

California Legislature

How Can California Best Serve the Needs of Youth Involved with Both the Dependency and Delinquency Systems?

An Informational Hearing of the Assembly Committees on Human Services, Judiciary and Public Safety

Background Paper

February 22, 2017

I. Introduction

Children who suffer abuse or neglect by their parents may be made dependents of the juvenile court for their protection.¹ Children who commit criminal acts may be made wards of the juvenile court and subject to the delinquency system in order to protect the public and rehabilitate them.² Historically the county child welfare agency and the dependency court within the juvenile court system, which serve dependent children, have been separated from the county probation department and the delinquency court, which serve delinquent youth. However, these two groups often overlap. Youth who are the victims of abuse or neglect are more likely to engage in delinquent behavior,³ and youth involved in the delinquency system may end up in the dependency system if their parents are unable to properly care for them. These youth are generally known as dual status youth (if they have been made both dependents and wards of the juvenile court), dually involved youth (if they are involved with both systems, though not necessarily adjudicated as such), or crossover youth (if they cross over from one system to the other). Although the experiences of these three subgroups of youth who are involved in or with both systems differ, for purposes of this background paper, all three types are collectively considered “crossover youth,” unless otherwise indicated.

The prospects for youth who are either dependents or wards are significantly worse in terms of securing education, consistent employment, and stable housing, among other

¹ Welfare & Institutions Code Section 300.

² Welfare & Institutions Code Section 602.

³ Ryan and Testa, *Child maltreatment and juvenile delinquency: Investigating the role of placement and placement instability*, Children and Youth Services Review, 27 (3), 227-249 (2005).

things, as compared with youth who have no involvement in either system.⁴ However, the outcomes for youth involved with both systems are even worse. As compared to dependent youth, crossover youth are more than twice as likely to be heavy users of public systems in adulthood, three times as likely to experience a jail stay, 1.5 times more likely to receive General Relief, and 50 percent less likely to be consistently employed.⁵ As one report noted, “[d]espite being served by two systems, these youth often fall through the cracks.”⁶ For the sake of not only these youth, but also for society overall, California must do a better job of helping these dually involved youth address the trauma they have suffered, receive the services they require to heal regardless of where they are in the system, help them avoid recidivism and re-entry into foster care, and help them become healthy, productive adults.

This paper first examines California’s current system for addressing the needs of crossover youth, and then looks at the grim statistics for these youth in more detail. Finally, it examines promising programs that may better serve the needs of these youth and help them become healthy and successful adults, finish school, find housing, obtain employment, and prosper.

II. Current System May Not Fully Provide Critically Needed Services and Support to Crossover Youth

Under existing law, the juvenile court can exercise jurisdiction over a child because either that child is the subject of abuse or neglect (and therefore comes within the description of Welfare and Institutions Code section 300 as a dependent child), or the child has committed an act that would be a crime if he or she were an adult (making the child a ward under Welfare and Institutions Code section 602). Until 2005, children in California were *either* dependents *or* wards of the court, but could not legally be both dependents *and* wards simultaneously. Regardless of whether the dependency or the delinquency system is used, both systems rely on the juvenile court. Juvenile courts – which include both dependency and delinquency courts (which are sometimes combined in small counties) – are responsible for overseeing the lives of children and their families when direct state intervention is needed to protect the child or the community.

A. A Brief Primer on the Dependency System: Children who are at risk of abuse, neglect, or abandonment may be deemed dependents of the juvenile court and provided services, supports and interventions aimed at protecting them and their health and safety. The system aims to preserve and strengthen families by maintaining or reuniting children

⁴ Courtney, *et al.*, *Midwest evaluation of the adult functioning of former foster youth: Outcomes at age 26*, Chapin Hall at the University of Chicago (2011); Dworsky, *et al.*, *Homelessness during the transition from foster care to adulthood*, *American Journal of Public Health*, 103 (Suppl2), S318-S323 (2013); Coulton, *et al.*, *Effects of foster care and juvenile justice involvement on early adult outcomes: A study of Cleveland’s youth*, Policy Research Brief (Jack, Joseph and Morton Mandel School of Applied Social Sciences, Case Western Reserve University 2015).

⁵ Conrad N. Hilton Foundation, *Fact Sheet: Young Adult Outcomes of Youth Exiting Dependent or Delinquent Care in Los Angeles County*, 1 (Nov. 2011).

⁶ <http://www.modelsforchange.net/reform-areas/dual-status-youth/index.html>.

with their birth parents whenever appropriate. The dependency process begins when child abuse, neglect or abandonment is reported to the local child welfare agency. A social worker with the child welfare agency investigates the allegation to determine if the child requires protection in order to ensure his or her safety. If so, the child welfare agency files a petition with the juvenile court to make the child a dependent of the court. If necessary, the social worker will remove the child from his or her home and take the child into protective custody.

