

*Model 10: Adult day-care centers.* For more than 20 years, adult day-care centers have been providing respite services to families in need. In addition to respite services for caregivers, day-care centers also provide health services, therapeutic services, and social activities for adults with severe physical or mental illness. These services have expanded dramatically in the last decade due to new funding sources, such as Medicaid waivers, being available. Care receivers attend day-care centers for several hours a day, usually five days a week. Limited week-end services might also be provided.

Aileen Duldulao  
Independent Scholar  
Lorraine Escibano  
Tundi Balogh  
Morrison Child & Family Services

**See Also:** Children With Special Needs; Elder Care/ Geriatric Services; Respite Care.

### Further Readings

- Edgar, Maggie and Monica Uhl. "National Guiding Principles for Respite Models and Services." ARCH National Respite Network and Resource Center. <http://www.archrespite.org/productspublications/arch-guidelines> (Accessed January 2014).
- Greenwood, Nan, Ruth Habibi, and Ann Mackenzie. "Respite: Carers' Experience and Perceptions of Respite at Home." *BMC Geriatrics*, v.12 (2012).
- Nageswaran, Savithri. "Respite Care for Children With Special Health Care Needs." *Archives of Pediatrics & Adolescent Medicine*, v.163/1 (2009).

---

## Restorative Justice

"Restorative justice is a compass, not a map."  
—Howard Zehr

There is no overarching or agreed-upon definition of restorative justice. It encompasses a broad set of empowerment-based practices and decisions made in response to crime, inviting an agenda of accountability and rehabilitation strategies for diverse groups including adolescents, adults, and older adults in the criminal justice system. By

the mid-1990s, several hundred victim–offender reconciliation programs (the terms *victim* and *offender* are used throughout, acknowledging the stigma associated with this language) emerged in North America and Europe alongside New Zealand-based family group conferencing. Advocates of restorative justice in social work, psychology, criminology, and other professions acknowledge the importance of responsivity to cultural traditions in addressing crime (such as First Nations' healing circles), with promising research-based outcomes. Unifying theory, practice, and research, the principles are intended to be an interface among individual rights and social justice and well-being in communities. Howard Zehr conceptualizes restorative justice as a compass that invites community dialogue regarding a continuum of offenses, including the most severe, and he emphasizes that the Western legal system may exacerbate conflicts rather than fostering healing or peace.

At the heart of restorative justice (RJ) frameworks, also known as transformational justice, are three principles advanced by Zehr: restoration, accountability, and engagement. The practice of restorative conferencing is an alternative to offender-centered sanctions and punishment that attempts to balance the needs of all the stakeholders (victim, offender, and community), which leads to restorative agreements while encouraging accountability for offending behavior and promoting victim healing from traumatic stress. Types of restorations include damaged relationships, physical and mental health, and international peacemaking. In order to effectively respond to crime, victims, offenders, families, and community stakeholders are engaged to identify and repair the harm. Questions restorative justice proponents pose include: What is the nature of the harm resulting from the crime? What needs to be done to repair the harm? Who is responsible for repair? Are all stakeholders involved?

The criminologist John Braithwaite argues for the marriage between responsive regulation and restorative justice and that standards for evaluation of restorative justice processes include how well they are aligned with fundamental human rights and foster democratic participation of stakeholders (e.g., regulation that is not shaped only by powerful legal entrepreneurs). RJ conferences would, for example, not result in imposing unreasonable punishments. Integral to restorative processes are

the noncoercive values that facilitators ask of participants directly (such as respectful listening) and indirectly (such as apology and forgiveness). Scholars such as Kathleen Daly do not consider RJ to be the opposite of retributive justice.

RJ discourses have roots in the aboriginal systems of community-based decision making in Australia and New Zealand, with a range of applicability from addressing bullying in schools to healing in child sexual abuse cases, as well as situations of gendered or intimate partner violence, where conferencing and resolving conflict in a community setting can be effective. The formation of modern restorative justice emerged out of the traditions of the Mennonite Community during the 1970s in Canada and Indiana.

In the United States, Vermont, Colorado (the first state mandating that judges notify adjudicated youth of RJ options), California, Minnesota, and other states have been implementing RJ principles through the use of conferencing circles, reparative boards, and family group conferencing, with positive outcomes in restoring victim losses and reducing the likelihood of offender recidivism. In 1982, Fresno County created the Victim Offender Reconciliation Program, adopted in 1995 by the United Nations (UN) for International Restorative Justice. RJ programs such as these are in line with research corroborating the negative effects associated with the reliance on punitive sanctions (e.g., federal risk-based classification systems such as sex offender registration and notification applied to juveniles) as well as the costs and health effects of long-term incarceration on younger and older offenders. In south Australia, for example, conferencing in cases of youthful sexual assault has been shown to be more effective and less victimizing than the court process.

### **Efficacy**

Meta-analyses have identified effectiveness factors associated with restorative justice programs: (1) victim satisfaction, (2) offender satisfaction, (3) increased offender compliance with restitution, and (4) decreased recidivism. RJ proponents emphasize that restorative justice is not focused on reducing recidivism, although that may be the outcome of the process encouraging offender accountability and involvement of those affected by the crime. The effectiveness of human service delivery (e.g., family therapy) and interventions to prevent

recidivism among juvenile offenders, compared with punitive strategies, has been well documented.

