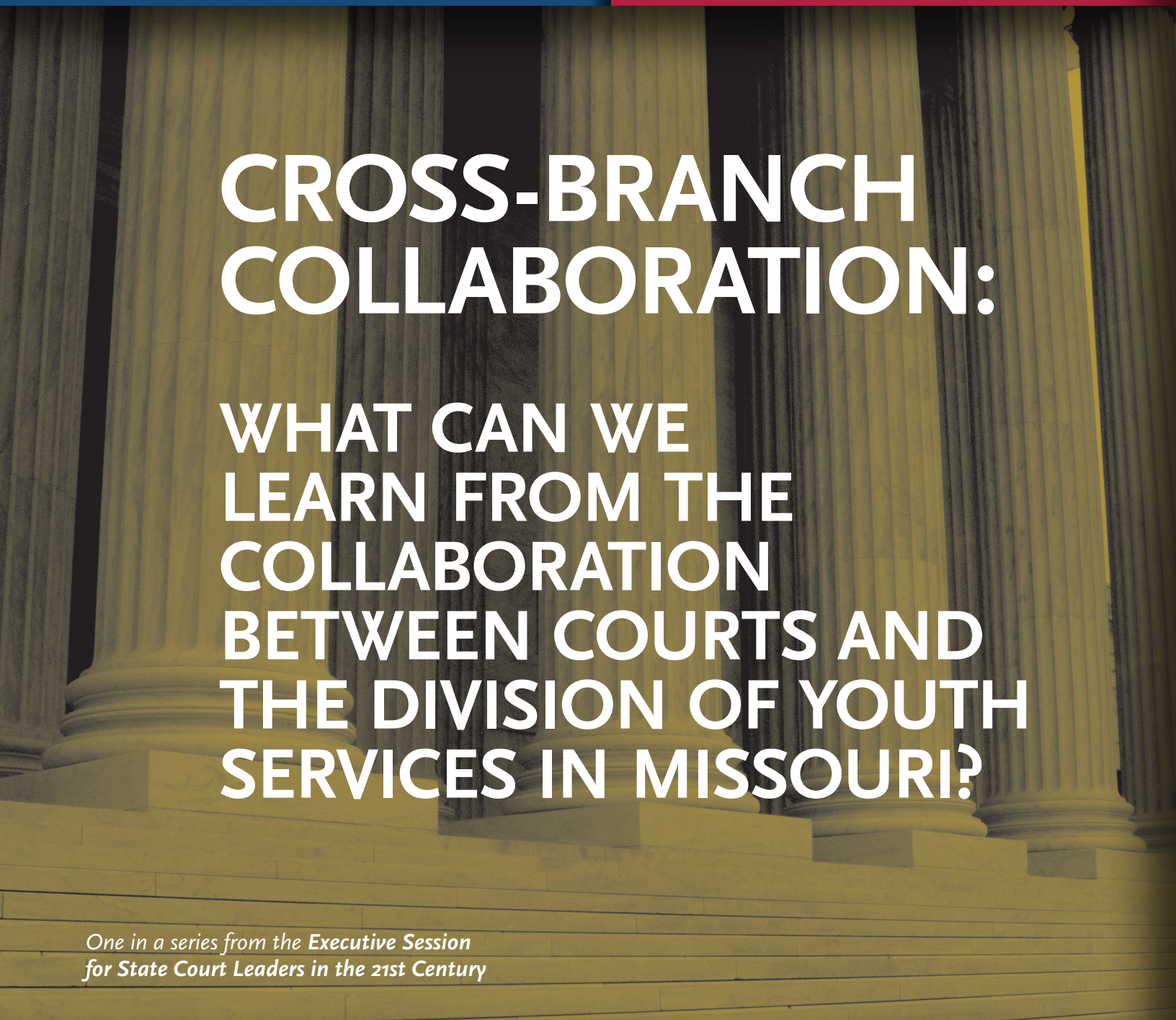
PERSPECTIVES ON
STATE COURT LEADERSHIP



CROSS-BRANCH COLLABORATION:

WHAT CAN WE LEARN FROM THE COLLABORATION BETWEEN COURTS AND THE DIVISION OF YOUTH SERVICES IN MISSOURI?

