

Arizona Dual Jurisdiction Study

Executive Summary

Introduction and Background

In March 2003, the Arizona Supreme Court, Administrative Office of the Courts (AOC) entered into a contract with the National Center for Juvenile Justice (NCJJ) to conduct a study of youth who experience simultaneous dependency¹ and delinquency court involvement. These so-called “dual jurisdiction” or “dually involved” cases² pose unique dilemmas for juvenile courts and child welfare agencies across the country.

The Arizona study required NCJJ to examine barriers to effective court handling of dual jurisdiction cases, and to provide recommendations to address the challenges posed by this population. NCJJ worked closely with the AOC and the four study sites (the juvenile courts in Cochise, Coconino, Maricopa, and Pima counties) to establish the study’s parameters.

A growing body of research confirms the strong correlation between child maltreatment and subsequent delinquency. There has been very little research, however, conducted on how best to process or intervene in cases in which an adolescent is concurrently before the court on both delinquency and dependency matters, particularly teenagers 13 years of age and older. Numerous questions arise regarding the proper court response in these matters (including whether case consolidation is appropriate), the degree of case coordination between juvenile probation/parole, child welfare and behavioral health required to effectively intervene in these cases; and how best to access and fund the myriad of expensive services these youth typically need to at least provide them a realistic opportunity to spend their teen-age years in living arrangements that have some semblance of permanency, a realistic opportunity to become functional, law-abiding adults, and to address immediate and long-term community safety issues.

The findings of a brief national survey conducted by NCJJ, covered in a paper funded through an Office of Juvenile Justice and Delinquency Prevention (OJJDP) grant and entitled *When Systems Collide: Improving Court Practices and Programs in Dual Jurisdiction Cases* (see Appendix A), and our experience in numerous courts across the country, confirm that a relatively small number of courts, probation departments, and child welfare agencies have instituted special court practices and/or comprehensive programs specifically for dual jurisdiction matters. This paper (developed in conjunction with work on this current project) highlights promising court-based practices and programs that have the potential to address the difficult challenges posed by dual jurisdiction cases. It is an initial effort to present what juvenile courts are currently doing or what juvenile courts can do to improve coordination of dual jurisdiction matters.³

¹ Like many states, Arizona law and Arizona’s juvenile courts use the term “dependency” to refer to child abuse and neglect cases.

² In this report, “dual jurisdiction,” “dual involvement,” “dual wards,” and other similar terms will be used interchangeably to denote youth with co-occurring dependency and delinquency court involvement.

³ Please see Gene Siegel and Rachael Lord. *When System Collide: Improving Court Practices and Programs in Dual Jurisdiction Cases*. Technical Assistance to the Juvenile Court: Special Project Bulletin (Summer 2004), NCJJ, Pittsburgh, PA. The paper can be accessed on-line at: <http://ncjj.servehttp.com/NCJJWebsite/pdf/dualjurisdiction.pdf>. (downloaded on November 19, 2004)

Dual jurisdiction cases present unique challenges to the juvenile court/juvenile probation, child welfare, and the behavioral/mental health communities. Because of their complexity, these cases drain scarce resources from child welfare agencies, probation departments, behavioral health systems of care, and the courts themselves. They prompt unintended duplication of case management efforts. They usually guarantee the influx of multiple parties and professionals, some with conflicting goals and missions, adding substantial costs and detracting from effective and timely action.

Almost by definition, dual jurisdiction youth defy singular categorization. Dual system youth display an exceptional range of behaviors, needs, and risks. We believe, along with many child welfare and juvenile justice professionals in Arizona, that the unique characteristics of dual jurisdiction cases and the systemic impact these cases present, require different approaches than standard probation, standard child welfare, or standard behavioral health case management. The challenge, of course, is how to implement effective changes in times of austere resources.

