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National Foster Care Month: Supporting Youth in the Foster Care and Juvenile Justice Systems

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Today, I am here to present testimony for the Senate Judiciary Committee Hearing entitled “National Foster Care Month: Supporting Youth in Foster Care and Juvenile Justice Systems.” I am Macon Stewart currently serving as a Senior Program Manager at the Georgetown University McCourt School of Public Policy’s Center for Juvenile Justice Reform (CJJR). In my position, I manage CJJR’s work on the implementation of the Crossover Youth Practice Model and am one of its primary authors. This model seeks to improve how the family court, working in tandem with the child welfare and juvenile justice systems, can improve system functioning and outcomes for youth that are at risk of or who have crossed over between the two systems. To date the model has been implemented in over 90 counties in 20 states. As a result, my position has provided me the opportunity to be exposed to a variety of policy and practice challenges faced by communities across the country.

Currently, I also manage the Multi-System Collaboration Training and Technical Assistance Program through the Center for Coordinated Assistance to States, a program sponsored by the Office of Juvenile Justice and Delinquency Prevention within the Office of Justice Programs in the U. S. Department of Justice. This program provides training and technical assistance to communities on various multi-system topics such as Diversion, Systems of Care, and Increasing Systems Capacity. Prior to

my current position, I worked for the District of Columbia's Child and Family Services Agency as a front-line social worker working with youth placed in foster care, followed by a position conducting small-scale studies related to the foster care population, and lastly serving as assistant to the deputy director developing programs that sought to improve educational outcomes for youth in foster care. I am currently a resident of Guilford County, North Carolina. Thank you Mr. Chairman and Members of the Senate Judiciary Committee for the opportunity to speak with you about this important issue.

Let me begin by noting that the focus of my testimony today will be on youth that are currently involved with the child welfare system, as victims of abuse, neglect, and exploitation, who have also become involved at some level with the justice system. My testimony will provide information regarding the national research on this population, perspectives from the field and outcomes achieved through site-based work, ongoing challenges that communities face in meeting the needs of this population and the opportunities they are creating, and recommendations to the federal government.

Overview of Crossover Youth

Youth known to both the child welfare and juvenile justice systems are often referred to as crossover or dually-involved youth. These youth tend to go undetected as crossover youth by the systems serving them due to the lack of communication between those organizations, and as a result are often the recipients of services that are not well aligned and at times inconsistent with one another.

Consequently, these youth, as victims of traumatic experiences in their lives are often re-traumatized by the systems that were created to support and assist them.

Currently there are many terms being used to describe these youth, but for the purpose of this testimony three categories offered by Herz, Ryan, and Bilchik (2010; see also Stewart, Lutz, and Herz 2010) will be utilized: Crossover Youth, Dually-Involved Youth, and Dually-Adjudicated Youth. *Crossover youth* is the term used to define any youth that has experienced maltreatment that has also engaged in an act of delinquency notwithstanding any system involvement. *Dually-Involved youth* are a sub-population of crossover youth. They are youth that are concurrently known to both the juvenile justice and child welfare systems. For example, a youth may be adjudicated dependent and residing in a group home placement and be receiving diversionary services from the delinquency system. *Dually-Adjudicated youth* are a sub-population of dually-involved youth. These young people have been formally processed by both systems and are under the care and custody of both. Dually-Involved and Dually-Adjudicated youth will be the focus of this testimony. Youth that fall into these two categories are touching both the child welfare and juvenile justice system at the same time, thereby creating the opportunity for these systems to better coordinate and collaborate in an effort to enhance system functioning and improve outcomes for youth.

It is also important to understand the pathways youth follow when they cross over. The following chart depicts crossover youth pathways:

	Starting Point	Event	Outcome
Pathway 1	Youth has an open child welfare case	Youth is arrested or cited	Youth enters the delinquency system
Pathway 2	Youth is arrested	Youth has a closed child welfare case	Referral is made to child welfare
Pathway 3	Youth is arrested with no previous child welfare contact	During juvenile justice investigation, maltreatment is discovered	Referral is made to child welfare
Pathway 4	Youth is adjudicated delinquent and placed in a correctional placement	At the conclusion of the correctional placement, there is no safe home for them to return to	Referral is made to child welfare

Due to the lack of information sharing structures across systems, jurisdictions find it challenging to identify dually-involved youth, regardless of the pathway they travel. This blind spot is what often leads to the uncoordinated, chaotic experience that youth and families face when becoming dually-involved.