One in a series from the ***Executive Session for State Court Leaders in the 21st Century***

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This is one in a series of papers that will be published as a result of the **Executive Session for State Court Leaders in the 21st Century**.

The Executive Sessions at the Harvard Kennedy School bring together individuals of independent standing who take joint responsibility for rethinking and improving society's responses to an issue.

Members of the Executive Session for State Court Leaders in the 21st Century over the course of three years sought to clarify the distinctive role of state court leaders in our democratic system of government and to develop and answer questions that the state courts will face in the foreseeable future. Themes addressed include principles for effective court governance, the tension between problem solving and decision making, the implications of social media for court legitimacy, how courts defend themselves from political attack, and the notion of chief justices as civic leaders. Many themes were developed by Session members into papers published in a series by the National Center for State Courts.

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Juvenile courts, the first specialty courts in the United States, have a relatively long history of struggling to negotiate the tension between punishment and rehabilitation of children and youth.[1] Since the first juvenile court was founded in 1899, public views about the appropriate role of the juvenile justice system have moved back and forth between favoring a focus on rehabilitation and sending strong messages through strict sentences. All the while, on a seemingly independent track, scientists have been advancing our knowledge of the biology and chemistry of adolescent brain development and its implications for understanding the limitations in youth capacity to control impulses and apply logical thinking and reasoning to social situations.[2] And, social scientists have been gaining a better understanding of the impact of poverty, family stress, and neighborhood disorganization on youth emotional development and mental health, opportunities for prosocial activities, and deviant behavior.[3] Thus, policy makers, judges, and service providers have more knowledge than ever before to bring to bear on issues of juvenile crime and juvenile justice.

This growing understanding of youth development has provided insights into potential new policies that build on developing youth capacity, but these have often come into conflict with public fears of predatory youth and gangs. Bowing to political pressure, most states became increasingly punitive in their response to juvenile offenses at the end of the last century and, for many offenses, lowered the age at which youth could be tried as adults.[4]

These conflicting pressures meet in juvenile court. Interviews with juvenile court judges reveal that most are sincerely interested in the well-being of both the youth who come before them and the members of the communities in which they live.[5] In the face of increasingly strict laws and finite funds, many judges perceive themselves as having few options. Youth can be sent home, with or without supervision. In some communities they can be required to participate in special programs or receive specific services. They can be sent to juvenile residential settings. Or, depending on their age and crime, they can be sent to an adult incarceration facility. Judges report that although many of the behaviors these youth exhibit are rational responses to their home and community environments, they have little to no power over parents in juvenile cases, even though they may see these parents in other family-related cases. Their authority focuses on the "responsibility of the individual…."[6]

Part of the challenge is that families are growing increasingly complex.

Other government agencies as well as non-profit organizations that work with the same youth and families likewise have limited tools.[7] Part of the challenge is that families are growing increasingly complex. Currently, nearly 40% of all new births are to unmarried parents. Recent longitudinal research on a cohort of children born to urban unmarried parents found that by their fifth birthday, 78% of them lived in families where one or both parents had previously or subsequently been involved in at least one other relationship and 68% had half-siblings by these relationships. In the face of the growing complexity of and challenges faced by families[8] and the limitations of increasingly fragmented agents of intervention and support, state agencies, service providers, and courts have been experimenting with alternate strategies for providing services and support to children, youth, and families. Many community-based social services agencies are exploring new "models" for working with one another to coordinate services and sustain working relationships. State agencies are implementing new models such as differential response that involve closer collaboration with non-profit service providers or with the development of systems of care that involve formal relationships with other state agencies and providers. Police are focusing on community-based problem-solving strategies, which often bring other actors into the lives of the children and families they encounter.

Courts have also been experimenting with problem solving court strategies.[9] These court models arose from judicial frustration with large numbers of "repeat customers" and recognition that the court's use

of graduated punitive sanctions was not solving the problem. The goal was to focus not just on sentencing and its role in deterring future crime, but also on ameliorating the personal drivers of criminal behavior.[10] To do so, the courts brought together a wider range of remedies and sentencing options to address underlying causes of problematic behavior. Judith Kaye, New York State Chief Judge, articulated the basic principles of such courts a decade ago: "…a belief that courts can and should play a role in trying to solve the problems that are fueling caseloads; a belief that outcomes—not just process and precedent—matter; and a recognition that the coercive power of courts can change people's behavior."[11] While many concerns have been raised about problem solving courts, they are well-established in such fields as drug treatment, mental health, and domestic violence.