This report documents some of the special approaches being taken in each of the four study sites. Until a few years ago, efforts to more effectively handle dual system matters in Arizona have been marred by the often adversarial relationships between CPS and juvenile probation. This dynamic tension was frequently related to the lack of resources and funding to serve this special population, as well as the “lack of clarity as to the roles and responsibilities” of juvenile probation and CPS in the supervision, case management and provision of services in these cases. Much has changed in this regard. Fieldwork conducted in the four targeted counties, reveal evidence of expanded interagency collaboration and cooperation at the local and state levels, though a strong consensus persists regarding the need to continue to improve.

We believe this study provides empirical support for handling dual jurisdiction cases differently than others. Two data sets were analyzed over the course of this study – an extract of data from the participating county juvenile courts’ automated systems (JOLTS),⁴ and data manually collected by NCJJ project staff from court files (that is, legal files maintained by the Clerk of the Court’s office and social files maintained by court probation staff and CPS liaison staff).

Analysis of JOLTS Data

Data extracted from JOLTS represent the court history of all juveniles with an ACTIVE dependency, delinquency or status referral/petition in FY2002 (7/1/01 through 6/30/02) for the four counties included in our study – Cochise, Coconino, Maricopa and Pima counties. Each record in the JOLTS extract data set represents the summarized court history involvement of a child on all delinquency, status and dependency matters through FY2003 and is current through August 2003.

The JOLTS extract data file allows for comparison of the dual jurisdiction population with those of juveniles only active with the court on a delinquency matter in FY2002. These

⁴ JOLTS is an acronym for Juvenile On-Line Tracking System. Each of the state’s 15 juvenile courts utilizes JOLTS to track both its dependency and delinquency caseloads. However, there are three slightly different versions of JOLTS existing in Arizona.

latter youth are referred to as our *delinquency-only* comparison population. The JOLTS data extract also permitted NCJJ staff to identify the *dual jurisdiction* population – that is, minors eight years of age and older at the start of the fiscal year (July 1, 2001) who were involved with the court on both dependency and delinquency matters at some point during FY2002. The process was further refined to ensure that the court’s involvement on these matters truly overlapped within the fiscal year.

Extensive court history data are available on all youth active with the court during the fiscal year on dependency, delinquency and/or status matters. This includes basic demographic data (date of birth, gender, race/ethnicity), as well as dates of first court involvement, overall number of referrals/petitions, and most serious offense/allegations data. Data on probation supervision, probation placements, detention and commitments to the Arizona Department of Juvenile Corrections (ADJC) are also available. *Probation placements* are defined as youth on probation placed in private group homes and residential treatment facilities paid for, at least in part, by the juvenile court through a special fund appropriated annually by the State Legislature to fund a range of programs and services for delinquent and incorrigible youth.⁵

A number of conclusions can be drawn from our analysis of JOLTS data that should be taken into consideration as Arizona re-examines how its juvenile courts identify and process the cases of juveniles with a court history of both dependency and delinquency involvement. These include:

1. Youth with histories of court involvement on dependency matters are *twice* as likely to recidivate if referred on a delinquency offense than juveniles with no history of dependency court involvement (62% compared to 30%, respectively).
2. Recidivism rates for first-time referred females with dependency court histories are *similar and somewhat higher* than for their male counterparts (65% versus 61%, respectively). Among the general population of juveniles referred for the first time for a delinquent act, males are considerably more likely to recidivate than females – 33% for males and 23% for females.
3. Dependent children over the age of eight are also very likely to be (or become) involved with the court on delinquency matters. The likelihood increases substantially for children 14 years of age and older.⁶ That is, 73% of active FY2002 dependent youth ages 14-17 had been referred to the court on at least one delinquency referral and 57% had been petitioned to the court on a delinquency matter prior to August 2003. Furthermore, 49% of these older dependent juveniles ultimately were placed on probation supervision and 51% were at some point detained.

⁵ Youth placed in private group homes or residential treatment facilities funded solely through CPS and Arizona Behavioral Health Care System funds cannot be identified as such in the JOLTS extract database.

⁶ While no data are available in JOLTS, we suspect these types of patterns would be maintained for youth who were informally involved with CPS. The authors suspect that prior or concurrent informal CPS involvement would be a very good indicator of future recidivism for juveniles referred to the court on their first delinquency referral.