### **Core Restorative Practices: Sentencing Circles**

A structured method of equal dialogue among stakeholders using a talking piece (e.g., a rock or feather) to facilitate speaking time, designed to illicit the victim's story and foster self-governance and community safety. Examples of circles include Robin Wilson's Circles of Support and Accountability (COASA), enacted in many communities in the United States and Canada in high-risk sex offender cases as a community reintegration model in line with the UN Standards for the Treatment of Prisoners. It involves offender accountability and community safety protocols, with the acknowledgement that traditional public safety measures and notification policies have been inadequate and that accountability combined with support with community integration can prevent recidivism. Additionally, Lorenn Walker's reentry and transition planning circles for incarcerated individuals is a circle model designed to provide a space for offenders to express remorse and understand the impact of their crime, using solution-focused interventions.

### **Family Group Conferencing**

Subsumed under restorative justice practices, family group conferencing (FGC) engages youth and their extended families in democratic decision making in both the child welfare and juvenile justice systems. Historically associated with addressing the overrepresentation of the Maori in the criminal justice system in New Zealand, FGC values family systems of care, partnerships with professionals, and healing from the impact of crime. The process involves four stages facilitated by a coordinator: opening, information sharing, deliberations and consensus, and closing, with the additional consideration of safety planning in cases of child abuse and neglect. Victim involvement can be crucial to ensure the offender's input is not central. Gale Burford pioneered the implementation of FGC in Vermont.

### **Reparative Boards**

Community reparative boards in Vermont were shaped by RJ principles. They include community capacity-building and decision-making processes that involve recruiting and training board members who make recommendations regarding offender

compliance with the probation or diversion contract, incorporating victim input (violations can result in renegotiation or a return to court). Offenders are usually considered low risk and may choose traditional sentencing rather than reparative probation. The goals include repairing the harm to victims and offender reintegration in the community, and boards can refer to FGCs or victim–offender mediation.

Other core practices and models include written or verbal apologies to victims, victim–offender dialogues, UN Truth Commissions (on human rights violations), financial restitution to victims, and community justice boards.

### Conclusion

Despite evidence that RJ programs can be effective, there remains a popular belief that formal punishment is needed in order to prevent offender recidivism. Community justice boards that engage community members in understanding and addressing offenses, FGC, or sentencing circles provide compelling alternatives to legal pathways that focus solely on individualized risk assessments.

Indeed, despite the international growth of RJ models, there are controversies from a victim advocates' perspective about whether practices such as case conferences are a better option than formal court proceedings in cases involving domestic and sexual violence. One central conclusion is that it is important to implement potentially restorative approaches rather than solely rely on punitive processes. Finally, it should be noted that an ideal justice system does not draw from one approach, whether it be retributive, rehabilitative, or restorative. In fact, the retributive–restorative binary is not defensible from empirical grounds.

Tina Maschi  
*Fordham University*  
 George S. Leibowitz  
 Lauren Mizus  
*University of Vermont*

**See Also:** Adolescent/Youth Services: Overview; Child Welfare Services; Community Corrections; Prisoner Reentry Programs; Victim Services.

### Further Readings

Burford, Gale and Hudson, Joe. *Family Group Conferencing: New Directions in Community*

*Centered Child and Family Practice*. New York: Aldine de Gruyter, 2000.

van Wormer, Katherine S. and Lorenn Walker, eds. *Restorative Justice Today: Practical Applications*. Thousand Oaks, CA: Sage, 2013.

Zehr, Howard and Ali Gohar. *The Little Book of Restorative Justice*. Intercourse, PA: Good Books, 2003.

## Reverse Discrimination

Treating someone differently (better or worse) based on the person's race, gender, or physical attributes constitutes discrimination. Women and racial minorities were historical targets of discrimination, sanctioned by the legal system. The expression *reverse discrimination* has been used to characterize the "unfair" treatment that men or whites have received in admissions and employment.

Members of the historically disadvantaged (underrepresented) groups (i.e., women and racial minorities) are being admitted into professional or graduate programs, hired, or promoted over members of the majority group (i.e., men and whites). Alleged discrimination against whites or men revolves around a denial of admissions to graduate, law, and medical schools. Alleged discrimination against white males in the labor markets includes but is not limited to hiring, compensation, discipline, discharge, promotion, demotion, and layoffs in law enforcement, firefighting, sanitation, teaching, and civil service. However, reverse discrimination is not frequent.

### Affirmative Action: Promoting Equality of Opportunity

In 1965, U.S. President Lyndon Johnson signed an executive order to prohibit discrimination in education and employment based on race and gender. Federal contractors are required to take affirmative action to ensure that applicants are employed without regard to race, creed, color, national origin, or gender. Employers are expected to give members of the historically (economically or educationally) disadvantaged groups (blacks, Hispanics or Latinos, American Indians, and Asians)