



## The Intersection of Juvenile Justice and Child Protection: Dual Status Youth

### Background

Dual status youth are often an invisible population and experience a myriad of challenges. While states have a general understanding that there are many youth being served by both their child welfare and juvenile justice systems, in the majority of states, the movement has not been sufficient toward collaborating to better serve this very vulnerable population. Research estimates of youth in the juvenile justice system with child welfare involvement is upwards of 50%.<sup>1</sup>

Dual-status youth often struggle with a number of challenges, many of which are also common to youth in either the child welfare or the juvenile justice systems. These include educational and mental health problems, a higher incidence of drug use, and sexual abuse.<sup>2</sup> Additionally, dual status youth experience more “complex trauma” than youth in the general population -- meaning “exposure to multiple traumatic events, often of an invasive, interpersonal nature, with the potential to have more wide-ranging and long-term impact.”<sup>3</sup> Children who experienced abuse or neglect early in life were also more likely to be younger at their first arrest, to recidivate, and to become chronic offenders.<sup>4</sup>

Both youth of color and females are disproportionately represented among dual status youth. The causes are varied and have often proved resistant to change. Females are disproportionately represented in the dual-status youth population. They make up one-third to one-half of the cases, compared to females in the juvenile justice system alone comprise 20 to 25 % of the cases.<sup>5</sup> Youth of color have been overrepresented at every stage of the delinquency process – from arrest, to secure detention, confinement, and transfer to the adult system. While Latino youth are underrepresented nationally in the foster care system, they are generally overrepresented in the juvenile justice system.<sup>6</sup>

In recent years, better data collection and analysis in many localities has helped spur the development of strategies to reduce disparities among youth in contact with the juvenile justice system. This work is paving the way for a more equitable juvenile justice system that will treat youth fairly regardless of their race or ethnicity and address many issues common to the child welfare system.

### Understanding the Unique Experiences of Dually-Involved Youth

Youth with histories of involvement in the child welfare system and juvenile justice may or may not be known by either system. It's important to understand the three primary categories of dual status youth that tend to be underserved:

**Dually-Identified Youth:** Youth who are currently involved with the juvenile justice system and have a history in the child welfare system but no current involvement.

**Dually-Involved Youth:** Youth who have concurrent involvement



(diversionary, formal, or a combination of the two) with both the child welfare and juvenile justice systems.

**Dually-Adjudicated Youth:** Youth who are concurrently in the child welfare system and adjudicated in the juvenile justice systems (i.e., both dependent and delinquent).

Youth who are served by child welfare, justice or both are often shaped by parental or guardian absence or neglect. These youth are more likely to engage in behavior that will bring them into early, frequent and prolonged contacts with the juvenile justice system and are often underserved and/or do not generally receive the services intended to address their histories of abuse, neglect and/or trauma.



Trauma is not the adverse experience itself, but rather a response to adversity when a child's ability to cope and function is fundamentally undermined. Traumatic events can cause increased anxiety, depression, symptoms of post-traumatic stress disorder, difficulty managing relationships, and have lasting adverse effects on the individual's functioning and mental, physical, social, emotional, or spiritual wellbeing. Children exposed to abuse or neglect can become

hypersensitive to negative feedback, develop aggressive self-protective behaviors, or become emotionally disconnected as the result of fear and anxiety. If these issues are inadequately addressed or persist, children may become difficult for caretakers and schools to manage.

Research highlights that dual status youth are younger at the time of their first arrest, have higher rates of recidivism, are detained more often and for longer periods of time, experience more frequent placement changes, are more likely to experience school failure, and generally have more extensive mental health needs than youth who do not touch both systems.<sup>7</sup> "Many of our maltreated youths cross over into the juvenile justice and other systems of care, as child abuse and/or neglect increases the risk of arrest as a juvenile by 55% and the risk of committing a violent crime by 96%."<sup>8</sup> Looking at youth behavior through a trauma lens offers greater insight into why youth can appear to be acting aggressively, or placing themselves in harm's way. For example, the use of coercive practices such as seclusion and restraints in the behavioral health and juvenile justice systems; the abrupt removal of a child from an abusing family in the child welfare system; the use of invasive procedures in the medical system; the harsh disciplinary practices in educational/school systems; or intimidating practices in the juvenile justice system can be re-traumatizing for individuals who already enter these systems experiencing significant traumatic symptoms.