4. While only comprising a very small fraction of a juvenile court's informal diversion caseload (1%), dual jurisdiction youth comprise an increasingly larger portion of a court's deeper-end FY2002 delinquency caseload. This includes youth on probation supervision (7%) and a subset of these youth placed in a probation placement (42%).
5. Arizona juvenile courts have a substantial number of juveniles who are both delinquent and dependent. In the state's two largest counties, there are hundreds of juveniles who are both dependent and on probation supervision. The vast majority of these youth spend at least a portion of their time on probation in a group home or residential treatment facility – sometimes paid for fully or in part by the juvenile court.
6. Dual jurisdiction youth tend to start their delinquency careers at an earlier age – considerably earlier than delinquency-only youth on probation supervision and somewhat earlier than juveniles placed in a probation placement. This includes age at first delinquency referral, petition, as well as detention and placement on probation supervision.
7. The delinquency histories of dual jurisdiction youth tend to be more extensive and serious than a court's general probation population but not as extensive or serious as those delinquency-only youth who spent at least a portion of FY2002 in a probation placement.
8. Lastly, dual jurisdiction youth were twice as likely to be committed to ADJC by August 2003 (then end of our tracking period) than delinquency-only juveniles on probation supervision (14% compared to 7%, respectively). However, dual jurisdiction youth were considerably less likely to be committed to ADJC by that time than delinquency-only juveniles spending time in a probation placement (14% versus 23%, respectively).

Analysis of Case File Data

The second data set analyzed for the Arizona Dual Jurisdiction Study reflects data manually collected by NCJJ project staff from court files – that is, legal files maintained by the Clerk of the Court's office and social files maintained by the court and/or CPS liaison. Findings from this analysis focus solely on those dual jurisdiction youth on probation supervision during FY2002 from Maricopa and Pima counties.

A total of 204 case files were reviewed – 129 from Maricopa and 75 from Pima. These cases were randomly selected from a list of potential dual jurisdiction cases. For a juvenile to be on this list, (s)he must have had both a dependency petition active and been on probation supervision during some portion of FY2002. Instances in which the youth's involvement with the juvenile court on both dependency and delinquency matters did not overlap within the fiscal year were discarded and replaced with new cases.

Case files were reviewed over the course of an eight-month period beginning in June 2003 and ending in February 2004. A follow-up review of subsequent court activity for these cases was conducted this past summer and early fall (July – September 2004). This follow-up

provided critical information on delinquency and dependency case outcomes – including dependency case closures and recidivism on any subsequent delinquency, status offense and/or probation violation filings.

Through the case file review, NCJJ staff were able to collect an extensive amount of data on each child. This includes basic demographic data (date of birth, gender, race/ethnicity) as well as data on prior CPS involvement, prior/current involvement with the juvenile court on dependency and delinquency matters,⁷ key case assignments,⁸ presenting family and child problems, detailed placement histories, delinquency and dependency hearing dates, and services ordered in minute entries and/or recommended in case worker and juvenile probation officers reports.

Utilizing this data set, project staff were able to better identify the challenges facing the judiciary, juvenile probation officers, CPS case managers, service providers, and others, in adequately servicing and sanctioning dual jurisdiction youth. Highlights from this analysis include the following:

1. For most dual jurisdiction youth (62%), the delinquency petition resulting in the youth's placement on probation *was filed prior* to the filing of the petition alleging that the juvenile was dependent (and this did not vary much by county).
2. The timing of dependency petition filings was strongly correlated with the referral source – privately-filed petitions were almost always filed after the initiation of delinquency proceedings (92%). The reverse was also true – AG/CPS dependency petitions were frequently filed first – but the correlation was not as strong (58%). A number of agency-initiated dependency petitions were filed after the initiation of delinquency proceedings – particularly in Pima County.
3. These data should not, however, be interpreted to infer that most families of dual jurisdiction youth named on privately-filed dependency petitions had no previous CPS contact. That is, almost two-thirds of these families had been the subject of at least one prior report (65%) and slightly more than half (51%) were the subject of at least one substantiated report. Pima County cases were more likely to be the subject of a prior CPS report/substantiated report regardless of the referral source.
4. Additionally, 25% of the families of dual jurisdiction youth named on private dependency petitions had been the subject of a prior dependency petition which had been previously closed by the juvenile court – which is only slightly lower than the 30% found in the AG/CPS cohort.