At the subsequent court hearing, the court may elect to keep the child in his or her home or remove the child from the home; removal may either result in eventual reunification with the family, or the court may determine that an alternate permanent placement – including the options of guardianship or adoption – is more fitting. When reunification is not possible or appropriate, children are placed in the setting deemed least restrictive and most suitable; the court must give preference to potential placements with relatives or nonrelative extended family members. Throughout this system, there are multiple court hearings – including the detention hearing, the jurisdictional hearing and the dispositional hearing, followed by ongoing review hearings and the permanency hearing – where the custody of a child or his or her placement is evaluated, reviewed, and determined by the court, in consultation with the child’s social worker appointed by the county and the child’s attorney, to help provide the best possible support and services to the child.

As of October 1, 2016, there were 61,424 children in foster care in California. Approximately 34 percent of these youth were placed with relatives, non-relative extended family members or in a tribe-specified home. Another 24 percent were placed with foster family agencies or foster family agency certified homes, and almost 11 percent were placed in foster family homes. Six percent were placed in group homes.

B. A Brief Primer on the Delinquency System: The philosophy of the juvenile delinquency system differs from the adult criminal justice system. While both have the safety and protection of the public as a goal, unlike the adult system, in the juvenile delinquency system punishment for purposes of retribution is not a goal; rather, the secondary goal is the treatment and rehabilitation of juvenile offenders.

Delinquency court jurisdiction is governed by Welfare and Institutions Code section 602 which sets forth the general rule that a minor who commits a crime falls within the juvenile court’s jurisdiction and may be deemed to be a ward of the court.

Juvenile delinquency cases are begun by the filing of a petition, which is equivalent to filing charges in criminal court. Once a petition is filed, the minor can either be detained in juvenile hall or released. If the minor is detained, a detention hearing is held to determine whether he or she has to remain in juvenile hall pending resolution of the case.

Juvenile delinquency actions are a two-step process: the first is the determination of jurisdiction, and the second is determination of the appropriate disposition and placement. At the jurisdictional hearing, a judge will determine whether the allegations filed in the petition are true. The major distinction between juvenile delinquency

proceedings and adult criminal proceedings is that juveniles charged with crimes do not have a right to a jury trial, unless they are tried as adults. However, as in adult court, the allegations must be proved beyond reasonable doubt. If, at the jurisdiction hearing, the juvenile court finds that one or more of the allegations in the petition is true, the minor is adjudicated a “delinquent” or “ward” of the court.

After the jurisdictional hearing the case proceeds to a dispositional hearing, which is the equivalent of a sentencing hearing in adult court. At the dispositional hearing, the judge has the options to dismiss the case; place the minor on informal probation without wardship under the supervision of a county probation officer; or declare the minor a ward of the court. If the court declares the minor to be a ward of the court, the court may place the minor at home on probation, or alternatively the minor can be removed from home and placed in another setting, such as a foster home, a group home, or, if the offense qualifies, the California Department of Corrections and Rehabilitation, Division of Juvenile Justice.

C. Dual-Status Jurisdiction: When a child who is subject to either the dependency or the delinquency jurisdiction of the juvenile court appears to also come within the description of the court's other jurisdiction, California law generally provides for a procedure for determining which status should continue. State law historically prohibits a child from simultaneously being both a ward and a dependent.⁷ Thus, a dependent youth who commits a crime may be deemed a ward, in which case his or her dependency status would be put on "hold" so that the youth primarily would be under the delinquency jurisdiction of the court.

In an effort to allow for better oversight of, and support for, crossover youth, counties have been permitted, since 2005, to adopt “dual status” protocols that allow children to be both dependents and wards of the court at the same time.⁸ Dual status for children who are both wards and dependents allows for better oversight and coordination between child welfare and probation. This voluntary program authorizes the probation department and the child welfare agency in any county, in consultation with the presiding juvenile court judge, to create a dual status protocol to permit a youth who meets specified criteria to be designated simultaneously as both a dependent child and a ward of the juvenile court.

According to the Judicial Council website, only 18 of California's 58 counties have elected to develop these protocols,⁹ but those counties which participate in the program are relatively large, including Los Angeles, San Diego, Santa Clara, Riverside and San Bernardino Counties. Therefore, most youth involved with both the dependency and delinquency systems in California today live in dual-status jurisdictions. Because of local flexibility, dual status jurisdictions have their own operating protocols tailored to

⁷ Welfare and Institutions Code Section 241.1.

⁸ Welfare and Institutions Code Section 241.1(e); AB 129 (Cohn), Chap. 468, Stats. 2004.

⁹ Butte, Colusa, Del Norte, Inyo, Los Angeles, Modoc, Mono, Orange, Placer, Riverside, San Bernardino, San Diego, San Joaquin, San Mateo, Santa Clara, Siskiyou, Sonoma and Stanislaus.

their county needs and resources. Therefore, the protocols are not necessarily comparable or easily replicated between counties.

