



Policy Brief: Dual Jurisdiction Youth

History

Research has established the strong correlation between child maltreatment and subsequent delinquency and violence. The literature is replete with well-designed studies that consistently confirm the impact of child abuse or neglect on a host of behavior problems, the higher risks of future criminality and violence posed by youth with histories of child maltreatment, and the need for effective prevention and early intervention efforts that precede court involvement.

Although child abuse/neglect and juvenile delinquency were officially recognized as related social problems when the juvenile court was established in 1899, the court's ability to simultaneously respond to both problems remains tenuous. The historical method of intervening on behalf of these multi-system youth has not included effective multi-disciplinary case planning, case management, and joint decisionmaking and resource allocation determinations. Youth who penetrate both the dependency and delinquency systems, or "crossover kids," are traditionally handled by one or the other and frequently fall through the cracks between the two systems. The absence of coordinated responses for youth who populate both systems is of particular concern since many youth in the dependency system are at risk for delinquency, and many youth in the delinquency system are victims of abuse and neglect.

Crossover youth, or dual jurisdiction cases, of this kind present unique challenges to both systems. Their complex area of service needs often results in a drain of scarce resources from child welfare agencies, probation departments, and the courts themselves. These youth—and their families—prompt unintended duplication of case management efforts. This challenging population frequently guarantees the involvement of multiple parties and professionals, some with conflicting goals and missions, adding substantial costs and detracting from effective and timely action.

In the past 10 years, the research and practical realities described above were providing a strong base of understanding and concern for dual jurisdiction youth and their families. Fortunately, the concern about the long-term consequences of child abuse and neglect and the increased likelihood for delinquent and criminal involvement resulted in the enactment of new federal statutes with corresponding appropriations. In November 2002 the re-authorized Juvenile Justice and Delinquency Prevention Act was signed into law and included provisions that encouraged the development of programs that provide treatment to juvenile offenders who are victims of child abuse or neglect and to their families in order to reduce the likelihood that such juvenile offenders will commit subsequent violations of law. It further provided that states must establish policies and systems to incorporate relevant child protective services records into juvenile justice records for the purposes of establishing and implementing treatment plans for juvenile offenders. Additionally, in June 2003 amendments to the Child Abuse Prevention and Treatment Act (CAPTA) included a provision requiring state data reports to include the number of children/youth under the care of the state protection system who are transferred into the custody of the state juvenile justice system. These changes have provided further impetus for state and local efforts to improve the practices, services, and programs that can interrupt the trajectory of maltreated victims into our nation's juvenile and criminal justice systems.

Current Situation

Today, there are more than 43,000 children in DCF custody in the state of Florida. According to the most recent national data, Florida ranks first in the country for substantiated victims of maltreatment. Florida also ranks first in the country for African American children who are in out-of-home care. National research provides undeniable evidence that these victims of childhood abuse and/or neglect often enter the juvenile justice system and become tomorrow's serious and violent offenders. These victims of maltreatment are 59% more likely to commit delinquent acts; nearly one-third more likely to be arrested for violent crimes later in life; and experience an increased likelihood of problems with mental health, substance abuse, and educational deficiencies.

Significant numbers of children with histories of maltreatment in Florida are being inappropriately transferred from the child welfare system to the juvenile justice system. In a recent study conducted by the National Council on Crime and Delinquency, 60-70% of the females in Florida's Juvenile Justice System have substantiated histories of maltreatment. Other state data reports indicate a range from 25% to 64% of the boys in the juvenile justice system have histories of child maltreatment.

Historically, Florida has under funded both the child welfare and juvenile justice systems, so there is lack of emphasis on prevention, which would contribute to a decrease of these victims of maltreatment entering the juvenile justice system. The lack of funding for prevention and intervention programs often results in assignment of service interventions that are "currently available" rather than providing effective services that are based on an individual assessment of the needs of children and families. This can be particularly ineffective with the complex service needs of maltreated youth. According to juvenile justice judges, this situation often also leads to placement and commitment of youth as a method to secure treatment. Jurists report that as many as 75% of committed youth have diagnosed mental health needs and 48% have diagnosed substance abuse needs. It is also of note that nearly 4 out of 10 youth are committed to the Department of Juvenile Justice for misdemeanors and non-law violations of probation. It is a virtual certainty that many of these misdemeanants have prior maltreatment histories and are in need of much more comprehensive care that is more suitably provided in a community based setting.