⁷ This includes aggregate and most serious offense data related to delinquency, probation violation and status offense referrals prior to the youth's placement on probation in FY2002 as well as post-placement on probation supervision. These data are current through August 2004 or a youth's 18th birthday, whichever came first.

⁸ This includes judge and commissioner case assignments, attorneys assigned to represent the child on delinquency and dependency matters, as well as any GALs and CASA volunteers who may have been appointed.

5. Our sample population of dual jurisdiction youth on probation supervision in FY2002 generally began their delinquent involvement with the juvenile court at an early age. However, only a small percentage of these juveniles were placed on probation for a serious charge – that is, a person or property felony (7% and 11%, respectively).
6. The vast majority of families of dual jurisdiction youth displayed a range of problem attributes – the most frequent being parental substance abuse (78%), domestic violence (70%), and housing/financial problems (61%). Additionally, documentation was found in the case files indicating that in 55% of the cases reviewed there was a history of either or both parents being incarcerated. Families referred to the juvenile court on privately-filed dependency petitions were only slightly less likely to be experiencing these problems but this may be an artifact reflecting better documentation of family problems in agency-initiated petitions.
7. The percentage of dual jurisdiction families with a documented history of domestic violence and parental incarceration are considerably higher than found in the 2000 Arizona CIP-Re-Assessment Study and may be particularly pertinent to behavioral problems experienced by dual wards. However, these findings should be considered very preliminary and subject to further examination.
8. Substance abuse was the most prevalent issue documented – 80% overall – among juveniles in our dual jurisdiction study cohort. The case file review also found that 61% of dual jurisdiction youth had been diagnosed as having severe emotional/mental health problems, a like amount (61%) were taking psychotropic medications (often, multiple types), and 39% had a history of being sexually abused. In more than a quarter (27%) of the cases, documentation existed to suggest these juveniles were seriously considering or had attempted suicide. Educational concerns were also consistently identified – including chronic truancy problems (76%), severe academic deficiencies (59%), special education needs (44%), and a diagnosed/suspected learning disability (23%). The data reflect little variation by county on these measures.
9. In general, females were considerably more likely to exhibit deficiencies in most of the above need areas than males. Substance abuse problems were almost universally a problem (91%) and suicide ideations and/or attempts were also far more prevalent among females – more than double that of the male population (44% compared to 19%, respectively). Lastly, almost two-thirds of females had been sexually abused compared to slightly more than a quarter of the males (64% versus 28%, respectively).
10. Both Maricopa and Pima counties are committed to ensuring consistency in judicial oversight across delinquency and dependency matters. However, this is not the case for attorneys assigned to represent these juveniles. In many respects, this is a structural issue in that the Public Defender’s Office represents juveniles in delinquency matters in both counties, while court-

appointed attorneys represent minors in dependency matters in Pima County, and attorneys from the Legal Advocate’s Office or other court appointed attorneys represent juveniles in dependency matters in Maricopa County. Lastly, in more than half of the cases in which a GAL was assigned, the same GAL was assigned to advocate for the child’s “best interest” on both delinquency and dependency matters before the court. This was more likely the case, however, in instances in which the GAL filed the private dependency petition.