D. Continuum of Care Reform: Many crossover youth have spent substantial time in group homes, which many have considered to be, beyond occasional settings for short-term stabilization, inappropriate placements for foster youth; instead the goal is that all children be placed in their communities in home-based family care settings instead of in congregate care. In 2012, SB 1013 (Senate Committee on Budget and Fiscal Review),¹⁰ realigned child welfare services to counties, placed a moratorium on the licensing of new group homes, and instructed the Department of Social Services (DSS) to convene a working group comprised of relevant stakeholders to examine the use of group homes in California. In January 2015, DSS submitted a report to the Legislature consisting of general and fiscal recommendations aimed at reforming the foster care system and reducing the use of group homes in the state. Initially dubbed “Congregate Care Reform,” these efforts were later renamed “Continuum of Care Reform” (CCR) to reflect the need to strengthen the state’s system of home-based care and supports while decreasing reliance on group homes.

Subsequently, AB 403 (Stone)¹¹ implemented many of the DSS recommendations in order to address the complex needs of foster youth. Aimed at providing the least restrictive and most supportive placements and services in order to promote family reunification and permanency for youth, that bill included a sunset for existing licensure, rate-setting and other provisions for group homes and foster family agencies, as well as established interim provisions. AB 403, among other things, also provided for the licensure of what are now referred to as Short-Term Residential Therapeutic Programs and required DSS to develop corresponding payment structures.

In 2016, AB 1997 (Stone)¹² was adapted to further implement and clarify the provisions of CCR. AB 1997 made additional changes to CCR as they pertain to the provision of mental health services, licensure of out-of-state group homes, accreditation and licensing, child and family teams, and resource family approval implementation throughout the state. AB 1997 built upon the initial changes made by AB 403 in order to ensure that the day-to-day physical, mental, and emotional needs of foster youth are met; foster youth have the opportunity to live in permanent and supportive family-like settings; and foster youth receive the best possible care while in the child welfare services system.

III. Crossover Youth Face Significant Challenges

While there is much that we need to learn about crossover youth, what we do know paints a disturbing picture. Foster youth are far more likely than other youth to become involved with the juvenile justice system. Studies link a history of substantiated

¹⁰ Chapter 35, Statutes of 2012.

¹¹ Chapter 773, Statutes of 2015.

¹² Chapter 612, Statutes of 2016.

allegations of maltreatment with delinquency rates,¹³ and find that foster youth are “not only more likely to be arrested as juveniles than their peers not in care, they are also more likely to be arrested at a younger age and more likely to recidivate.”¹⁴ For youth in out-of-home placements, one study indicated that about half experienced at least one juvenile arrest and approximately one-third had at least one overnight stay in a detention center, while about 20 percent were adjudicated to have committed at least one criminal offense.¹⁵

Certainly maltreatment has been linked with delinquency: higher rates of crime (violent and nonviolent) and increased arrests have been correlated with childhood abuse and neglect.¹⁶ However, the connection between child abuse or neglect and delinquency is a complex one. Studies have also found that factors such as group home placement, age at first child welfare placement, length of placement, and placement instability also contribute to higher rates of delinquency.¹⁷

Additionally, some youth may enter the dependency system after involvement with the delinquency system. Again, the linkages here are often complex and multifaceted and, in a number of cases, could stem in part from maltreatment at home. For some of these youth, if their home life had been better known by child welfare initially, they may have been able to avoid the juvenile justice system entirely and obtain the needed protection and support through the child welfare system.

Furthermore, outcomes for crossover youth are far bleaker than those for youth involved with only one of the systems. These youth have been found to be at greater risk for reoffending and for re-referral for maltreatment than juvenile offenders without substantiated histories of abuse or neglect.¹⁸ According to a study conducted in 2011 of youth in Los Angeles County, youth involved in both the child welfare and the delinquency systems had less desirable outcomes on a whole host of measures, including subsequent jail time, educational attainment, and a likelihood of being consistently employed, as compared with youth involved with only one of the systems.¹⁹ Describing the results of that study, the California Child Welfare Co-Investment Partnership wrote:

¹³Ryan and Testa, *supra*, note 3.

¹⁴ McLaughlin, *Dual-System Youth: The Need for Systems Integration to Improve Outcomes for Foster Youth who Commit Delinquent Acts*, 16-17 (2009).

¹⁵ Courtney, *et al.*, *Evaluation of the adult functioning of former foster youth: Conditions of Illinois youth preparing to leave state care* (Chapin Hall Center for Children 2004).

¹⁶ Baskin and Sommers, *Child maltreatment, placement strategies, and delinquency*, *American Journal of Criminal Justice*, 36, 106-119 (2011).

¹⁷ Ryan, *et al.*, *Juvenile delinquency in child welfare: investigating group home effects*, *Children and Youth Services Review*, 30, 1088-1099 (2008); Baskin and I. Sommers, *supra*, note 17.

¹⁸ Haight, *et al.*, *An evaluation of the Crossover Youth Practice Model (CYPM): Recidivism Outcomes for maltreated youth involved in the juvenile justice system*, *Children and Youth Services Review*, 65, 78-85 (2016).

