



Review of Dual Adjudication Approaches in
Other Jurisdiction around the Country

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A. INTRODUCTION

With the enactment of Assembly Bill 129, California counties now have a unique opportunity to experiment in developing best practices for handling youth who come within the jurisdiction of both juvenile dependency and delinquency courts. In Los Angeles County, a committee convened by the court is considering potential ways to implement AB 129. To assist the committee in its deliberations, this survey of jurisdictions around the county was conducted to gain information in regard to approaches used by others, and to identifying best practices for dealing with youth who need supervision and support from both systems.

This survey, which currently includes responses from 14 separate jurisdictions in 12 states, sought to build off of a study published by the National Center for Juvenile Justice regarding the handling of dual jurisdiction cases in different parts of the country. Focusing on the use of screening and assessment instruments, court processes, and how agencies handle these dual supervision cases, this summary of different approaches provides insight into how counties in our state can innovate and develop more effective methods for attending to the needs of youth at risk. (A copy of the survey instrument is attached.)

B. SUMMARY OF FINDINGS

- *One Judge/Consolidated Dockets:* At least six jurisdictions indicated that they used a one judge/one docket system to process cases. (For more detailed description of this approach, please see COURT PROCESS BELOW.) A few isolated jurisdictions also employ continuity of counsel. None of the jurisdictions in this study operated a specialty court for crossover cases, but several jurisdictions indicated their interest and/or planned intention to do so in the future.
- *Concurrent Jurisdiction and Lead Agency:* Every jurisdiction that responded to the survey had a concurrent jurisdiction structure rather than an "on hold" jurisdiction. In other words, both agencies stayed involved throughout the case. In some jurisdictions, there were

specialized units, liaisons, or committed staff to oversee the case plans for crossover youths, while in other jurisdictions, the policies and procedures involved both agencies but one agency took the lead for the case at various points in processing and supervision. For more detailed descriptions of these approaches, please see AGENCY CASE MANAGEMENT & SUPERVISION.

- *Net-Widening* (i.e., bringing higher percentages of dependent children into the delinquency system) did not appear to occur in any of the jurisdictions. If anything, several jurisdictions indicated a reduction in delinquency system net-widening due to improved knowledge of roles and responsibilities and effective joint planning and oversight.
- *Interagency Communication/Access to Services*: Nearly all jurisdictions indicated that their approach led to an improvement in interagency communication and cooperation, and as a result, access to services noticeably improved. A number of jurisdictions co-locate staff and believed that this enhanced interagency communications.
- *Length of Stay*: Most respondents indicated that improved communication and access to appropriate services reduced the length of stay for crossover youth under probation jurisdiction and a speedier return to dependency jurisdiction.
- *Services to Parents/Families*: Respondents generally felt that their initiatives either enhanced or had no impact on the nature and continued availability of services to parents and families. The provision of services was particularly enhanced when workers/officers were knowledgeable about available resources in both systems.
- *Funding*: Funding for services was largely provided through Medicaid/MediCal. In some cases, general fund dollars and federal entitlement funds were also utilized. Funding for units/liaisons was largely managed through sharing agency funds and/or a mixture of county and state agency funds. In a number of instances, interagency agreements are used to cement pooling and mixing of funding streams.
- *Organizational Structure*: Juvenile justice and child welfare are structurally organized differently throughout the nation. Pooled funding, joint planning, and joint case management seemed to be most effective in states that had both agencies under one umbrella department. While structure may have facilitated some initiatives, it did not resolve or eliminate many of barriers.
- *Information Flow and Systems*: Success and satisfaction with various approaches often was connected to shared information systems. Such systems facilitated communication and the needed flow of information regarding the youth's experience in the other system.

