



# STRENGTHENING COLLABORATIONS IN OVERLAPPING SYSTEMS FOR OUR MOST VULNERABLE YOUTH

All youth depend upon nurturing role models and opportunities to develop into healthy and productive adults. In Kentucky, too many youth experience abuse, neglect, exposure to substance abuse, and other challenges that negatively influence their development. Because of these and many other factors, some of our youth encounter the child welfare or juvenile justice system during their childhood or adolescence. Involvement with one or both of these systems can have an enormous impact on a young person's life. Youth who become involved in both the child welfare and juvenile justice systems face significant barriers to a successful transition to adulthood.

Youth who enter the child welfare or juvenile justice system have typically encountered complex personal and family issues that contribute to their involvement in either system. Intense treatment and services can address those experiences and help set youth on a positive trajectory in life. For example, a youth in the child welfare system who has experienced trauma may have severe emotional disturbances that need to be addressed with appropriate interventions. If the child welfare system does not fully address these needs, the resulting behaviors may lead to contact with the juvenile justice system. Our child-serving systems should strive to address youths' complex needs in order to prevent children from becoming involved in both systems.

Determining the number of Kentucky youth engaged in these two systems remains difficult, as the child welfare and juvenile justice systems do not have integrated data systems. Despite the lack of a unified database for these child-serving agencies, they do have some methods to track youth involved in both and share information. The Court Designated Worker program, which receives all charges against youth, checks court records for any dependency, abuse, or neglect cases involving those youth. Both the Department for Community Based Services (DCBS) and the Department of Juvenile Justice (DJJ) are aware of youth who are committed to DCBS and committed or probated to DJJ. Also, the Department of Juvenile Justice may access information on child abuse and neglect

cases in order to prepare appropriate recommendations to the courts on placement options for children. Since Kentucky's data systems do not track all youth entering both systems, only those with deep involvement in both systems, this essay reports no data on the scope of the problem in Kentucky. The essay presents research and recommendations for improving early identification of these youth and, in turn, improving services for them.

## The Child Welfare System

Kentucky's child welfare system includes Family and District Courts, the Department for Community Based Services, out-of-home care providers, and other service providers. The child welfare system aims to ensure safety and permanency for children and their families.<sup>1</sup> In 2008, Kentucky reported 14,802 victims of substantiated child abuse, and 12,397 youth lived in out-of-home care.<sup>2</sup> Youth involved in the child welfare system face greater risk because the abuse and neglect they have experienced can impede normal child development. These youth are at increased risk of poor physical health and mental health. Youth who live in out-of-home care also commonly move from placement to placement, interfering with academic performance and the receipt of medical care.

Despite no difference among races in rates of abuse and neglect, youth of color are more likely to be involved with the child welfare system than White youth. The overrepresentation of youth of color occurs at several points

throughout the system, including reporting of abuse and neglect, substantiation of reports, and entry into and length of time spent in out-of-home care.<sup>3</sup> In Kentucky, African-American youth and families are referred for abuse and neglect at two times the rate expected based on census data, and abuse allegations of African-American youth are substantiated at higher rates than White children and families.<sup>4</sup> Additionally, African-American youth spend more time in foster care, experience more changes in placements, and are 20 percent less likely than White youth to return to their parents' care.<sup>5</sup>

## The Juvenile Justice System

The juvenile justice system in Kentucky involves a wide range of participating agencies and individuals, such as law enforcement, the Administrative Office of the Courts, the judiciary, and the Department of Juvenile Justice. Juvenile justice systems exist to ensure public safety while also focusing on rehabilitation. This focus allows children to learn from their mistakes and become contributing adult members of our society. In 2008, 18,352 youth in Kentucky were referred to court for formal court processing, and 7,483 youth avoided formal court processing through successful completion of a diversion program.<sup>6</sup> When appropriate, the opportunity to resolve juvenile offenses outside of court through diversion is critical, since youth who become deeply involved in the juvenile justice system face significant risk

for poor educational, work, and health outcomes as well as future incarceration.<sup>7</sup>