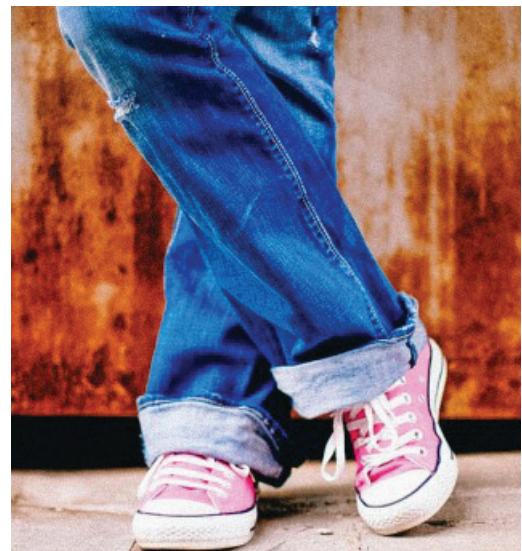
Without a coordinated approach, youth often move from one system to another, many times frequently, experiencing unintended additional trauma that can be attributed to: delays in recognizing dual-status and in providing appropriate responses; conflicting goals and requirements based on separate child welfare and juvenile justice case plans; duplicative and/or non-collaborative case management and supervision practices that are often inefficient and counter-productive; and poor permanency and juvenile justice outcomes for children, youth, and families.<sup>9</sup> "In addition, the incapacity of systems to address the educational barriers that these children and youth face reflects the fact that each system may be overwhelmed by the unmet needs of the students."<sup>10</sup>

## Special Challenges in Addressing Dual-status Issues

Dual status youth require systems to work together in a different way to help them realize improved outcomes. Unfortunately, experience has shown that changing entrenched system policies and practices can be difficult and accompanied by a number of challenges. Structural challenges often include a lack of cohesive case management and fiscal inefficiencies that result in poor service delivery for the dually-involved youth population. When there is no coordinated response to the identification of these youth, there is no consistent assessment of their needs and risks. Service delivery among systems can be duplicative or contradictory, and opportunities to prevent further system involvement can be lost. "Moreover, when the systems fail to collaboratively engage families or to establish a joint permanency goal for a youth, the long-term outcomes for dually-involved youth suffer."<sup>11</sup>

Dual status children often miss large portions of the school year because they move from one placement to another and teachers and administrators often do not know how to effectively serve highly mobile students if the transfer of student records is delayed. When admitted to a new school, youth find that the academic classes they need are already full and/or the level of class instruction may be very different from their previous school. Another serious problem is that children who transfer from one school to another have difficulty making lasting friendships. The lack of social bonding also is predictive of youth crossing over from the child welfare to the delinquency system.<sup>12</sup>

Information-sharing challenges are often encountered among the various agencies due to complex legal rules, different record-keeping procedures, the limits of current technology,



and other factors that make it difficult for everyone involved in a particular child's case to be fully informed about the child's background and current situation. In addition, a lack of policies that requires systems to work together, can result in a lack of motivation to address the challenges faced.

The costs of maltreatment and trauma to children, families, and society at large are profound. According to a study funded by the Center for Disease Control (CDC), the lifetime cost of child maltreatment and related fatalities in one year totals \$124 billion. Indirect costs, the long-term economic consequences to society because of childhood trauma, include costs associated with increased use of our health-care system, juvenile and adult criminal activity, mental illness, substance abuse, and domestic violence. Prevent Child Abuse America estimates that child abuse and neglect prevention strategies can save taxpayers \$104 billion each year. Another challenge in an uncoordinated system is the issue of secondary trauma. State agencies and service provider personnel are affected by the traumas youth have experienced. When system staff experience secondary trauma, their health and work productivity are at risk. To strengthen systems, they must work to prevent and manage secondary traumatic stress.