C. SUMMARY OF RECOMMENDATIONS

Planning

- Meet regularly and establish clear leadership early in the planning process
- Start with good, objective data on who these youth are—the data provide a good foundation for keeping focus and appropriateness of reform
- Identify and address all issues as early in the process as possible
- Identify and breakdown interagency barriers—facilitate dialogue about the problems faced by each agency
- Build and nurture positive relationships between agencies and entities involved—address historical turf boundaries and conflicts
- Set up detailed protocols that will carefully outline the roles and responsibilities of agencies
- Find a way to facilitate and maintain interagency communication
- After targeting the need, find people who are prepared to deal appropriately with the children and who want to perform the specific job to avoid unnecessary turnover

Implementation

- This one judge/one docket system is invaluable. It makes sense for all parties to be in the courtroom at the same time with one court order.
- Develop specialized units for crossover cases with social workers and probation officers co-located and working together
- Cross-train and educate the systems about one another—make this mandatory
- Maintain cross-training booster sessions to avoid burn-out and staff turnover
- Develop protocols for sharing funds and joint services
- Become knowledgeable about and utilize as many resources as possible
- Gain support and commitment from supervisory staff to participate and implement joint supervision efforts
- Take time to plan and manage the paradigm shift in the field
- Reward staff for making the change and use a lot of data to show how it will work for them and their caseloads.
- Include assessment as early in the process as possible—use expertise at the front-end
- Implement system (such as unified family court system) that ensures that no information is lost in transferring a case from court to court
- Create shared information and data systems
- Maintain manageable caseloads and a responsive court system

D. SPECIFIC RESPONSES

This section focuses on the practice of particular jurisdictions and divides the jurisdictions into three primary areas: 1) Screening & Assessment, 2) Court Process -- Case Assignment & Management, and 3) Agency Management, Supervision & Collaboration. The first section focuses on up-front screening and assessment approaches used by counties to determine how best to handle a given case. The court process section looks primarily at how different jurisdictions have developed innovative court systems and approaches for dealing with dual jurisdictions cases. Finally, the agency section concentrates on programs developed in and between agencies providing services to youth who cross systems. While intending to focus on the major components of each jurisdiction, there is some overlap in the approaches used by the jurisdictions surveyed. For this reason, jurisdictions may be listed in more than one category.

1. Screening & Assessment

a. Pre-Adjudication

Connecticut

The Department of Child and Family Services places liaisons in the pre-detention facilities to run new intakes through computer system in order to identify crossover youth. They recently conducted a point in time study and found that 48% of offenders at facility had dependency (past or recent) cases. Following the identification of a crossover case, the liaison contacts the social worker and probation office to initiate the planning process. As part of a consent decree, Connecticut also recently put into place a two-week behavioral health evaluation (Juvenile Justice Intermediate Evaluation), which is a comprehensive evaluation that involves a multidisciplinary assessment team as well as attorneys, the child, and all other significant parties. Although the state struggles with defining “class members,” crossover youths are often eligible for this evaluation. For more detailed description of case oversight, please see AGENCY CASE MANAGEMENT & SUPERVISION.

Strengths

- Offenders are identified early in the process, which facilitates coordinated case planning

Barriers

- Resources

Jefferson County, AL

Once an offender is identified as a dependent youth, he/she is referred to a specialized unit within probation. Two probation officers with expertise in both probation and social services assess the risks and needs of the youth using a specialized instrument developed in-house that captures risks specifically related to this population. This information is used by the probation officer in the preparation of recommendations to the court. The assessment is conducted before adjudication and is used for case planning. The probation officers in this unit are responsible for managing all crossover youths. For more detailed description of case oversight, please see AGENCY CASE MANAGEMENT & SUPERVISION.

Strengths

- Provides insight into youth’s needs at the beginning of the adjudication process
- Integrates probation officer in coordinated case planning process
- Results in a more appropriate case plan and capitalizes on resources offered by agencies

Barriers

- Judges do not always follow recommendations

New York, NY

ACS Confirm (formerly Project Confirm) was created to address interagency communication and coordination issues between the child welfare system and juvenile justice system in New York City. Upon the admission of a juvenile to a secure detention facility, an ACS Confirm screener searches the child welfare system database to determine whether the child is in foster care. If the youth is a foster child, the ACS staff contacts the social worker and probation officer/detention staff assigned to the case to provide important information such as detention visitation, contact information, medical conditions, and other child welfare information. The social worker is required to attend the minor's court hearings for the duration of the detention. After notification, ACS confirm conferences with key players in the case to ensure caseworkers, probation officers, and other involved parties participate in the court process for the duration of the minor's detention.