As in the child welfare system, despite no differences among races in rates of delinquent behaviors, racial disproportionality exists within the juvenile justice system, causing overrepresentation at every decision-making point in the system.<sup>8</sup> In 2008 in Kentucky, 20.5 percent of complaints filed against youth were filed against African-Americans, despite African-Americans representing only 9.5 percent of Kentucky youth ages 10 to 17.<sup>9</sup> African-American youth also represented 25 percent of cases petitioned to court for formal court processing and 30.5 percent of all youth detained in that same year.<sup>10</sup> This disproportionate treatment cuts opportunities short for youth of color.

## Who are the youth involved?

Youth with the most complex needs frequently comprise the population of children involved in both systems. The traditional treatments and interventions provided by the juvenile justice and child welfare systems often do not properly address the multiple problems, family issues, and troubling behaviors typically presented by this population. For example, youth involved in both systems more often have parents with mental health issues and families with histories of criminal behavior.<sup>11</sup> These youth already have the odds stacked against them, and neither system seems to be addressing their full spectrum of needs.



## How do youth become involved in both systems?

An abundance of research confirms the relationship between child maltreatment and delinquency. Youth engaged in both systems often encounter the juvenile justice system after experiencing abuse or neglect during childhood. Abused and neglected youth are substantially more likely to become involved in delinquent behavior than youth who have not experienced abuse or neglect.<sup>12</sup> Experiencing child abuse and/or neglect increases a youth's risk of being arrested by 55 percent and the risk of committing a violent crime by 96 percent.<sup>13</sup>

Among youth involved in the juvenile justice system, youth who have been abused or neglected are typically arrested for the first time at a younger age than youth without a history of maltreatment.<sup>14</sup> This pattern further contributes to the likelihood of negative outcomes for youth involved in both systems, since younger offenders are three times more likely to become serious violent offenders than youth first arrested at an older age.<sup>15</sup>

Among children who have experienced maltreatment, research indicates a strong connection between child welfare placement and subsequent risk of delinquency. Youth who have entered group home placements are two-and-a-half times more likely than similar youth in foster homes to become involved with the juvenile justice system.<sup>16</sup> Youth in group homes often experience their first arrest while still living in the group home.<sup>17</sup> A study showed 20 percent of youth in group homes were arrested at least once, compared to 8 percent of youth in foster care.<sup>18</sup> Additionally, group home youth arrests were more likely to be for threat-related or violent offenses.<sup>19</sup> In an attempt to explain why group home placement results in increased risk, some research suggests that youth can be negatively influenced by peers with juvenile justice system involvement who are living in the group home.<sup>20</sup> Group home policies or norms may also lead staff to call police in situations typically dealt with informally in a foster care setting.<sup>21</sup>

## What are the consequences of involvement in both systems?

Youth in both systems face barriers that decrease the likelihood of success in either system. Evidence suggests that among youth in the juvenile justice system, those also involved in the child welfare system more often experience negative outcomes in the juvenile justice system than those youth not involved in the child

welfare system.<sup>22</sup> This likely occurs because the juvenile justice system lacks specific approaches to address the unique needs of youth in the child welfare system. As a result, youth with a history of abuse or neglect may receive harsher treatment in the court system and thus move deeper into the juvenile justice system.<sup>23</sup>

The risks associated with having experienced maltreatment indicate a significant need for effective interventions and focused prevention efforts. Even when considering race, age, criminal history, and current offense status, youth engaged in both systems are ten percent more likely to be arrested than youth not involved in both systems.<sup>24</sup> Additionally, among youth who engage in delinquent behaviors, those with histories of maltreatment commit delinquent acts more frequently and have higher rates of recidivism than those who have not been maltreated.<sup>25</sup>