## Strengthening the Connection between Child Welfare and Juvenile Justice

In agency structures that are created to serve youth, the intention is always to make a positive difference in the well-being of the child. However, even when agency staff recognize the need to collaborate, there can still be many barriers and few incentives. Agencies can frequently have deeply entrenched beliefs about their current way of working and system partners. "This can result in the staff from one agency expecting the "other system" to simply deal with the issue instead of working together."<sup>13</sup>

Dual status youth often exhibit the same problem behaviors in many areas of their lives. A lack of transition planning for juveniles makes successful reentry and integration into the community extremely difficult. Service providers often receive inadequate professional development and specialized transition training. Due to a lack of interdisciplinary collaboration, service providers are often unprepared to provide appropriate transition services. Providing an opportunity for child welfare and juvenile justice staff to learn about one another's agency missions, system goals, and daily work can help strengthen this relationship. Cross-training can allow them to get to know employees from the other agency and to get a feel for their role and responsibilities.

When jurisdictions begin to work in a coordinated fashion, the systems find that they are more easily able to:

- streamline processes,
- make information available to relevant parties,
- identify opportunities for alternatives to formal processing,
- ensure the use of appropriate and valid evaluations,
- produce cohesive case plans,
- successfully engage youth and families in their own case plans, make effective use of scarce resources, and
- promote decision making that is fair, equitable, and developmentally appropriate.

"Ultimately, when systems that have historically operated in isolation from one another come together to serve the youth they have in common, there is an increased ability to access expertise and resources that best meet the needs of dual status youth. This can result in more effective responses to these youth, increasing the likelihood of steering them away from the juvenile justice system as well as linking those involved with the most effective services and treatment."<sup>14</sup>

By focusing on improved processes and interagency collaboration, structural barriers to coordination may be reduced and merged funding streams may provide more efficiencies. Information sharing can be facilitated through an integrated state-level data system, state statutes or mandates may increase the pace of statewide change, and local practices may be subject to greater oversight. Gathering information on all dual-status youth, including their educational needs and progress, will present more data for implementing evidence-based best practices to treat their needs, and identifying opportunities to prevent juvenile justice involvement.

If potential partners are operating in silos and the agency leadership and staff have inconsequential knowledge of one another's organization, they are operating at the co-existing stage of collaboration. If the union of the agencies has progressed to the communication stage, staff and leadership across the agencies will have an understanding of one another's mission even though no formal partnering is occurring. The lack of information sharing and integration of services can cause an increase in the number of children and youth in "placement".

Agencies operating at the cooperation and coordination stages are often partnering more substantially, and the dialogue has moved beyond exchanging mission statements and a student's service plans. "Much of the conversation pertaining to collaboration is likely occurring at the policymaker or agency-head level, and policies may begin to reflect practices that allow a quick and easy exchange of records. As the agencies move into the coordination stage, agency staff should begin promoting, hosting, and attending cross-agency training and staff development activities; shared decision-making should be occurring on the best way to meet the needs of young people; communication among policymakers should be routine; and case managers, front-line staff, and agencies should be addressing the needs of most children and youth in the community with complementary universal interventions and strategies."