Strengths

- Increasing caseworker awareness and attendance at delinquency hearings
- Increasing the flow of information and coordination between delinquency and dependency agencies
- Holding caseworkers accountable for continuity of care

Barriers

- Caseworkers are reluctant to get involved in the delinquency case
- Geography reduces attendance at delinquency hearings
- Information sharing across agencies due to confidentiality and turf boundaries

b. Post-Adjudication

Sacramento, CA

Probation operates a one-stop interagency intake assessment and screening center for *post-adjudication* youths facing placement. This center was originally funded by grants but is now sustained primarily using mental health MediCal and probation funding. The center is a one-stop residential (21 beds) center used to comprehensively assess a youth prior to placement. The facility is located close to the courthouse, and educational programming, medical services, evaluation services, and other support services are all located within the facility. The average stay for offenders is approximately 30 days. During this time, the offenders are observed in structured and unstructured ways as part of designing a case plan. A multi-disciplinary assessment team reviews the case and makes final decisions about the plan. Assessment information is provided to placement and the probation officer stays with the cases except in special circumstances. Offenders are screened for the center using licensure (RCL11—group home) requirements in addition to their ability to safely function in this environment. The center is not limited to crossover offenders, but a large portion of those served fall into the crossover category.

Strengths

- Co-located services facilitates better communication and collaboration across multidisciplinary entities
- Probation officers become knowledgeable about different systems

- Ability to observe offenders in different contexts
- Smaller, caseloads and more thorough understanding of the case results in better case planning, better treatment, and more appropriate placements

Barriers

- Assessments are completed after adjudication rather than before adjudication—earlier assessment would be more efficient and effective
- Sustaining funding is constant challenge
- MediCal is limited in coverage—substance abuse, educational needs, and medical services are not covered.

2. Court Process -- Case Assignment & Management

Allegheny County Juvenile Court—PA

In Allegheny County, probation officers, caseworkers, dependency, and dependency/delinquency attorneys attend post-adjudication delinquency and child welfare review hearings in dual jurisdiction cases. One judge hears dual jurisdiction cases in joint hearings on Mondays, and encourages probations officers and caseworkers to discuss the case plan prior to each hearing to facilitate interagency communication and cooperation. Continuity of counsel is in place. Also, cross training is provided to all new probation and child welfare personnel, and supervisors from both agencies meet monthly to discuss new issues and improvement in handling dual jurisdiction cases. These approaches encourage enhanced coordination for placement and services.

Bernalillo County, NM

A single judge handles some dual supervision cases. Because both dependency and delinquency cases are located in the same building, a “one judge” system is used. This approach also helps address concerns expressed by judges regarding a lack of communication between agencies.

Jefferson County, AL

If offender has a dependency case within the past two years, the case is automatically set before the presiding dependency judge. One referee hears both dependency and delinquency. This facilitates active involvement from the judge and in turn, accountability from treatment facilities (e.g., one judge requires facilities to send regular progress notes). For more detailed description of case oversight, please see AGENCY CASE MANAGEMENT & SUPERVISION. Although concurrent jurisdiction applies to this jurisdiction, when an offender is sent to state correctional placement, all services are suspended until he/she is released. Services for the family may continue especially if siblings are involved. Upon release, offender status for social services is automatically restored.

Maricopa County, AZ

This county uses a single judge for handling dual supervision cases. Along with a “one judge” approach, the county also tries to maintain continuity of representation for guardians ad

litem. When a dependent youth enters the delinquency system, the youth’s guardian ad litem will appear on both the dependency case and the delinquency case.

Palm Beach County, FL

All dual supervision cases in Palm Beach use a “one judge” approach. With four judges handling these cases, the county simply assigns cases to courtrooms on an alphabetical basis. One of the advantages identified in this system is that courts are less likely to lose information about a case as compared to cases that move from courtroom to courtroom. Along with the “one judge” approach, Palm Beach also maintains continuity of counsel in most situations for these dual supervision cases.

Sarpy County, NE

One judge is assigned to the youth and his/her family and continuity of representation is in place for the client throughout the process.