¹⁹ Culhane, *et al.*, *Young Adult Outcomes of Youth Exiting Dependent or Delinquent Care In Los Angeles County* (2011).

Young people who come into contact with both the child welfare and juvenile justice systems are among the most vulnerable of California's children. These young people are more likely to be separated from their families, experience frequent placement changes, suffer behavioral health problems, and have poor educational outcomes when compared with children not in contact with both systems.²⁰

Moreover, a higher percentage of young adults who had been involved with both systems were extremely low-income, as compared with youth involved with only one system. Roughly half of young adults who had been crossover youth were living in extreme poverty, as compared with a quarter of those formerly involved with the juvenile justice system and a third of those formerly involved with the child welfare system.

African American youth are overrepresented in both the child welfare and juvenile justice systems. Research examining populations of youth involved in child welfare has found that African American youth are more likely than other youth to have juvenile justice involvement. However, as one report notes, "a recent study...found no racial differences in the delinquent behaviors of a nationally representative sample of child welfare-involved youth, providing evidence that racial differences in the justice system involvement of child welfare-involved youth are not merely a function of differences in behavior."²¹ Instead, that is, overrepresentation of African American youth who are crossover youth may often be a consequence of increased discrimination encountered in interactions with both systems.

Research has also found that, for girls, likelihood of involvement with the delinquency system increased as child welfare involvement increased from investigation, to receipt of in-home services, and then to being placed outside of the home. However, for boys, the level of involvement with the child welfare system did not appear to have a significant impact on involvement with the delinquency system.²² These findings indicate the need for better understanding of the different experiences of girls and boys involved in both systems.

Taken together, these findings make it clear that prospects for crossover youth are much bleaker than for other youth.

A. Lack of Comparable Data Hampers Efforts to Help These Youth: In February 2016, the California State Auditor, in response to a request of the Joint Legislative Audit Committee, released a report examining how well counties have been serving crossover youth. Unfortunately, the State Auditor found that it generally was impossible to

²⁰ California Child Welfare Co-Investment Partnership, *Crossover Youth: A Shared Responsibility*, 1 Volume X (Winner 2016) (citation omitted).

²¹ Goodkind, *et al.*, *From child welfare to juvenile justice: race, gender, and system experiences*, *Youth Violence and Juvenile Justice*, 11(3), 249-272 (2013).

²² Jonson-Reid and Barth, *From maltreatment report to juvenile incarceration: The role of child welfare services*, *Child Abuse and Neglect*, 24, 505-520 (2000).

determine how county programs were performing because the state had not issued guidelines to the counties for how to track or even identify these youth. Thus, according to the State Auditor, it was "difficult to determine the success of county efforts."²³

The State Auditor determined that while the law authorizing dual status jurisdiction has been in place for over a decade, state agencies have provided little guidance to counties for how to track and support crossover youth, including defining the relevant terms or establishing outcomes that counties should track. The Auditor then reviewed six counties, three that have adopted the dual-status protocols – Los Angeles, Riverside and Santa Clara – and three that have not – Alameda, Kern and Sacramento – and found that there was no consistent way to track terms and outcomes. Without consistent definitions, and tracking of attributes and outcomes, it is impossible to reach conclusions about best models and practices, according to the Auditor. For example, the counties all defined recidivism differently, so it was impossible to say which protocols, programs or services might be working to reduce recidivism. Even more disconcerting, according to the Auditor, fully five of the six counties reviewed could not even accurately identify the total number of youth they had determined were dually involved.

Additionally, the counties only track a small subset of outcomes. For example, none of the counties tracked education measures, such as graduation rates. Most counties did not even track future juvenile justice involvement for dually involved youth. Instead, they only tracked outcomes for youth generally involved in the juvenile justice system. Thus, even if the counties were to define terms consistently, the state would still not be able to determine best practices unless the counties tracked the same outcome measures. Thus, the State Auditor recommended that counties develop uniform measurements for better tracking crossover youth. As of the date of the release of the Auditor's report, four of the six counties were starting to develop mechanisms to better track various data and outcomes.

The Auditor also recommended that the Department of Social Services (DSS), which operates the state case management automation system for tracking youth in the child welfare system – the Child Welfare Services/Case Management System – develop a function to allow staff working in both the child welfare and probation systems to identify crossover youth and issue guidance to the counties on how to use that function and fully track those youth. This should help ensure that California has a statewide data system and that youth do not get lost in cracks between systems and between counties.

To address the lack of comparable data, AB 1911 (Eggman)²⁴ was adopted last year. It requires the Judicial Council to convene a committee of specified stakeholders to develop recommendations to facilitate and enhance comprehensive data and outcome tracking for

²³ California State Auditor, *Dually Involved Youth: The State Cannot Determine the Effectiveness of Efforts to Serve Youth Who Are Involved in Both the Child Welfare and Juvenile Justice Systems* Report 2015-115, 2 (Feb. 2016).