Major Stakeholders

Florida's foster care reform efforts have been led by Florida's Children First, a statewide organization made up of leading child advocates that works with the children's legal services programs of the Florida Bar Foundation to effectuate change. The Children's Services Councils coalition has emerged as a force for change on all children's issues and has included foster care on its agenda. The Florida Coalition for Children, a cooperative organization of community based care entities, has worked to improve community based care and is supplemented by provider agencies and their constituencies. The Florida Juvenile Justice Association has been a leader in fighting for the prevention and early intervention programs. The Children's Campaign has been a leading voice for children through its fight for a fair, balanced, and accountable juvenile justice system and its 5 Promises Campaign.

The media, notably the Miami Herald, Orlando Sun-Sentinel, and the St. Petersburg Times, have made continuing investigative coverage of foster care and juvenile justice-related issues a priority, and as a result other media have dedicated resources to cover these issues and increase public knowledge of the problems.

Legislators from both parties stepped up their efforts on behalf of children in the child welfare and juvenile justice systems in the 2006 legislative session. There is a growing understanding among the general public and the business community that we must help these most vulnerable children.

There are traditional interests groups that focus on particular subjects and include the Foster Parents Association; the Guardian Ad Litem and its support organization; and the Florida Bar, especially its

Family Law and Public Interest Law sections and its Commission on the Legal Needs of Children. From the government/public agency arena, the Florida Supreme Court, the Department of Children and Families, Department of Juvenile Justice, Agency for Persons with Disabilities, Agency for Health Care Administration, Board of Education, and Agency for Workforce Innovation are all integrally involved with efforts to positively impact this population. In the recent legislative session, newer coalitions were formed that brought groups such as the ARC Florida and the Advocacy Center for Persons with Disabilities into the discussion of foster children with disabilities. The Public Defenders has engaged efforts and attention regarding “cross-over” children. An emerging stakeholder is the statewide youth advocacy group, Florida Youth Shine, made up of former and current youth in foster care.

Challenges Faced

Florida has seen the state’s child welfare agencies evolve over the years from Health and Rehabilitative Services to the Agency for Persons with Disabilities and then to the Department of Children and Families and the Department of Juvenile Justice. With these changes in name have come substantive reforms. These well-intentioned reforms have created agency “silos” in which individual agency mandates have driven the activities in isolation from critical other youth serving agency partners. These divisions have created fragmented efforts to address child protection, mental health, and health needs for these youth and their families. Further complicating the fragmentation are the failed efforts to coordinate with the Florida Department of Education and the Florida Department of Juvenile Justice.

This structure has contributed to practice that fails to coordinate, effectively communicate, and utilize shared reservoirs of service and program resources. This fractured system also undermines mechanisms that permit accountability for the desired and mandated outcomes. For the customers of these agencies, it is extraordinarily difficult for an individual to navigate the layers of bureaucracy and access appropriate assistance.

As we confront the well-documented special needs of maltreated youth, the fragmented service delivery system is further complicated by the absence of multi-agency focus on effective prevention and early intervention measures. This combination is occasionally lethal and frequently results in the unnecessary movement of dependency and foster care youth into the delinquency system. Absent the requisite level of multi-system coordination, Florida’s maltreated youth proceed on a trajectory toward increased frequency and seriousness of delinquent acts and an increased likelihood of criminal conduct as an adult. These acts come at a great human and financial toll for Florida and its residents.

Another obstacle to appropriately attending to the needs of youth that move from dependency to delinquency is the lack of data to effectively capture the number/percentage of dual jurisdiction youth. In addition, the risk profiles and prevalent youth and family characteristics are not captured. The absence of tracking and analysis of critical data precludes youth serving agencies from identifying emerging trends in dual jurisdiction cases. Failure to formulate data collection protocols and information utilization procedures undermines effective policy development and opportunities to create coordinated allocation of resources.

Action Needed

Support is needed for the Child Welfare League of America’s project, *Building Bridges to Better Outcomes for Children: The Link Between Juvenile Justice and Child Welfare*, a comprehensive study and analysis of barriers and obstacles to improved system coordination and integration.