Given the complexity of the challenges facing today's youth, would sustained, effective, collaborative relationships that cross branches of government, not just levels of government, increase our capacities to support them?

Problem solving courts face a number of challenges. One is that the problems they seek to address are often far too complex for an individual branch of government like the courts to resolve. For example, the specific incidents that bring individual youth to the attention of the courts are likely to have their roots in a complex array of poverty, lack of access to effective services, inadequate parenting, and unsupportive communities. Even though problem solving courts have a wider range of remedies to address underlying causes of problem behavior than traditional courts, they do not have sufficient resources to fully address the underlying contributions to youth behavior. One reason is structural. In many states, the administrative support for trial judges is provided by employees of county clerks who are independently elected executive branch officials. In these situations, important functions like keeping the records of court proceedings are not under the judiciary's control.[12] Within the judiciary itself, the job description of a court's trial court administrator can vary significantly depending on which judge currently is the chief judge, making consistency in administration difficult.[13] Third, in most trial courts the presiding judge is merely the first among equals, lacking disciplinary authority. Persuasion and political skills are the main tools available to him or her for managing colleagues. This task has been compared to "herding cats."[14]

Another challenge is that courts, like executive branch agencies, have their own internal divisions; judges and administrative staff do not always work together as effectively as they might. Finally, even when courts reach out to potential partners in other branches, their actions are still very much court-centered. Courts have the power to decide when an individual has or has not engaged sufficiently in activities oriented to changing behavior or when an individual's behavior has changed enough to free him or her from court supervision. Courts are not alone in holding a "self-centered" perspective. Although we have many examples of executive branch agency collaboration initiatives, even successful initiatives focused on youth and their families struggle with challenges of agency-centeredness and agency authority.

Given the complexity of the challenges facing today's youth, would sustained, effective, collaborative relationships that cross branches of government, not just levels of government, increase our capacities to support them? Might the outcomes for children, youth, their families, and their communities benefit from greater collaboration between the judicial branch and executive branch agencies? Could working together and joining the personal, financial, authority, and policy resources of the two branches increase the capacity of each to ensure the safety and well-being of children, their families, and their communities? Or would such collaborations deflect each branch from its mission and mandates, impinge on judicial independence and agency prerogative, or direct limited resources in ways that damage each branch? In such

One way to explore these issues in such potential relationships is to look closely at those states that have experimented with cross-branch collaborations to see what the strengths and limitations of such relationships are and what challenges they pose to a democratic society deliberately built on a separation-of-powers government.

a collaboration, what might the role of the legislature be? Can it simultaneously be responsive to the public that elected it, objectively allocate limited state resources across the branches, and conduct independent oversight of their activities while collaborating in pursuit of a goal that has its greatest likelihood of being achieved only if all branches work together? And if such a collaboration existed, would children, youth, and their families fare better than they do now?

One way to explore these issues in such potential relationships is to look closely at those states that have experimented with cross-branch collaborations to see what the strengths and limitations of such relationships are and what challenges they pose to a democratic society deliberately built on a separation-of-powers government. This paper takes a first step in probing these issues by examining the juvenile justice system in Missouri.

JUDICIAL AND EXECUTIVE BRANCH COLLABORATION: THE MISSOURI JUVENILE JUSTICE MODEL[15]

Most observers of state juvenile justice systems point to Missouri as having among the most innovative and humane juvenile justice models in the country. One of the unique aspects of the Missouri Model, as it is known, is the relatively strong and long-term relationship between judges, the state's Division of Youth Services (DYS), and the legislature. This relationship, particularly between the courts and DYS, was built on a common frustration with the harsh treatment youth received in the state's large training schools and the poor outcomes of youth who "graduated" from them.