²⁴ Chap. 637, Stats. 2016.

crossover youth, and to report these to the Legislature by January 1, 2018. This bill also requires DSS, by January 1, 2019, to implement a function within its case management system that will allow county child welfare and probation agencies to identify crossover youth and to issue instructions to all counties on how to track completely and consistently the involvement of these youth.

The committee of AB 1911 stakeholders convened for the first time in December and includes stakeholders from probation, child welfare, the defense bar, the prosecution bar, dependency attorneys, youth, children's rights advocates, the Department of Education, the Department of Justice, the Board of State and Community Corrections, judges, academics, and systems and data engineers. The committee will meet again as a whole at the end of February. This is the first step for the state to design, implement and perhaps mandate programs across the board to help this vulnerable group of youth. It will help create common terms and outcomes to be tracked and will allow the Legislature to determine, two years from now, whether those terms and outcomes should be used and studied statewide, so that California can develop the best approaches to support these youth and help them better transition to successful adulthood.

IV. Pilot Projects in California and Across the Nation Show Promise in Helping Crossover Youth

Given the very poor outcomes typical for crossover youth, counties in California and throughout the United States have been experimenting with programs and procedures to provide greater support and services to these youth and to help improve their futures. While most of these programs are relatively new and, particularly in California, have little comparable data to measure their success, they show promise in helping troubled youth to overcome barriers and better survive and even thrive. As discussed below, there are many common themes that transcend the particular programs and appear to lead to better outcomes for crossover youth.

A. Georgetown University Crossover Youth Practice Model: Georgetown University's Center for Juvenile Justice Reform developed its Crossover Youth Practice Model (CYPM) in 2010 in order to reduce the number of youth crossing over from dependency system to the delinquency system and vice versa, the use of group home or other congregate care, and the disproportionate representation of youth of color, particularly in the crossover population.²⁵ The program, which involves implementing a practice model, is funded in part with help from the Casey Family Foundation and is now operating in 96 jurisdictions across 21 states, including in Alameda, Sacramento and San Diego counties in California, as well as in the states of New York, Pennsylvania, Ohio, Michigan Texas, South Carolina and Florida.

The CYPM is designed to be tailored to the needs of each participating jurisdiction, but also to ensure that practices are consistent for all youth within a system and that resources are shared to maximize their impact. The model includes the following key elements:

²⁵ <http://cjjr.georgetown.edu/our-work/crossover-youth-practice-model>.

- There is a process for identifying youth at the point of crossing over from dependency to delinquency or vice versa;
- Social workers and probation officers and other relevant case workers exchange information about each youth in a timely manner and work together on assessment, development of case plans and case management;
- The family is involved in all decision making in the case; and
- Bias against youth involved in the foster care system does not occur when either the youth is detained or when the case is disposed of by the delinquency court.²⁶

The practice model works to ensure that services used by both the dependency and delinquency systems are maximized to prevent youth from crossing over in the first place. It also emphasizes developing and collecting accurate information and data in order to make the best possible decisions for each child and each family. Proponents of the Georgetown CYPM anticipate that proper use of the model will:

- Reduce the number of youth re-entering child welfare from juvenile justice placement;
- Reduce the penetration of juvenile justice by foster youth;
- Reduce the use of out-of-home or congregate care placements;
- Reduce the use of pre-adjudication detention;
- Reduce the rate of recidivism;
- Increase the use of inter-agency information sharing;
- Increase inclusion of family voice in decision making;
- Increase youth and parent satisfaction with the process; and
- Increase the use of joint assessments.²⁷

While it is still too early to get a full picture of the impacts of the CYPM, preliminary results show positive improvement through use of the CYPM. These early results show that youth involved in the practice model were:

- Slightly more likely to have their cases dismissed or receive diversion and less likely to receive probation supervision or placement in corrections;
- Less likely to live in congregate care settings;
- Less likely to have Another Permanent Planned Living Arrangement (an arrangement that fails to achieve permanency for the child) as a permanency goal;
- More likely to have remained at home as a permanency goal;
- More likely to have one or both cases (that is, the dependency and/or delinquency cases) closed;
- More likely to show improvements in mental health;
- Significantly more likely to be identified at an early stage of their crossing over; and

²⁶ *Id.*

²⁷ *Id.*

- More likely to have contact with family and parents and involvement in extracurricular and structured activities.²⁸

In California, three counties – Alameda, Sacramento and San Diego – are using the CYPM today. **San Diego** implemented the practice model in 2012, and already has data supporting the program's positive impacts on troubled youth. The model begins when a dependent youth is first arrested and the probation officer immediately contacts the child welfare social worker. Diversion is the first choice, if possible. If not, the case worker and the probation officer and their supervisors meet to decide whether leaving the youth in dependency, moving to delinquency, or establishing dual status is the best choice for the youth, although the juvenile court judge ultimately makes the final decision. If the youth is adjudicated as dual status, the case is then handled by a special unit; and the case worker and the probation officer manage the case together. Initial data provided by the county reveal that dual status youth are about 70 percent less likely to run away from their placement and have about half the yearly placements compared with these youth before their dual state placement (though they are still averaging a troubling 3.3 placements per year).