The relationship between maltreatment and delinquency has been well established. For example, national research studies have revealed the following characteristics of dually-involved youth

- A majority of these youth are males; however the proportion of females is greater than in the general delinquency populations.
- A significant number have special education issues, challenges in the school setting (academic and behavior), and substance use and/or mental health problems.
- A disproportionate number are children of color when compared to the child welfare, juvenile justice and general population within a community.
- A high number of these youth have witnessed domestic violence and have parents with a history of criminal justice system involvement, mental health problems, and/or substance abuse problems.

- While many of these youth are in the care of the child welfare system for extended periods of time, entering the system as young children and remaining into adolescence, there are also a substantial percentage that have first entered the child welfare system as adolescents.
- A significant proportion of these youth experience out-of-home placement; and the number of placement and school changes they experience are relatively high.
- Many are residing in a group home or congregate care settings at the time of arrest.
- Crossover youth are on average between 14 and 16 years old, with their first offense typically occurring at a younger age than youth in the general delinquency population.
- At the time of arrest, between $\frac{1}{4}$ and $\frac{1}{2}$ of youth are placed in pre-adjudication detention, much higher than the general delinquency population.
- Many crossover youth have had prior contact for other types of criminal charges and/or status offenses.

(Herz and Fontaine 2012; Halemba and Siegel, 2011; Herz and Ryan, 2008; Halemba et al., 2004; Kelley, Thornberry, and Smith, 1997).

Experiences in the child welfare system may serve as risk factors for delinquency

As suggested above, a correlation has been found in a number of research projects between the experiences of youth in the child welfare system and their crossing over into the juvenile justice system. These include the number and types of

placements experienced while in the care of child welfare, the age at which maltreatment was experienced, school instability and the absence of pro-social bonds. The impact of congregate care on subsequent delinquency, for example, was analyzed utilizing a sample of youth involved with child welfare between 2002 and 2005 in Los Angeles County. The study found these youth were disproportionately African American males and were more likely to have a history of multiple placement episodes when compared to other youth in foster care placements. Running away from placement and living in congregate care have been found to be the two greatest risk factors for future delinquency (Ryan, Marshall, Herz, and Hernandez 2008). The relationship between attachment, commitment, and future offending were examined by Ryan, Testa, and Zhai (2008) in a study of 278 African American males in foster care. For these youths, positive attachments/relationships between foster youth and foster parents including commitment (as measured by the youths' involvement in religious organizations) reduced the risk of delinquency. Consistent with this need for positive attachments/relationships, it was also found that youth suspended from school were more likely to engage in delinquent behaviors.

The Rochester Youth Development Study found that children who experienced maltreatment persistently through childhood and adolescence or in adolescence alone were more likely to engage in delinquency than children who experienced maltreatment during childhood only (Smith, Ireland, and Thornberry, 2005; Ireland, Smith, and Thornberry, 2002).

Crossover youth experiences in justice systems

There are few research studies that have focused on the treatment of dually-involved youth in the justice system. However, for those that exist the findings are consistent: dually-involved youth appear to receive dissimilar treatment from their counterparts not involved with child welfare when all other variables are controlled for. Ryan et al. (2008) found that dually-involved youth in Los Angeles County were less likely to receive “home on probation” and more likely to be placed in a group home setting than youth without an open child welfare case. In an examination of detention decisions in New York City, Conger and Ross (2009) found that dually-involved youth were more likely to be detained than youth without child welfare involvement.

Perspectives From the Field

The Crossover Youth Practice Model (CYPM) was developed and released by the Center for Juvenile Justice Reform in 2010 in response to the growing research on dually-involved youth and the increased interest of jurisdictions to address the needs of this population of youth. The CYPM creates a nexus between research and best practices for improving outcomes for dually-involved youth. It creates an opportunity for agencies to strengthen their organizational structure and implement or improve practices that have a direct impact on youth. The CYPM is currently being implemented in 20 states and over 90 counties across the country. The model is structured to address three phases that align with the trajectory a youth follows when crossing over between the child welfare and juvenile justice

systems. Implementation of the model seeks to achieve the following system improvements.