Strengths

- Improved case planning and enhanced clarity with regard to the court’s expectations for each system
- Effective case handling after judges limitations of systems and probation officers learn court expectations

Barriers

- Learning curve for judges and probation officers is steep at times
- “Slow learning” staff with regard to higher expectations and improved communication

3. Agency Management, Supervision & Collaboration

a. Joint Planning

Bernalillo County, NM

Probation officer takes the lead in handling concurrent jurisdiction cases. Social worker locates and provides protective services and works with probation to find most appropriate placement. Probation and child protective services operate together under the umbrella of the State Department of Children, Youth and Families.

Strengths

- Good communication between agencies
- Finding people who can work together

Barriers

- High turnover rates hinder the continuity of good communication
- Disconnected information systems—need information sharing and data tracking that crosses both systems

Bexar County, TX

If a dependent youth crosses over into delinquency and the case is not suited for prosecution, the youth will remain in child welfare system on deferred probation. Cases suited for prosecution are adjudicated in the delinquency system, with child welfare acting as the managing agency for the youths involved and is responsible for service plan and success with disposition. The delinquency court, however, has jurisdiction over the case. Child welfare continues to play this role throughout the case. Child Protective Services created a CPS liaison to cross educate agencies on the roles and responsibilities of each agency to (1) avoid duplication; (2) clarify who must take a lead in different circumstances; (3) coordinate and manage the implementation of policies and procedures from both agencies in crossover cases; and (4) provide advocacy in specific cases. Child welfare remains the primary player in the case even when the offender is sent to a state correctional facility—worker is still required to visit and develop case plans for the offender. If the sentence is determinate, lasting longer than CPS jurisdiction, CPS can request termination of the case from the court.

Strengths

- Keeps court informed with better and more complete information on the case, which results in better outcomes for youth
- Liaison can see the big picture because of her knowledge of both sides and can identify the reality of the situation and possible solutions quickly
- Reduces delay in accessing services
- Provides clarity with regard to agency roles and responsibilities in a case
- Holds court accountable to legislatively defined criteria and limitations

Barriers

- One liaison is not enough to service caseload
- No contingency plan when one liaison is not available
- High staff turnover in general

Tarrant County, TX

In Tarrant County (similar to Bexar County), a CPS worker is housed in Juvenile Services as a liaison between CPS and Probation. The primary responsibilities of the CPS liaison include: Providing cohesion across agencies by clarifying policies, language, etc.; accessing information from both systems to have more complete information in case planning; screening referrals (approx. 50% of cases start in delinquency and become dependent); following-up on referrals to CPS; responding to emergency situations; and participating in multi-disciplinary team for youths and families with higher risks and needs. All crossover cases receive joint assessments and case plans, and both agencies are responsible for overseeing implementation of the youth's case plan. Tarrant County is committed to community-based supervision and treatment; thus, they maintain a wide range of specific programs for crossover youths.

Strengths

- Improved relationships and communication between agencies

- Improved access to appropriate services
- Reduced time in the juvenile justice system

Barriers

- High CPS worker turnover
- Only one liaison
- High gang membership among youths

Connecticut

For offenders facing removal from the community, probation uses Case Review Teams to assess a case. These teams consist of probation officers, social workers, and parole officers and are responsible for reviewing cases and making appropriate placements when necessary. Connecticut is in the process of reforming various elements of their juvenile justice system and holds interagency meetings regularly. They are moving toward a mental health systems of care model and hope to integrate multidisciplinary assessment and case planning as a more consistent and regular part of the juvenile justice processing.

Strengths

- More communication and collaboration across agencies
- More coordinated case planning
- Better access to evaluations and appropriate services

Barriers

- Funding for appropriate services
- Lack of overall system reform plan—currently accomplished in more of a piecemeal way

Delaware

Cross agency information system flags crossover youths, and as a matter of policy, a joint service plan is required. Both juvenile justice and social services are involved in case planning and oversight of the youth. Social service agency remains active in cases that are placed, regardless of whether the placement is treatment or correctional. Juvenile justice may take a more active role in oversight but the ultimate responsibility for the case rests with social services.