Sacramento has only recently implemented CYPM and is still training staff on use of the model. Under the model, child welfare is informed whenever a dependent youth is issued a citation or arrested and then team meetings are held to determine next steps. The team meeting generally includes the youth, family members and caregivers, child welfare and probation, as well as mental health and education officials. While leadership from the county has made implementation of the project a high priority, there have been a number of implementation difficulties, including the time required to fully train staff, the difficulty in facilitating team meetings, and the lack of understanding of the roles and responsibilities between child welfare and probation. Additionally, having two separate courts – one for dependency and one for delinquency – has added to the challenges of necessary coordination to better support these youth. Since the model is relatively new in Sacramento, there are only limited data on the 69 youths who became crossover youths since the program's inception. Those dependents who crossed over into delinquency were more likely to be children of color than the general child welfare population and also less likely to be in permanent living situations. Over two-thirds of the youth had a mental health diagnosis. Nine months after crossing over, 70 percent had a new juvenile arrest. However, until the program is fully implemented, staff is fully trained and team meetings are formally held, the true impact of the model on youth in Sacramento will be difficult to gauge.

B. Robert F. Kennedy Children's Action Corps and MacArthur Foundation Models for Change: The Robert F. Kennedy Children's Action Corps, funded by the John D. and Catherine T. MacArthur Foundation through its Models for Change: Systems Reform in Juvenile Justice, seeks to support “the kind of coordinated, multi-system integration

²⁸ Bilchik, *et al.*, *Final Data Report for the Crossover Youth Practice Model: Aggregate Report 2010/2011*, (Center for Juvenile Justice Reform, Georgetown University July 2013).

that improves outcomes for dual status youth.”²⁹ The program uses models and tools that “build capacity for addressing the unique needs of dual status youth, coordinate and integrate child-serving systems, and improve juvenile probation systems.”³⁰ The Models for Change approach includes “Six Imperatives” that are key to reforming the systems serving crossover youth:

- *Leadership, Governance and Management Structure.* Relevant agencies and stakeholders must be mobilized to provide expert input and the broader community must be involved. The leadership must come from at least child welfare, juvenile justice (probation in California), and the judiciary.
- *Study and Analysis.* In order to implement reform, counties should identify legal and policy barriers and understand what resources are available to them through data analysis, mapping exercises, legal and policy analysis, and agency inventories. Data collection for research and analysis purposes is fundamental and helps establish a routine method for identifying youth as they cross over. Mapping ensures understanding of the key decision points in each system and reveals strengths, deficiencies and barriers in existing practices. Legal and policy analysis sheds light on opportunities for and barriers to effective information sharing for individual case planning and management, as well as the considerations regarding resource allocations.
- *Culture Change.* One imperative of the program is to alter the culture of the systems that prevent progress. Staff working together should work in close proximity regularly to encourage cooperation.
- *Preventing Youth From Crossing Over.* This imperative strives to prevent arrest from occurring in the first place by reforming child welfare and education system practices that can lead to contact with the juvenile justice system. This may involve communication with law enforcement, school, and group homes, for example, by providing them with information about the youth's situation so that they may make informed decisions that consider the interests of all stakeholders.
- *Engagement with the Family and Community.* Upon arrest of the youth, this imperative calls for the immediate involvement of the family, school personnel, community connections, and service providers close to the youth. The goal is to provide support and services to the youth and keep the youth out of the delinquency system.
- *Policies, Procedures, and Practices.* One of the program’s imperatives is composed of five key parts: (1) information and resource sharing; (2) court practices for crossover youth; (3) joint assessment and case planning; (4) case

²⁹ <http://www.modelsforchange.net/reform-areas/dual-status-youth/index.html>.

³⁰ *Ibid.*

management and supervision; and (5) permanency and positive youth development. These aspects of county policies, procedures, and practices are the heart of a successful effort to assist crossover youth.

The Model for Change promotes regular meetings of key leaders to continually examine policies and programs; involvement of community members who bring perspective from their past involvement with probation or welfare systems; risk assessments of individual needs of each young person; and team meetings to develop and assess plans.

Implementation of the model varies, depending on the county. California counties currently participating in the initiative include El Dorado and Santa Clara Counties. Sixteen other states have counties using the RFK Model for Change, including Florida, Illinois, Massachusetts, Minnesota and Washington.

A key feature of **Santa Clara County's Dually Involved Youth Program** is its co-location of child welfare and probation staff so that there is intensive case management, joint recommendations to the court, and joint delivery of services. According to the county, while this joint response is time and labor intensive because of the different cultures of child welfare and probation, the program now involves integrating data from both child welfare and probation and effectively using youth and family team meetings with the goal of moving the youth and family away from both systems and toward community-based support systems. The team meetings in particular are designed to determine the youth's needs and help develop an effective joint recommendation from both child welfare and probation. The county reports that no crossover youth has lost dependency jurisdiction in favor of delinquency jurisdiction since 2013.