- Ensure greater uniformity in the mission and vision of child welfare and juvenile justice agencies.
- Develop specific policies and practices related to serving dually-involved youth.
- Increase the use of cross-systems data to inform decision making on all levels for the involved agencies.
- Improve cross-systems engagement related to case management functions.
- Conduct cross-systems training to improve agency knowledge about other system functions and processes.
- Develop a mechanism for continuous quality improvement across the two systems.

Jurisdictions implementing the CYPM have experienced positive youth and system level outcomes, including:

- Enhanced coordination between child welfare, juvenile justice, and other youth serving systems.
- Increased use of a joint assessment or multi-disciplinary team process for purposes of case coordination.
- Increased use of diversion, delinquency case dismissals, and alternatives to detention.
- Increased early identification of youth (at the point of juvenile justice intake) and an enhanced multi-system focus on permanency.

- Development of dedicated court dockets and specialized units of workers to focus specifically on crossover youth.
- Increased school attendance, improved academic performance, and reduced behavior problems at school.
- Increased contact with parents, other family members, and familial supports.
- Increased involvement with pro-social activities.
- Reduction in deep-end delinquency placements.
- Improvements in behavioral health indicators.
- Decrease in the use of Alternative Permanent Planned Living Arrangement (APPLA) as a permanency goal.
- Positive structural changes related to establishing new procedures and legal mandates for information sharing.
- Enhanced psychosocial processes, professional supports, and strengthened relationships with other professionals
- Decreases in recidivism.

(Haight, W.L., et al., 2014; Herz and Fontaine 2012)

National Trends in Practice – Innovations in policy, practice and system alignment, and the outcomes achieved in CYPM communities

The crossover youth issue is gaining widespread attention and traction.

Jurisdictions are beginning to take note of the poor outcomes these youth face and

are becoming more inclined to implement system changes designed to improve these outcomes. A judicial officer from Maryland noted,

I would see youth coming before me on a dependency case for years, then a delinquency charge appears but neither worker knew the other case existed. They learned that information from me. I became the catchall. However, in many instances by the time I learned of the crossover incident the youth was likely to already be dually-adjudicated. So a huge opportunity had been missed.

This testament is all too common in many jurisdictions and the result is that youth are often not identified timely, there is no coordinated engagement of the youth and/or family, court personnel and legal representatives are not adequately informed about a youths' status, assessment and service delivery are not coordinated, other systems (i.e. education and mental health) are not engaged, and the impact of trauma is not acknowledged or addressed.

States and communities are utilizing various approaches and structures to improve outcomes for crossover youth. The following jurisdictions have all been involved with the implementation of the CYPM. The State of Missouri has developed the Missouri Crossover Youth Policy Team. This team consists of top level leadership from each youth serving agency in the state. The team meets on a monthly basis and works to align statewide policies and practices, and provide support for community level initiatives that seek to improve outcomes for crossover youth. The State of Florida Department of Children and Families and Department of Juvenile Justice have established a statewide workgroup to focus on state-level issues that impact

crossover youth. This workgroup is currently reviewing the practices of the eight counties that have implemented the CYPM to inform the scope of their work. A joint systems meeting will be held in June designed to enhance statewide policies that would better support crossover youth or youth at risk of crossing over. The State of Arizona through their Supreme Court's Administrative Office of the Courts (AOC) has supported implementation of the CYPM in seven counties to date. The AOC is currently spearheading two workgroups of county-level staff to address (1) cross-jurisdictional crossover youth protocols (case managing youth with a child welfare case in one county that picks up a delinquency charge in a different county) and (2) information/data sharing (development of a statewide data sharing agreement between the agencies that will inform the work at the county/local level).

At the local level, communities are working diligently to improve system collaboration and adjust existing human and service resources to improve outcomes for youth that crossover. Travis Co. TX has developed a Memorandum of Understanding (MOU) and an Interagency Agreement between the Travis County Juvenile Probation and Texas Department of Family and Protective Services. The MOU allows for two child protective services workers to be housed at the Juvenile Probation Office. The co-location of these staff increases the workers' ability to collaborate and provide joint case management services for crossover youth. The Interagency Agreement was developed to solidify the communities' commitment to coordinating efforts in the identification, assessment, case supervision, placement and monitoring of juveniles and their families, which are the joint responsibility of both agencies. Travis Co. also developed a dedicated docket. The intent is to ensure

that a single judge has information from both the child welfare and juvenile justice systems to inform decision-making, and create a single court process for youth and their families.