Over the past 30 years, while working with the courts, the Missouri DYS has replaced its large state training schools with small residential facilities spread across the state. These facilities are divided into units, each of which houses 10-12 same-sex youth who spend all their time together and share their time and space with therapists, teachers, and counselors.[16] One-to-five of these small units are housed in a single residential facility, sharing meals and some common services. Programming in these facilities is therapeutic and educational, focused on helping youth understand the reasons for and implications of their behavior, reach grade-level on their coursework or complete their high school education, and focus on further education and career options.

Although Missouri judges may waive juvenile court jurisdiction for youth 12 and older who have committed certain felonies, all youth sent to a juvenile residential facility typically receive indeterminate sentences.[17] Determining the length of stay is left to the DYS with court knowledge that the agency will take whatever time is needed to provide these youth and, in many cases, their families with the services and supports they need to turn the youth into law-abiding, productive young adults as well as the transition services they will need to successfully return to their families and home communities. For the past several years, Missouri's three-year recidivism rates have been

under 10%. While it is difficult to compare recidivism rates across states because of the differences in the way each state computes recidivism, there is general agreement that Missouri's rates are among the lowest in the nation.[18]

Missouri is a state with two very large metropolitan areas, many smaller cities, and large expanses of rural areas with small towns. As judges in the state's 45 circuits see youth in their courts, they make decisions about whether each youth needs to enter the DYS system or would benefit more from diversion to services in the community.[19] This is not necessarily unique; judges in other states make use of diversion as part of a problem-solving strategy, with each decision weighing the charges against the youth in light of the youth's personal history as well as family circumstances and community context. While many youth behaviors are similar across communities, some of the challenges faced by youth may vary. For example, one might expect an impoverished 13-year-old in a single-parent household in St. Louis or Kansas City to face a different set of challenges than his or her counterpart in a small town or rural area, despite the fact that each may be appearing before the court for breaking into a neighbor's house. In addition, the available services judges can draw on when considering diversion vary considerably across court circuits. The result is that a judge in one circuit might be able to draw on resources for the diversion of a given youth and mandate supportive services, while his or her counterpart in another circuit dealing with a youth with similar issues might not have that option.

Juvenile justice programs were not only ineffective in producing law-abiding citizens, but also harsh and potentially most effective at socializing youth into a life of greater crime.

To address this disparity in service availability, DYS uses a portion of its funding each year for contracts awarded to court circuits based on proposals they submit to develop or enhance services for youth in their communities. Tim Decker, Director of the Missouri Department of Social Services, Division of Youth Services, reports that in 2012, Missouri allocated $4.1 million to Juvenile Court Diversion from an overall budget of approximately $59.9 million.[20] DYS supplements this funding with direct services to youth and professional support to the court. According to Decker, this includes opening Day Treatment/Family Resource Centers to pre-commitment youth and jointly operating several centers as well as providing family therapy services, training, and other collaborative opportunities.[21] These funds enable participating circuits to customize a continuum of services based on community need. While not all circuits participate, most do and the courts have used their funding for services ranging from counseling and intensive supervision to alternative education opportunities.

In 2008, of the 3,694 youth who came before the courts with an option of being remanded, 438 were committed to DYS and 3,256 diverted to community based sanctions. This represents considerable cost savings to the state if the alternative would have been residential placement for even a small share of those diverted. The annual cost of a residential bed in Missouri is comparable to that for incarcerated youth in most states, ranging from $43,501 for community residential programs to $62,917 for a secure care program. The average annual cost for a youth diverted to community-based services, however, is only $1,218.

ORIGINS OF THE JUDICIAL-EXECUTIVE BRANCH COLLABORATION

During the period that Missouri operated two large training schools, one for boys and one for girls, the relationship between DYS and the courts was not particularly good. Juvenile justice programs were not only ineffective in producing law-abiding citizens, but also harsh and potentially most effective at socializing youth into a life of greater crime. A number

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of judges, in the problem-solving tradition, sought alternatives to committing youth to these facilities, with some courts going so far as to set up and operate their own county-based programs as an alternative. As DYS began to reform its programs, its relationship with the courts began to improve. When the DYS advisory board was reorganized in 1971 to replace the State Board of Training Schools, its membership often included court representation, giving the judicial branch a voice in agency reform. One board member in particular, Judge Andrew Jackson Higgins, was instrumental in leading innovations in the court-agency relationship.[22]

Over the next decade, DYS gradually increased its use of small residential facilities, simultaneously reducing the number of youth in the state training schools. By 1983, both training schools were closed. Over this period DYS organized its programming on a regional basis, spreading residential facilities and staff across the state. The agency's primary goal for doing so was to keep youth as close as possible to their families and home communities.