C. The Sierra Health Foundation's Positive Youth Justice Initiative: The goal of the Sierra Health Foundation's Positive Youth Justice Initiative (PYJI) is to support California counties to "design and implement system-level reforms to improve the health and well-being of crossover youth . . . [t]hrough an approach that invests in youth, treats trauma, provides wraparound service delivery, and changes systems to strengthen local infrastructure and sustain the improvements."³¹ PYJI is managed by the Center for Health Program Management, with additional funding from the California Endowment and the California Wellness Foundation.

PYJI aims to achieve its goal by training juvenile justice professionals in trauma-informed care or positive youth development for crossover youth. It also develops structured decision-making tools that incentivize youth success on probation, transforming the system to include positive youth development practices. It works to provide counties with the ability to identify, collect, and appropriately share data on crossover youth, enabling them to provide better coordinated services and care. Finally, PYJI works to form partnerships within the community to ensure reform initiatives are successful. Partnerships have been formed with school districts, law enforcement,

³¹ Resource Development Associates, *Positive Youth Justice Initiative Year 1 Evaluation Findings* p. 1 (Dec. 2014).

judicial officers, advocates and organizers with the ultimate goal of keeping youth from coming into contact with the juvenile justice system.

California counties that have participated in PYJI are Alameda, Sacramento, San Diego, San Joaquin, Solano, and Yolo, with all counties receiving funding for their probation departments, except Solano County, which has received funding for the Vallejo School District.

D. Other County Initiatives: In addition to the models discussed above, several other California counties have their own initiatives to better serve crossover youth:

- **Los Angeles** is piloting a “one child, one court program” to better serve crossover youth. Additionally, the Children's Law Center of California has created the Crossover Advocacy and Resource Effort (CARE) to provide "intensive case management" to dependent youth who are on probation. The goal of CARE is to "help foster youth successfully navigate and complete their terms of probation by applying holistic social work techniques to engage, support and stabilize the youth. An integrated legal and clinical social work perspective is a unique characteristic of the program."³² The program uses graduate student social workers as intensive case managers for dependents involved with the delinquency system and provides these youth with a single point of contact to help navigate the systems and help ensure that needed services are provided.
- **Orange County** has established a Teen Court, which serves youth with issues involving mental health, substance abuse and academic failure. The county reports that the Teen Court has improved collaboration between child welfare social workers and probation officers resulting in improved accountability. The biggest success of the program is the reduction in the number of youth who fully transition to delinquency. This reduction is in part due to the county's increased use of wraparound services to better support youth where they are. The county believes that it would benefit from more residential treatment options and temporary shelters being available to crossover youth.
- **Placer County** co-locates its child welfare and probation departments, creating a collaborative relationship that encourages open communication and teamwork.
- **Shasta County** co-locates its child welfare and probation staff, and holds a weekly "intensive services meeting" between child welfare, probation and mental health to discuss youth with higher needs.

E. The Various California Models Share Key Similarities and Challenges:

Regardless of the model or pilot, the various programs in California share key features. These include a method for early detection of crossover youth, co-location or other methods of enhancing coordination between child welfare and probation systems, and enhanced wraparound services for crossover youth. The county programs also share many challenges that must be overcome in order to best serve crossover youth, including

³² <http://www.clccal.org/foryouth/CARE>.

difficulty sharing data (especially between systems that do not communicate), difficulty understanding how the different agencies work, difficulty accessing services—especially mental health services—and the need for more suitable placements.

F. California Judicial Branch, Through its Futures Commission, is Exploring a Single Juvenile Court Handling Dependency and Delinquency Matters: The Commission on the Future of California's Court System (“Futures Commission”) was established in July 2014 to “study and recommend to the Chief Justice initiatives to effectively and efficiently serve California's diverse and dynamic population by enhancing access to justice.”³³ As one of its many research projects, the Futures Commission is considering the potential benefits and challenges of consolidating the juvenile court under one jurisdictional statute.

Juvenile courts are charged with the responsibility of overseeing the lives of children and families when there has been an allegation that direct state intervention is needed to protect the child, the family, or the community. Under a consolidated system, juvenile courts would be able to serve the family as a whole, ensuring a focus on the youth’s well-being, and improving outcomes by integrating services across all of the systems and agencies that serve youth and families in juvenile courts. The concept does not seek to expand the court’s jurisdiction over additional children and families, but rather to ensure that once the court has found that jurisdiction is justified, the dispositional phase can address all of the circumstances that brought the child and family before the court.

According to background prepared by the Futures Commission, the status quo of separate dependency and delinquency systems may not effectively serve either the public, or families involved in juvenile court:

Under the current construct, many children re-enter the juvenile court system shortly after exiting because of subsequent abuse and/or neglect or criminal behavior. This kind of repeat involvement with the court suggests opportunities to improve effectiveness and efficiency by delivering the needed services at the earliest opportunity, thereby limiting the number of times children and families return to juvenile court jurisdiction. . . .