11. Very few dual jurisdiction youth in either county were relatively stable as regards to their living arrangements. During the study period, the vast majority experienced six or more placements changes and almost half moved 11 or more times after a delinquency or dependency petition was filed (regardless of which came first). Additionally, almost all dual jurisdiction youth spent at least some time in a group home and/or residential treatment center (90%) and this did not vary much by referral source, gender or county. On average, dual jurisdiction youth spent almost half of their time in such placements (46%). This dwarfs the average amount of time dual jurisdiction youth spent living with parents (12%) or in other more-home like environments such as relative care (13%) and foster homes (4%).
12. The vast majority of these juveniles (89%) spent time in a juvenile detention center during the study period and, in most instances, experienced multiple detention stays. On average, these youth spent as much time incarcerated (13%) as they did living with parents (12%).
13. Probation outcomes for most dual jurisdiction youth were, in varying degrees, unsuccessful or otherwise problematic. On the positive side, 30% of our dual jurisdiction population satisfactorily completed their probation terms – even if their performance was not necessarily stellar. Outcomes for the remaining 70% of cases were generally unsatisfactory including a considerable portion of youth who were eventually committed to ADJC, referred to adult court, remained on probation until their 18 birthday at which point they aged out of the system, or were released and subsequently placed on probation on new charges.
14. Regardless of their probation outcomes, almost all dual jurisdiction youth included in the study experienced subsequent referrals and petitions to the juvenile court on delinquency, status offense and/or probation violation matters – 92% were referred and 87% were petitioned one or more times. On average, dual jurisdiction youth were referred for delinquency, status and/or probation violation offenses a total of 5.1 times and petitioned 3.5 times *after* being placed on probation.
15. Dual jurisdiction youth also tended to experience poor outcomes with respect to types of permanent living arrangements in place at the time dependency petitions were closed. Both counties experienced difficulties placing youth in home-like settings at case closure. Only a quarter of dual jurisdiction youth in our study were either living at home (with one or both parents) or were

permanently placed with a relative/guardian at petition closure. The two most common outcomes were either that the petition was closed when a youth reached the age of majority (33%) or the petition remained open as of July 2004 – for an average of 4.6 years (32%). As best we can determine, almost all of the youth aging out of the system were either in congregate care, incarcerated or AWOL at the time of their 18th birthdays.

16. During their time on dual jurisdiction status, youth were in court frequently – an average of almost once per month on either a delinquency or dependency matter. Very few hearings held by the court in dual jurisdiction cases, were consolidated hearings in which both delinquency and dependency matters were addressed.

Shared Responsibility for Dual Jurisdiction Wards

Who should take responsibility for supervision, case management and servicing dual jurisdiction youth can be a sensitive issue, one that reflects differences of opinions as to where lines should be drawn (or merged) between the child welfare and juvenile justice systems. These varying perspectives also reflect traditional differences in the missions that have guided child protection and juvenile probation.

Historically, from the CPS perspective, there have been concerns that the juvenile courts and their probation departments, too often, turn to the agency for assistance in funding needed placement and related treatment services for troubled youth who are primarily delinquent juveniles. CPS funds are not unlimited and at least some agency administrators have emphasized that when funds are used to place or treat delinquent youth, there are fewer resources for non-delinquent (dependent) children. For CPS, the circumstances found in dual jurisdiction cases may not initially meet the agency's criteria or threshold needed for prompt formal dependency action. Instead, the agency may offer voluntary services that families may or may not participate in. For the agency, the conundrum associated with dual jurisdiction matters seem particularly acute when a juvenile first comes to the attention of the juvenile court via a delinquency or status offense referral, is petitioned and adjudicated as delinquent or incorrigible, with dependency proceedings initiated at a later date because of what is perceived as limited juvenile justice funding options. Typically, these are cases in which the dependency action is initiated through the filing of a dependency petition by a court-appointed GAL.

In contrast, at least some juvenile court and probation officials have cited the need for CPS to intervene earlier, and more effectively, in the lives of maltreated children, including the need to file dependency petitions before a youth experiences formal delinquency involvement. These juvenile court and probation officials view the initiation of dependency proceedings as frequently legitimate in that the initial investigation of the youth and family often uncovers a serious and/or, possibly, long-standing history of neglect (if not specific physical or sexual maltreatment).

One of the goals of this study is to assist CPS, the juvenile courts, and juvenile probation to move beyond any lingering focus on which agency is ultimately “responsible” for these cases, to greater recognition of the need for expanded interagency collaboration. In the past couple of

years, there has been considerable movement by CPS, the juvenile court, and probation departments to acknowledge that both entities share responsibility in supervising and servicing this population.