This new structure provided an opportunity for the courts and the agency to develop stronger relationships at the local level. Building on the alternative option model created by some courts, DYS established its Juvenile Court Diversion Program in 1980 to direct funds and technical assistance to certain circuits to ensure that rural counties had access to funds to develop and support local programs and services. This innovation spread to the entire state and, with the support of the legislature, is now a statutory requirement for DYS.[23]

A second major innovation in the court's relationship with DYS occurred in the 1990s when DYS implemented a case management system, reorganizing its services to individual youth by giving responsibility for oversight of 15 to 20 youth to an individual service coordinator. The service coordinators are now the "face" of DYS in the courts. They work closely with court personnel and in some cases have offices in the juvenile courts.

In addition, state statute permits DYS to provide services to non-DYS youth in order to support and strengthen local service networks. For years, DYS family therapists have served court-committed youth in their communities and opened DYS day treatment centers to them. Court staff are invited to attend DYS trainings at no cost.

SUSTAINING THE RELATIONSHIP

It is quite likely that collaboration across branches of government is inherently unstable over time. Threats to the continued operation and improvement of the collaborative Missouri Model have emerged over time from each of the three branches, though the "model" has survived. Indeed, it has thrived and continues to innovate.

One clear set of threats to the collaboration between the juvenile courts and DYS comes from the legislative branch, which is the branch most immediately responsive to public perceptions of the seriousness of juvenile crime problems and to sentiments about appropriate responses. While legislatures in other states supported increasingly punitive sanctions on youth in the last decades of the twentieth century and into the current century, adopting such policies as decreasing the age at which youth could be tried as adults for serious crimes, increasing reliance on minimum sentence length rather than truly indeterminate sentences, and increasing sentence length, Missouri moved steadily forward with its model over this period. Certainly the residents of Missouri were not immune to this public mood, particularly following some especially heinous crimes committed by pre-adolescents. Nevertheless, the state's juvenile justice system has moved forward across Democratic and Republican gubernatorial administrations. It has also maintained

its momentum despite a shift of the state legislature from Democrat to Republican and subsequent turnovers of individual legislators after term limits were imposed in 1992.

Judges and state officials alike credit this sustained state legislative commitment to the work of an advisory panel of highly respected state residents, including public officials, professionals, and representatives of the general public who are knowledgeable and experienced in all facets of services to children. This 15-member committee, balanced across the two political parties,[24] meets at least four times a year with the Director of the Division of Youth Services to review agency activities and provide advice. Members also visit facilities and provide advice as well as work with each governor, the relevant legislative committees, other members of the legislature, communities, and individual citizens to explain the current system, argue its merits, and advise on policy regarding children and youth. One of their strategies for "marketing" the model is to arrange tours of the facilities, always guided by youth residents, and to provide data on youth involvement in the community, community involvement with the youth, and long-term youth outcomes. Their goal is to provide both "space" for the collaboration to continue to innovate and resources to enable it to do so. This work clearly paid off in recent years when DYS was spared the budget cuts imposed on most state agencies.

Because youth are committed to facilities as close as possible to their home communities, differential commitment patterns were putting pressure on treatment facilities in some areas, but not in others, thereby potentially crowding the increased number of youth into a small number of facilities.

HOW CAN COLLABORATIONS LEARN WHAT WORKS AND ASSESS THEIR PERFORMANCE?

Judicial discretion and the option for judges to disengage from the collaboration are also potential threats to sustaining the relationship and, in the views of some, the future well-being of youth. Some circuits do not participate in the diversion program. Others do, but their involvement appears to vary over time. Likewise, the number of court commitments to DYS have varied over time, some years rising, some years declining. Since the agency's core treatment model is designed around small groups of youth housed together in an intensely therapeutic environment and because building new treatment facilities is not possible, the only strategies DYS has for handling increased numbers of commitments is to increase the size of the groups in individual treatment facilities, release youth early, or locate youth in facilities at considerable distance from their families and home communities. Each of these options would threaten the effectiveness of their program. DYS is very clear that it does not want to interfere with court practice or attempt to change statutes. As a result, it has few options.