[W]hen dependent children engage in alleged unlawful behavior, a consolidated court could provide services and enhance community safety by maintaining both the path to permanency that is underway via the child welfare system and the important stabilizing relationships with caseworkers, treatment providers, community, and attorneys who are familiar with the needs of the child. Effective collaboration between child-serving entities (child welfare, probation, mental health, and education) is hindered by the current separate jurisdictional processes, institutional mandates, funding, and terminology. Multiple hearings and case plans leave children and families confused and disengaged from the court process.

³³Commission on the Future of California's Court System, Agenda (July 22, 2017), <http://www.courts.ca.gov/documents/futures-commission-20160722-agenda.pdf>.

Current jurisdictional constructs impede full delivery of all necessary services and interventions and distract from the shared responsibility to stabilize and protect the child, family, and community at large. All of these factors are high contributors to the low success rates for juveniles that frequently enter—and either exit and return or languish in—the system.³⁴

In order to address these systematic shortcomings, the Futures Commission is considering strategies to do the following: ensure that due process rights of children and parents are not diminished by making parents parties to actions, similar to parents in dependency actions; create a system that takes into account the family context in which the offending behavior occurred; allow a court to address a child’s welfare and safety needs while following due process requirements in addressing accountability for criminal behavior; operationalize information sharing to improve effectiveness and efficiency of court dispositional orders; enhance the use of evaluated mental health screenings, assessment, and treatments; expand the understanding of childhood trauma and its impacts on adolescent development; and increase the potential for using a broadly restorative approach to resolve conflicts when appropriate to do so. The Futures Commission plans to explore factors such as funding; information sharing; confidentiality; agency coordination; regulatory and statutory compliance; training and culture change; and accountability.

The Futures Commission acknowledges that implementation of the one court concept would have significant impact on the state’s under-resourced child welfare and delinquency systems. To address these legitimate concerns, it has been proposed that prior to considering statewide implementation of this concept, a pilot program in a number of courts should occur, allowing for data collection and evaluation of the impact of the one court proposal. A piloting of the concept would also allow the judicial branch to evaluate and determine the extent to which re-entry and recidivism rates are reduced and other positive outcomes achieved over a sufficient length of time. Such a pilot would ideally include at least one small, medium, and large court and would reflect California’s geographic diversity. Pilot courts would be given the resources needed to plan for and implement the consolidated court system, and be provided with technical assistance and data collection support to ensure that data collected about the program could be used for effective statewide implementation.

It is important to note that while the dependency and delinquency courts are currently separate courts within the juvenile court, many courts today, particularly smaller courts, already have the same judge to hear all juvenile court cases involving the same child. Moreover, several counties, including Los Angeles, are beginning the experiment with a one child, one juvenile court justice delivery model.

³⁴ *Id.*

V. Issues to Consider Going Forward to Better Serve the Needs of Crossover Youth Throughout California

In order to better support crossover youth throughout the state and help them become productive adults, the Legislature may want to consider the following issues in deciding appropriate legislative and/or budgetary action:

- What are the common elements of successful county programs that could be expanded statewide? Common elements may include:
 - Early communication when a youth first crosses over from one system to another. For dependent youth, that should occur when the youth is first involved with law enforcement, or when first arrested. For wards, that communication should occur as soon it is likely that ward has underlying abuse and neglect at home that may prevent returning to his or her parents, or that the criminal act may have been caused by, or related to the abuse or neglect of the minor.
 - Ongoing communication and collaboration between the various agencies, which may be addressed, in part, by co-location of probation and child welfare services.
 - Data sharing. Effective data sharing assumes accurate and accessible data. What is the status of California's efforts to create statewide data definitions, ensure the use of case management systems, and ensure that needed stakeholders have access to the data?
 - Availability of services. What can be done to increase statewide access to needed services, including mental health services?
 - Availability of appropriate placements. What can be done to increase access of youth across the state to the least restrictive setting appropriate for them?

- What are some of the challenges that county programs have experienced? Challenges may include:
 - Developing and finalizing dual status protocols;
 - Improving training;
 - Improving understanding of the roles and services of other agencies;
 - Finding additional appropriate placements of youth;
 - Ensuring needed services are available and accessible; and
 - Ensuring the availability of permanent and supportive family-like settings close to home and close to needed services.

- How well are counties using diversion as the first resort for dependent youth? Is diversion even more important for immigrant youth in order to prevent a negative immigration factor or consequence?

- How sustainable are local programs? Are they dependent upon private funding that at some point will end, or individual leaders who may leave? What can be done to help make successful programs sustainable?

VI. Conclusion

Given the grim statistics for the future prospects of crossover youth, it is incumbent on all the agencies that serve these youth – at both the local and state level – to work together to provide the best possible support and services to them. The innovative local programs operating in California and across the nation, as well as the more complete understanding of crossover youth and the impacts of the local programs on those youth that will soon be available as a result of AB 1911, will help inform local and statewide policymakers about what next steps can be taken to better serve California's crossover youth so that they may become healthy and successful adults.