

FACT PATTERN

Client Name: Marisol Dominguez

Age: 16

Grade: 9

Present Charges:

- Felony - Distribution of a Controlled Substance (Cocaine);
- Felony - Possession with Intent to Distribute a Controlled Substance (Cocaine)
- Prior Adjudications: None

SOCIAL FACTORS

Marisol Dominguez is a Latina teenager who lives with her mother, her mother's boyfriend, and two younger siblings. Marisol has had two prior contacts with the juvenile justice system within the last year, both for misdemeanor drug possession. However, both charges were dismissed.

Marisol's mother has been without a job for over eight months. She is busy taking care of Marisol's two younger siblings and cannot afford daycare to look for employment. Her boyfriend, José, lives with the family and is the only household member earning money.

Marisol's family resides in Section 8 housing, managed by the local Public Housing Authority. They were able to receive public housing after Marisol and her family received Lawful Permanent Resident status (green cards). Her mother is not sure if Marisol's arrest will affect their eligibility to remain in Section 8 housing and fears eviction. She is also concerned that the family's TANF (Temporary Assistance for Needy Families) benefits may be taken away, if Marisol is found guilty.

Marisol had to repeat the 9th grade after failing. During an evaluation for an Individualized Education Program (IEP) plan, it was discovered that Marisol has dyslexia, which went undiagnosed for years. After she was diagnosed, she transferred to a different high school that would accommodate special education needs for the new school year. Due to the tailored services for dyslexia that she is receiving, Marisol is doing better at the new school and is currently passing all of her classes. However, she is still struggling with reading and is very sensitive about the fact that she is already a year behind. Due to her frustration, Marisol's attendance is sporadic.

CLIENT INTERVIEW

While interviewing Marisol, you learn that a school resource officer arrested Marisol after school hours at a public high school her cousin attends. The officer supposedly saw Marisol hand something to her cousin's friend in exchange for money. Since the arrest, Marisol has learned that the officer filed a report with her cousin's school.

However, Marisol does not know if her own high school was notified or whether there will be any disciplinary actions taken against her.

During the interview, Marisol reveals that her family is living in extreme poverty. She tells you that there are some days when she barely eats in order to make sure that her younger siblings are able to have something. Her mother tries her best, but it is difficult for her to find a job when she has to take care of her children. When they finally got off the waiting list for Section 8 housing, they were placed in a housing complex very far away from relatives. Therefore, Marisol's mother has no one to help look after Marisol's siblings while she tries to search for employment. She does not have money for daycare.

Marisol would look after her siblings, but she has been trying to stay in school. When her grandmother passed away last year, she made Marisol promise that she would be the first person in the family to finish high school. Despite this promise, Marisol feels very guilty about staying in school while her mother struggles, when she could drop out and get a job. She has considered selling drugs in the past, but only sometimes, to help her family pay for food and to cover expenses for her siblings.

You ask Marisol about her interests. At first, she says she doesn't have any hobbies. After more questions, she admits that she likes to draw. You ask Marisol about what she would like to be when she grows up. Marisol says she has never really thought about it. After building a rapport and more targeted questions, Marisol shares with you that she doesn't think she is smart enough for college, but has always wanted to be a fashion designer. She also thinks her experience with taking care of her younger siblings would suit her well for running a daycare. Finally, Marisol tells you that she has a cousin in the military who seems to be doing well, and she looks up to him. She says she might want to go into the Air Force since it would be cool to fly a plane.

OTHER INFORMATION

Due to Marisol's age and the quantity of cocaine she was allegedly carrying, Marisol is looking at potential commitment to a juvenile institution. The prosecutor assigned to Marisol's case is typically lenient with youth who have no prior adjudications. In fact, you learn that he has recently offered to allow two of your colleague's clients to participate in a drug-education diversion program as an alternative to adjudication. Conversely, the probation officer assigned to Marisol's case can be a stickler for compliance and has a reputation for recommending lengthy probation at disposition for any drug offense. The prosecutor has currently offered to dismiss one of the felony charges, and to recommend probation, if Marisol will enter a plea to the second felony. Marisol wants to take the case to trial, since she says she did nothing wrong and it's just her word against the officer.

Due to her previous arrests involving drugs, Marisol was detained at her initial hearing and has been in a juvenile facility for the last two weeks. She has not had access to any special education services at the facility's school and cannot keep up with the work. She has confided in you that she will drop out of school altogether before she repeats 9th grade for a third time. Marisol misses her siblings and has expressed a desire to be home with them and her mom.

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