The four-stage strategic planning process will examine and analyze the following areas:

- Data Collection, Management, and Performance Measurement (e.g., establishment of governance for data collection; identification of necessary aggregate data reports; development of procedures for use of reports; and examination of the development of an integrated information sharing system)
- Inventory and Assessment (e.g., inventory of program and fiscal resources, common screening and assessment instruments; identification of key decision points and decisionmakers; review of “best practices” or “evidence-based strategies”; and identification of potential for blending funds across key youth serving systems)
- Legal and Policy Analysis (e.g., examination and analysis of statutory, regulatory, formal, and informal policies, procedures, and protocols; clarification of laws, regulations, and policies that impact systems collaboration and information sharing [federal and state]; and identification of data sharing and confidentiality impediments to determine capacity to share information across systems)

The following action steps are also recommended:

1) Study Dual Jurisdiction Cases

Commission the Office of Program Policy Analysis and Government Accountability and/or other research organizations or institutions (e.g., Justice Research Center, National Council on Crime and Delinquency) to study juveniles who were under the care or custody of the child welfare system and transferred to the juvenile justice system and document the characteristics of those youth. The study should include an examination of the extent to which the state juvenile justice system and the child welfare system coordinated services and treatment; the federal, state, and local sources of funds for placements and services; and the barriers faced in providing services to those juveniles.

2) Obtain Adequate Funding for Services Based on the Individual Needs of Children

Adequate funding must be provided for child protection and child welfare services and for the early intervention system of services and programs within the juvenile justice system. Florida needs a continuum of effective prevention and intervention services to divert youth from delinquent behavior and interrupt the trajectory toward chronic and serious offending behavior. Florida must have a need-driven system of care rather than a system driven by the availability of beds.

3) Maintain Caseworker Consistency/Stability

It has been demonstrated that having a stable caseworker results in good outcomes for children. Florida’s child protection system is plagued with high turnover, which severely limits good outcomes for children. In a recent Wisconsin study, successful case outcomes dropped from 75% to less than 30% when a child had to deal with more than one case manager in a 12-month period. From exit interview data we know that turnover is driven by high caseloads and excessive data entry and paperwork. We need to lower caseloads to 20 or below across the state and focus on tracking a limited number of child well-being indicators to allow increased face-to-face work with clients.

4) Establish a Children’s Cabinet

It is necessary for Florida to uphold the position that our most vulnerable children are the shared responsibility of many agencies, individuals, and institutions within our communities. The fragmentation of departments, agencies, and programs serving children must be overcome. At a minimum, the Executive Branch needs to establish a Children’s Cabinet where the various agencies are required to attend and where the governor provides leadership to enable the various agencies to work together in the best interest of all children. Serious work must be undertaken to create a continuum of needed services rather than current barriers to collaboration. This effort will maximize use of resources and improve outcomes for children and families.

5) Adopt Coordinated Screening and Assessment Practices

At a minimum, there should be a routine initial screening by the child welfare and juvenile justice systems that will identify dual status youth. This practice could be adopted in the form of shared automated databases or procedures for communication through interagency liaisons. Upon completion of this process, child protection and juvenile justice systems could develop procedures and protocols that ensure effective multi-agency coordination.

6) Examine the Feasibility of “One Family - One Judge” Court Calendaring

In dual jurisdiction cases, a single judge who hears all matters related to a single family will be much more likely to have a complete understanding of the family’s court history.

7) Maintain Consistency of Counsel Representation in Dependency and Delinquency Matters

Explore opportunities to assign the same attorney for assignment in both dependency and delinquency matters. Provide specialized training for attorneys handling these cases.

8) Coordinate Multi-Agency Case Planning and Supervision

Interagency liaisons should perform strength-based assessments, assemble a child and family team, conduct plan of care meetings, help determine needs and resources with the youth and family, identify services, arrange for community agencies to provide specific services, and monitor the implementation of the case plan.

9) Establish Case Flow Management Practices

Effective multi-system case flow management practices need to be established to ensure expedited court processing. This will include joint prehearing conferences in which all parties involved in a case meet in advance of court proceedings to solidify their efforts and plans. Combining dependency and delinquency hearings ensures that different agencies are coordinating their efforts, sharing information, and complying with court orders.

10) Use Proven Effective and Evidence-Informed Practice

Florida must establish a methodology to serve dual jurisdiction youth and their families that utilizes the most up-to-date research and best practices to design and deliver a comprehensive, multi-system, and community based system of care.

11) Examine Interagency Collaboration for Resource Allocation

An examination of potential for pooling, blending, de-categorizing, or consolidating resources/funding should be conducted, and strategies and recommendations for improved resource availability for the dual jurisdiction population should be developed.

12) Expand Access to Substance Abuse and Mental Health Services and Programs

These continue to be major problem areas for dual jurisdiction youth and their families. Efforts should be expanded to improve access to and the effectiveness of substance abuse and mental health treatment programs for both adolescents and parents/guardians.