parallel assessments (with consent of both parties) should be done to assess both living conditions but also to prepare simultaneously, reintegration from both parties when relevant. Areas to explore:

- Contact and relationship with the child.
- Living environment
- Community safety and security, integration and support

### 3. Reintegration case plan

**Short- & Long-term case plan** Short term legal actions to navigate the judicial process and continued support plan for safety and wellbeing at each judicial stage, always guided by the long-term reintegration plan:

- reintegration goal and long-term objectives
- oriented short-term actions along the judicial process to contribute

**Case conference** Key information on a high-risk complex case that requires a multi-disciplinary/inter-agency case plan, and to record information from the case conference on discussions held on multiple service options and the decisions/progress made in the best interests of the child.

### 4. Implementation of the case plan

**Services form** To keep track of all referrals and services provided

**Referral form** To refer the child to any external specialised service provider. Information sharing must follow data protection measures: referral should only include basic information that the service provider “needs to know” to provide the service. All other information must be kept in confidentiality

### 5. Follow up & review

**Follow up form** To record information on the follow-up with the purpose to confirm that specific actions have been taken and services are provided (or to identify and address barriers in accessing services) and to monitor the child’s situation and case plan implementation.

**Review form** To record information captured during the review meeting which looks at how the case is progressing and whether the case can be closed or whether there is a need to return to the case management steps of assessment or case planning.

### 6. Case closure

**Case closure form** When reintegration criteria are met after a set period of time during which several follow-up visits and at least one case review meeting took place to ensure the child’s sustained wellbeing.

**Feedback forms** To record feedback on the level of satisfaction regarding the quality of services provided and to identify areas for improvement.

To be completed at the end of the case management process, or after 6 months.

# Impressum

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It is dedicated to all the children who have found themselves in conflict with the law at any time in their lives, with a shared hope: that they are seen, heard, supported in their reintegration, and capable of enforcing the rights they are entitled to.

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helping children worldwide



**Every child in the world  
has the right to a childhood.  
It's that simple.**



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