Once agencies merge their efforts and thinking and then empower their staff to collaborate, they have reached the stages of coalition and true collaboration. A common goal underlies the supports, services, and interventions that are provided to children, youth, and families. Agencies may

have adopted common policies that support the funding of evidence-based programs. "Agencies may be developing budgets jointly and have assembled their budgets into a larger integrated children's budget for the state or community that promotes a common goal and vision. Blended or braided funding is a common practice when agencies have formed such a collaborative union. As the agencies reach full collaboration, a heightened level of trust is established between and among them, and the partnerships are ultimately sustained. Efforts are purposefully made to connect children and youth with the larger community. The end result is that the community becomes known as a community that takes care of its young people and families."<sup>15</sup>

## Conclusion

Again and again, success in creating dual agency systems relies on the gathering and sharing of data. This involves development of data sharing agreements; automated case linking routines; shared funding arrangements; and case coordination protocols among state-level agencies. It is important to outline areas where data sharing is critical in moving forward.

Some of these data needs are understanding:

- What are the causes for the placement disruptions that these young people experience?
- What are the underlying reasons, beyond the broad categories, for home removals?
- What are the circumstances surrounding these children's arrests or charges?
- For example, are they getting arrested at schools or in group care facilities?
- What are the educational histories of this group of young people? How are schools interacting with them in terms of discipline and academic support?
- How many have special education needs, what types of needs, and are they being met? Who is advocating for these young people in school?
- What are the behavioral health, trauma, substance use, and family histories of these young people?
- What interventions are most successful in providing support for these issues?
- What programs and policies work? What happens in the child welfare cases in which young people go on to succeed and thrive?<sup>16</sup>



## Next Steps/Recommendations

Any state considering a transformation in dual systems needs to begin with an assessment of the level of collaboration they are currently operating in and the readiness for partnerships. Strong judicial and administrative leadership and a comprehensive knowledge of the characteristics and needs of the dual status youth population is essential in moving toward effective interagency collaboration.

In the case of Connecticut, we are progressive in our ability to collaborate and understand the need for data sharing. A full understanding of what happens to a dually-involved youth in the juvenile justice system and what prevention opportunities are available is needed. This includes a coordinated response to identification of a youth, effective service delivery, engagement of the legal, educational and behavioral health systems, recognition of the impact of trauma and, transition planning for youth.

There is good news in Connecticut. The Juvenile Justice Policy and Oversight Committee (JJPOC) has been tasked, since 2014, with evaluating policies related to the juvenile justice system. This legislatively mandated body has submitted recommendations for four years that have orchestrated significant system reform. They have, over the course of the past several months, been developing a new strategic plan which outlines goals to be achieved by 2021.

The first goal of the new draft Strategic Plan is focused on limiting youth entry into the justice system. It begins, "Connecticut is committed to preventing youth from entering the formal justice system by appropriately serving them by alternative means or systems (e.g., community-based diversion, Restorative Justice approaches mental/behavioral health services, etc.) in order to achieve better outcomes for youth."<sup>17</sup> This highlights the importance of cross-agency collaboration within and outside of the justice system to ensure youth are not inappropriately



escalated into the justice system.<sup>18</sup>

One of the key objectives for this first goal in the draft Plan is to ensure that youth have appropriate supports from youth-serving agencies (schools, Department of Children and Families, etc.) as viable alternatives to the formal juvenile justice system, including but limited to:

- Substance use services
- Mental and behavioral health services
- **Child Protection and Welfare Services**
- Educational services, including special education
- Other services for youth with disabilities

Connecticut is poised to make substantial progress in cross-system collaboration, as the JJPOC and its workgroups begin to implement the goals and objectives in their 2019 – 2021 Strategic Plan “Achieving Positive Youth Outcomes for Safer and Healthier Communities: A shared vision for Connecticut’s juvenile justice system.” Hopefully Connecticut will become a model in addressing dual-status youth in the near future.

## Footnotes

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15. Addressing the Unmet Educational Needs of Children and Youth in the Juvenile Justice and Child Welfare Systems, pg 4, 2012 Edition, Peter Leone, University of Maryland, Department of Special Education, Lois Weinberg, California State University, Los Angeles, Division of Special Education and Counseling
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17. JJPOC Strategic Plan DRAFT, 2019 - 2021
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