Strengths

- All agencies are located under one department rather than separate divisions
- Newer policies clearly define the roles and responsibilities of each agency reducing confusion
- On a personal level, agencies get along well
- Interagency information system facilitates communication and sharing of information and assists with administrative tasks and accountability—varying levels of access protect confidentiality
- On-going improvements in information system—currently planning an overhaul to keep up with necessary changes

Barriers

- Limited funding often results in competition for or conflicts over resources
- Additions to information system have placed a burden on data entry for workers—the use of the system is particularly burdensome to older workers who are not used to using computers

Hillsborough County, FL

Depending on severity of case, either Probation Officer or Social Worker takes the lead in arranging services for child. Probation Officer, however, will prepare and file reports with the court based on discussions and interviews with the Social Worker and other professionals providing services to the child.

Strengths

- Improved communications and flow of information between the State Attorney General and the Department of Juvenile Justice.
- The providers actually provide services to the children.

Barriers

- Some would rather categorize children as dependents OR delinquents rather than recognizing that these are dependent children who may need probation supervision for a period of time.

New Mexico

Statewide, New Mexico is using a structured decision-making tool to determine where a client should be placed and how often they should be visited in the field. Cases that are referred to both Juvenile Justice and Protective Services are staffed between service areas and are referred to as joint cases. The meetings held involve planning and coordination of services as well as appropriate placement decisions. This protocol is a result of the need to cooperate and coordinate between service areas. Over 50% of the clients in the delinquency system have had involvement in both systems and historically, they have been treated compartmentally.

Strengths

- Statewide implementation
- Intensifying case management functions within juvenile justice
- Breaking down barriers between protective services and juvenile justice

Barriers

- Merging several different agencies with different agendas
- Getting everyone in each agency to work together in what “we” perceive to be the best interest of the child—not everyone sees “eye to eye” on what defines best interest

Palm Beach County, FL

The Department of Juvenile Justice and the Department of Children and Families pool funding and work together to develop a case plan to meet the needs of the child. This service

plan can then also include private contractors that provide social services to the child and the family.

Strengths

- Interagency agreements and good communication between agencies

Barriers

- People in a variety of positions who may have philosophical differences about how to handle a case.

b. Specialized Teams/Units

Jefferson County, AL

Two probation officers are purposely hired and trained to have knowledge of probation and social service policies and procedures. All offenders with a dependency background are assigned to one of the two officers. These officers liaison between probation and social services, attend court hearings, make recommendations to the judge, develop case plans, and oversee case plans. Further, all cases involving a crossover to delinquency or dependents running away from placements are handled by these two officers. Caseloads typically range from 35-50 cases/officers.

Strengths

- Improved communication between agencies
- Specialized probation officers become experts for others
- Better case planning and management
- More concentrated attention by an officer with expertise in both systems
- Small or at least manageable caseloads
- Improved expectations by court

Barriers

- Cultural changes present challenges to both the court and the officers

Maricopa County, AZ

Child Protective Services and Probation jointly agree which agency should take the lead in providing services on a case. Along with this general approach a number of cases are referred to two Probation staff that handle only dual supervision cases.

Strengths

- Continuity provided by use of a single judge system
- A good information system
- A positive attitude toward agency collaboration.

Barriers

- Need greater level of service
- Need to deal more effectively with children aging out of the system

Ramsey County, MN

Ramsey County (St. Paul, MN) gives juvenile court judges the option to assign juveniles to either the Human Services Delinquency Unit or Community Corrections. Juveniles who also have a dependency case are automatically referred to the Human Services Unit. The minor then receives a Human Services social worker specifically trained for these kinds of cases, who acts as the probation officer, and also keeps their child protection caseworker. The two-person teams are housed in the same location and work together to address both the child welfare and delinquency aspects of the case. The Human Services social worker attends the delinquency hearings, but communicates with the child protection social worker and includes the dependency worker's recommendations in their reports to the delinquency judge.

Strengths

- Shorter time in the delinquency system
- Interagency communication and coordination of services

Barriers

- Some of the children fall into a "gray area" of supervision. This can be frustrating and there may be a lack of accountability due to the possibility of several people responsible for the child.

Sarpy County, NE

A crossover youth may be transferred to a newly created unit in the Department of Health and Human Services, Child Protection and Safety Division. The new unit has smaller caseloads, facilitates access to more wraparound programming, and attempts to reduce the time spent in the system. To date, the respondent had not seen any changes with this relatively new system.

Strengths

- None experienced yet.

Barriers

- High worker turnover