An examination of a recent spike in commitments, followed by a decline, illustrates the challenge. In the middle of the last decade the overall level of commitments to DYS rose, though a closer examination of commitment patterns revealed that in some circuits the number of commitments declined, while the commitment rate of others held steady. The overall increase was driven by increasing commitments in a subset of the circuits. Because youth are committed to facilities as close as possible to their home communities, differential commitment patterns were putting pressure on treatment facilities in some areas, but not in others, thereby potentially crowding the increased number of youth into a small number of facilities.

An independent study commissioned by DYS attempted to determine the cause of these changing commitment rates.[25] Was the nature or pattern of juvenile offenses changing in some circuits but not

An in-depth analysis of three circuits suggested that the key to understanding the variation in commitment rates was the robustness of executive branch collaboration with providers and community-based organizations in creating diversion services, the close working relationship between this service collaborative and the courts, persistent examination of data on effectiveness of diversion services, and a reliance on this evidence base in making commitment vs. diversion decisions.

others, leading to differential changes in disposition patterns? Were the needs of youth in some circuits changing, leaving judges with fewer diversionary services and supports? Or were new judges responding differently from their predecessors or experienced judges changing their sentencing behavior?

Published data on trends in the number of felonies and misdemeanors showed little relationship to trends in commitment. An in-depth analysis of three circuits suggested that the key to understanding the variation in commitment rates was the robustness of executive branch collaboration with providers and community-based organizations in creating diversion services, the close working relationship between this service collaborative and the courts, persistent examination of data on effectiveness of diversion services, and a reliance on this evidence base in making commitment vs. diversion decisions. Two of the circuits reported scrutinizing their decisions and outcomes in order to ensure that "each DYS commitment was truly the last stop intervention for the youth." Court administrators described using the youth servicing collaborative "to ensure that every option to keep the youth in their home community has been explored." Indeed, one circuit reported that "they have sometimes chosen diversionary services over DYS commitment despite community or parental sentiment because there was a belief that a community-based setting could most benefit the youth in these cases."[26]

Another circuit reported that it had:

> *…instituted a system of accountability, evidenced-based practice, and evaluation among all of their programs and services. They attribute the recent decline in DYS commitments to a concentrated effort on understanding which situations warrant an out-of-home placement (DYS) or an in-home placement (diversion) based on the needs and risks of the youth and what recent literature and experience suggests. Moreover, each court-sponsored program is responsible for undergoing a comprehensive evaluation process including administering pre- and post-tests, on-going data collection, and outcomes and process evaluations. This has resulted in the expansion of some programs, and the elimination of others…*[27]

In a third circuit, in contrast, the service collaborative and the court were no longer holding regular meetings; indeed, there was no collaborative with which the court could work. Since that time the collaborative in this circuit has been revitalized and commitments to DYS have declined. These findings suggest that courts are sensitive to changes in availability and effectiveness of community-based resources for the youth they see and, in their problem-solving capacity, seek and use evidence about the effectiveness of various types of supports for youth in different situations.

Internal court operations may also influence commitment patterns, independent of community resources for youth. As new judges come to the bench and as

experienced judges learn from their experiences, the calculus around decision making may change. In 1996, the Missouri Office of State Court Administrators (OSCA) developed a Juvenile Offender Risk and Needs Assessment and Classification Index (Assessment and Classification Matrix) that 35 of the state's 45 juvenile and family court circuits use. The goal is to produce uniformity in decisions about commitment vs. diversion and, in cases of diversion, ensure that youth in comparable situations receive access to comparable services. Mandating the use of this matrix, however, would interfere with the due process rights of individual youth, despite the desirability of horizontal equity on other grounds. Court administrators report that new judges tend to use the matrix to get their bearings while more experienced judges use additional or, perhaps, different criteria in making decisions.