This effort at gradual consensus-building and interagency collaboration requires continued nurturing. Growing workload demands, the lack of funding resources, few specialized placements and related services, as well as the general difficulties facing line staff from both organizations in turning around the lives of these juveniles can ultimately frustrate these efforts. Interviews conducted in the four targeted counties indicate a clear recognition that shared responsibility, coordinated case management, interagency collaboration and consistent judicial oversight are keys to addressing the needs of dual jurisdiction wards and their families as well as ensuring that community safety is not unduly compromised. The juvenile court should continue to play a critical role in ensuring that all stakeholders remain committed to these principles.

A number of innovative protocols and collaborative efforts implemented in recent years in the four counties are highlighted in Chapter 4 of this study. These include improved screening and assessment which often involves CPS and mental health liaisons, increased use of interagency resource staffings, and other continuing efforts to form collaborative partnerships to construct individualized case plans, access services and, in general, improve overall case management and supervision. While much still needs to be done, stakeholders in each of the counties should be commended for their efforts to date in re-examining and reconstructing how the needs of dual jurisdiction youth and their families are collectively addressed.

Summary of Recommendations

Comments made by key stakeholders during county interviews revealed strong agreement on the need to improve how juvenile courts, their probation departments, CPS, behavioral health, and the schools handle dual jurisdiction cases. Overall, this consensus and the findings contained in this report, reflect the need to treat dual jurisdiction matters differently than others. What form this differential approach takes, however, is a matter for ongoing discussion and planning at the local and state levels.

In preparing this summary of recommendations, we considered the findings from our JOLTS and case file review data analyses, the key themes identified during county interviews, and our own experiences in numerous juvenile/family courts across the country. We hope these recommendations prove useful as state and local officials continue to strive for ways to improve outcomes for these difficult cases. These recommendations are discussed in more detail in Chapter 5.

1. Revise intake assessment/screening procedures for dual jurisdiction cases.
2. Explore ways to keep the same attorneys assigned in dependency and delinquency matters, and provide special training for attorneys handling these cases.
3. Examine the potential benefits and drawbacks of creating court teams for dual jurisdiction cases.
4. Carefully assess the benefits and drawbacks of having assigned CASA volunteers serve as surrogate parents for special education purposes.

5. Establish or modify diversion programs to address issues presented by dual jurisdiction youth.
6. Continue and expand efforts that reduce prolonged detention stays for dual system juveniles.
7. Examine the feasibility of combining delinquency and dependency hearings – especially for disposition and post-dispositional matters when appropriate
8. Take appropriate steps to reduce delays in obtaining school records and improve school attendance.
9. Revisit options for funding interagency supervision models.
10. Co-locate Behavioral Health, CPS, and Probation where feasible.
11. Carefully assess programs that report positive effects on dual jurisdiction youth and expand capacity where appropriate.
12. Consider modifying “medical necessity” criteria when deciding to move dual jurisdiction youth from more to less restrictive settings.
13. Providers may need special training to more effectively address the effects of prior child sexual abuse victimization and exposure to domestic violence on dual wards.
14. Substance abuse continues to be a major problem area for dual jurisdiction youth and their families and efforts should be expanded to improve access to and the effectiveness of substance abuse treatment programs for both adolescents and parents/guardians..
15. Improve permanency planning and permanency outcomes for dual jurisdiction cases.
16. Improve prevention and early intervention efforts.
17. Establish written interagency agreements and protocols for dual jurisdiction cases.
18. Improve information sharing across agencies at all stages of dual jurisdiction matters.
19. Develop and implement specific cross-training opportunities relevant to dual jurisdiction.
20. Identify single point of contact persons within all RBHAs to address delays in assessments and services.
21. Provide special training for group home personnel on handling dual jurisdiction youth.
22. Conduct regular interagency case reviews of dual jurisdiction cases.
23. Continue efforts to increase access to federal funding (e.g., Title IV-E) and find innovative ways to pool funds for placements and services.
24. Establish a video conferencing pilot project for selected out of county providers to enhance hearing attendance and reduce cost and time demands.
25. Address challenges associated with dependent youth who have been committed to the Arizona Department of Juvenile Corrections.