San Diego Co. CA identified an issue related to placement providers often being unwilling to accept a foster youth back in their homes following an arrest. The county-based multi-system workgroup was able to identify the need for “cool beds”. These beds are used as a respite placement for youth that have crossed over. Time in the “cool beds” is limited, with the goal being to return the child to the previous placement. This time away from the placement of origin gives the placement provider time to de-escalate and rest and gives the child welfare agency an opportunity to ensure any additional services are put in place so the youth can return to the original placement and not risk another placement change.

New York City has developed a city-wide protocol to address the needs of crossover youth. The implementation has occurred in a phased approach for each borough starting with the Bronx in 2014, Brooklyn in 2015, and the remaining boroughs in early 2016. All crossover youth are identified through Project Confirm, which is part of the Administration for Children Services (ACS). Staff at Confirm notifies the ACS caseworker of the youth’s arrest and the agreed upon case management process ensues. New York City developed a robust case management process that utilizes an adjustment conference pre-adjudication (with consent from the youth and families) to discuss the challenges the youth is facing and make modifications in the case plan as needed. This adjustment conference allows a “teaming approach” to

occur early in the case and creates an ability to impact the charging decision and placement of the youth.

New London Co. CT, has recently launched their CYPM case management process. In preparation for the launch, local management conducted worker training to acquaint child welfare and juvenile justice staff with each other's systems. These trainings have proven to be very helpful in that many staff were working with false impressions about the other system. Conducting this foundational worker training assisted in ensuring that the systems and workers were well aligned and able to adopt the multi-system case management model.

The above information highlights a few of the many innovations being done at the state and local levels to address this population of youth. It should be noted, that these efforts are generally being done with no additional funding, instead relying on the commitment of communities to maximize existing resources.

Recommendations for the federal government

The federal government plays a significant role in setting the foundation for states and communities to work on this issue. My recommendations for the federal government, i.e., the various agencies that impact this population of youth, are adapted from Bridging Two Worlds: Youth involved in the Child Welfare and Juvenile Justice Systems. A Policy Guide for Improving Outcomes developed by the Center for Juvenile Justice Reform and the American Public Human Services Association (2008). While the U. S. Department of Justice has funded several local pilot sites working on this issue and most recently funded a research project

designed to better understand the prevalence and incidence of youth moving from child welfare to juvenile justice, the recommendations that follow would greatly enhance the role of the federal government as a partner with local communities in better meeting the needs of crossover youth.

1. Partner with youth and families to inform your strategies

- Require the creation of an interagency Parent and Youth Council focused exclusively on crossover youth issues.
- Issue Proclamations that promote the value of family and youth involvement in policy and practice issues.
- Require a review of funding and grant programs to create a mechanism to financially support youth and family participation at the federal, state, and local levels.

2. Develop and support strategic partnerships

- Direct current federal interagency structures to support cross-agency/cross-program collaboration to achieve better outcomes for crossover youth.
- Direct cross-agency action to support state and local targeting of delivery of services to crossover youth including demonstration grants, technical assistance, and training grants.

3. Support information sharing and mandate reporting on outcome measures

- Enforce the CAPTA requirement to gather statistics on youth who cross over from child welfare to juvenile justice.

- Require review and elimination of federal barriers to data access consistent with privacy policies that protect use, maintenance, and re-disclosure of data.
 - Fund data sharing mandates, including training, and change management costs.
4. Develop integrated and coordinated funding strategies
- Provide fiscal incentives to states to reduce the rate of youth crossing over between the child welfare and juvenile justice systems including the development of national outcome measures and standards to track state performance.
 - Require the funding of joint federal initiatives, including demonstration projects and training and technical assistance initiatives, to support the crossover populations.
5. Support investments in research and evaluation
- Require the development and funding of a research agenda focused on crossover youth and their families
 - Mandate and support longitudinal studies on crossover youth
 - Require that research results are integrated into federal policy development

This population of youth has historically fallen through the cracks of our systems.

We now have the knowledge about how to better serve them and with a greater commitment at the federal, state, and local level we are in a position to provide

these youth with the nurturing relationships, opportunities and hope for the future they deserve.

Thank you for your consideration

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