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LESSONS LEARNED

It is always dangerous to draw generalizations from one example. Nevertheless, the Missouri Juvenile Justice collaboration provides an interesting opportunity to explore some hypotheses and generate others about criteria for developing and sustaining inter-branch relationships in government that might be tested in other states and with other types of collaboration. The remainder of this paper lays out some possible lessons we might draw from the Missouri experience and some questions to probe in further research.

From their analysis of 137 cases of collaborative governance across the nation, Chris Ansell and Allison Gash[28] identified five components of the collaborative process. While they were looking at collaborations between public and private sector organizations, the five components seem to apply to cross-branch collaboration at the state level as well. They are:

1. Shared understanding;
2. Commitment to a process;
3. Focus on intermediate outcomes;
4. Face-to-face dialogue; and
5. Trust building.

Having a shared understanding of the problem the courts and the agency are facing is grounded in identifying common values and problem definitions and sharing a clear mission. In this case, the mission is perhaps best phrased as doing what it takes to transform into productive, law abiding citizens the children and youth who come before the court. This does not mean that the courts or executive branch departments are opposed to incarceration. Rather, it has enabled both parties to work together to assess, on a case-by-case basis, when incarceration would be the most effective strategy for a specific youth and when access to other services and supports would more effectively achieve the goal.

Second, a commitment to this process emerges from recognition on the part of all actors of their interdependence, a shared ownership of the process and openness to exploring mutual gains. By providing resources to the courts for the development of community services and by stationing its staff with their knowledge of youth development in the courts, the DYS is able to work with the courts in the context of the judicial process, bringing an expertise to individual cases and supporting a range of options for individual cases that is not normally available to judges or court administrators. Since this is a voluntary program, judges are likely to collaborate in this way only if they perceive benefits to doing so. Further research is needed to clarify exactly what benefits judges perceive this collaboration to bring and what, if any, costs are entailed, particularly costs in terms of judicial perceptions of potential loss of independence and public perceptions of the court as an independent and fair arbiter of situations that come before it. Likewise, the DYS is likely to share its resources in this manner only because it perceives benefits to doing so. Again, further research is needed to understand the full range of implications for the executive branch agency.

That said, we can speculate that sharing resources is likely important because neither branch has all the authority or tools needed to achieve the mission of transforming these youth. Here we are talking about resources broadly conceived, including financial resources, personnel, and public support as well as authority. Each branch must be clear about the resources it brings to the challenge and who has control over these shared resources. This example illustrates that letting another branch direct the use of some of your resources may lead to better outcomes.

Third, Ansell and Gash cite a focus on intermediate outcomes. In this example, the intermediate outcomes are the decisions for each individual youth coming before the courts. Both agency data and the data collected in some circuits point to a willingness of both branches to assess performance and feed information back to both the courts and the agency with a goal of improving performance.

Finally, the authors point to the importance of face-to-face dialogue and the cycle of trust building. For those circuits that have been participating in the collaboration over a period of years, the day-to-day interactions between staff of the two agencies in the courts and elsewhere is likely to have built a sense of trust. While we don't have direct evidence of the amount of trust and its potential growth over time, the fact that this collaboration is voluntary and those circuits that participate have done so for many years, across judicial tenures, suggests that there is a level of mutual trust that has emerged out of day-to-day interactions around specific cases.

Several additional questions need to be asked. Why do some circuits participate in the collaboration while others do not? What is the implication of the decision to participate or not participate on the public's perception that justice is being delivered? How robust are the collaborations in those circuits that participate? In other words, under what conditions are they vulnerable to falling apart? More research is needed to better understand these dynamics.

It is likely that these collaborations are potentially unstable. As leadership in each branch changes, the continuity in shared vision and operations likely has a high probability of being disrupted. In Missouri, the power and persistence of the external advisory panel seems to have played a crucial role in keeping the initiative on track over several decades. The members of the advisory committee have a commitment to the vision and the respect and support of the legislature.

Having a shared understanding of the problem the courts and the agency are facing is grounded in identifying common values and problem definitions and sharing a clear mission.

Finally, what might be effective in a juvenile court setting, a court that is unique in many ways, may not apply to other courts.

In this example, the executive and judicial branches have taken the lead in collaborating. The legislature seems to be playing a lesser role, though a great deal can be said about the fact that it has not disrupted the collaborative with demands for tougher sentences, mandatory sentences, or budget cuts, popular strategies over this time in many other states. That said, this description has short-changed the executive and judicial branches' collaboration with the legislature. Numerous legislators participate in DYS Community Liaison Councils. Countless others have toured DYS facilities and become strong advocates. It would be useful to explore more fully the role of legislative oversight and support as well as the role of constituent reports to the legislature in strengthening support for the Missouri Model.

Probing issues such as these also raises questions that Mark Moore's analytic framework, the strategic triangle, helps us address.[29] In particular, how do we balance the mission, authorizing environment,[30] and resources of an individual agency or branch of government with a broader social mission that no individual agency or branch can achieve on its own? How do we collaborate across authorizing environments? And do we, in fact, increase our resources, or do we split them by collaborating across these lines? Finally, what might be effective in a juvenile court setting, a court that is unique in many ways, may not apply to other courts. To what extent can we generalize from juvenile courts to other courts? We are likely to find answers to these questions only by carefully observing attempts at cross-boundary collaboration in other states.

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5 Interviews conducted by the author in four states.

6 Jane M. Spinak, "A Conversation about Problem-Solving Courts: Take 2," New York Law School Clinical Research Institute, Research Paper Series No. 10/11 #5, 2010, p. 119.

7 The child welfare system, for example, can choose to leave families alone, provide or mandate participation in services, or go to court to request the removal of children from their family, even to the point of terminating parental rights, without providing the services and supports that families might need to function.

8 The Future of Children, *Fragile Families*, Vol. 20, No. 2, Fall 2010.

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14 Tobin, 1999, p. 179.

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16 One unit for youth with developmental and learning disabilities houses only 8 to 10 youth.

17 There is one dual jurisdiction facility for youth who are older and commit serious crimes.

18 For a discussion of the challenges of measuring recidivism and comparing juvenile justice recidivism rates across states, see: U.S. Department of Justice, Office of Justice Programs, Juvenile Justice and Delinquency Prevention, *Juvenile Offenders and Victims: 2006 National Report*, pp. 234-5. Richard A. Mandel, *The Missouri Model: Reinventing the Practice of Rehabilitating Youthful Offenders*. The Annie E. Casey Foundation, 2010.

19 The National Center for Juvenile Justice defines diversion as the practice of officially stopping or suspending a case prior to court adjudication and referring the juvenile to a community education, treatment, or work program in lieu of adjudication or incarceration.

20 Personal correspondence with Tim Decker, June 13, 2012.

21 Id.

22 Professor Doug Abrams of the University of Missouri Law School wrote this summary of Judge Higgins's role specifically for use in this paper: "Judge Higgins shaped the progressive development of Missouri's juvenile justice system throughout the second half of the 20th century. He helped move the state toward national leadership as a juvenile court judge in Platte County in the early 1960s, as a judge of the Missouri Supreme Court until his retirement in 1991, as a leader in state and national organizations from the 1970s, until his death in 2011. Beginning in 1995, he climaxed his long career by chairing The Missouri Bar Commission on Children and the Law, which convened leading Missouri child advocates to draft nearly two dozen bills."

23 Personal e-mail from Tim Decker to Julie Wilson.

24 No party can have a majority of the 15-member committee.

25 Scott, Cheryl, "An Analysis of Missouri's Juvenile Commitment and Diversion Trends," unpublished, March 2009. Work completed in partial fulfillment for a Masters Degree in Public Policy from the John F. Kennedy School of Government, Harvard University.

26 The exception to this trend were those youth who came from very rural areas where there were no community-based programs accessible or available.

27 Scott, op. cit., pp. 23-4.

28 Chris Ansell and Allison Gash, "Collaborative Governance in Theory and Practice," *Journal of Public Administration Research and Theory*, Vol., 18, pp. 543-571.

29 Mark Moore, *Creating Public Value: Strategic Management in Government*, Cambridge, MA: Harvard University Press, 1995.

30 Moore defines the authorizing environment as those actors external to the organization whose political, operational or financial support is needed to enable a manager to pursue his agency's agenda.

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