The fact that a youth appearing in court is involved with the child welfare system may unintentionally bias the decisions a judge makes on charges of juvenile delinquency. For example, youth involved with the child welfare system often appear in court on delinquency charges without relatives, which can result in perceptions of a lack of family support and decreased stability.<sup>26</sup> These negative perceptions, which may be false assumptions, can decrease the likelihood that judges consider alternatives to detention, which often rely on family involvement.<sup>27</sup> Additionally, studies indicate that judges offer probation, which allows youth to maintain important community connections to school and work, less frequently to youth with child welfare system involvement who appear on delinquency charges.<sup>28</sup>

## Barriers to success for youth involved in both systems

Many youth fall between the cracks or suffer gaps in services when navigating these two independent systems that lack integration or meaningful communication. Youth engaged in both systems may confront courts or agencies unaware of their dual involvement, which can result in contradicting case plans from the two systems, making compliance by youth difficult.<sup>29</sup> Additionally, the separation between systems can result in different attorneys representing youth in maltreatment and delinquency cases, potentially in two different courts. A youth's attorneys may fail to understand the implications of their advice on the child's other court case. The caseworker and probation officer working with a child

may be unaware of each other's existence, which could result in duplication of services.<sup>30</sup>

Even when identification of youth in both systems occurs, difficulty persists in communication between systems. Ambiguity concerning roles and responsibilities, as well as unfamiliarity in communicating between systems, produces confusion and gaps in service.<sup>31</sup>

Agency mandates can also contribute to conflict between the systems. The child welfare system focuses primarily on the youth's safety, while the juvenile justice system works to reduce recidivism.<sup>32</sup> Collaboration between agencies whose primary goals differ can be challenging.

Because of their complex needs, youth with both maltreatment and delinquency issues may face treatment barriers when placed in programs designed to address only one of these issues. Residential programs traditionally utilized in child welfare have not been found to reduce recidivism as effectively as probation or community based programs that provide counseling to youth and their families of origin.<sup>33</sup> On the other hand, programs within the juvenile justice system may not address the family violence and safety issues faced by youth who have experienced maltreatment.<sup>34</sup> Access to services is often limited to what is offered by the system that has primary responsibility of a youth.<sup>35</sup>

Youth of color are more likely than white youth to experience the negative consequences of involvement with both systems. Despite no differences among races in rates of maltreatment and delinquency, national data show racial disparities exist to an even greater extent among youth involved in both systems. Race plays a significant role in predicting which youth come into contact with both the child welfare and juvenile justice systems. African-American youth in the child welfare system are twice as likely to be arrested as similarly situated White youth in the system.<sup>36</sup> A study



of youth in one city found that even though African-American youth represented 14 percent of the population, they constituted 30 percent of youth in the child welfare system, 41 percent of youth in foster care, and 54 percent of youth involved in both systems.<sup>37</sup>

### **Current efforts to better serve youth**

Kentucky has taken steps to better address the needs of youth with both maltreatment and delinquency issues. The Kentucky Department of Juvenile Justice's

partnership with therapeutic foster care programs allows youth to address past abuse and neglect while also focusing on current delinquent behavior.<sup>38</sup> Research finds therapeutic foster care successful in reducing the recidivism rates of delinquent youth who have also been maltreated.<sup>39</sup> However, budget constraints within the Department of Juvenile Justice have resulted in a cap of 50 youth committed to DJJ who can be placed in private residential care facilities, including those that offer therapeutic foster care.

The Department of Juvenile Justice also offers a number of services to youth committed or probated to DJJ who are also involved with the Department for Community Based Services. The Department of Juvenile Justice assesses the functioning level of the youth's family whenever a youth is referred for probation or commitment. This assessment includes the youth's and/or family's involvement with social service agencies and any past abuse or neglect issues. Through data-sharing and informal community staff contact, DJJ and DCBS share information on the youth's history. DJJ also initiated a major training effort in 2009, which they plan to continue in 2010, to assist its staff in addressing issues relating to family functioning and the reintegration of youth involved with both systems back into the home following out-of-home placement.<sup>40</sup>

## Recommendations

### **Improving system coordination**

Despite efforts undertaken in Kentucky, work remains to prevent youth from falling between the cracks during their encounters with both the child welfare and juvenile justice systems. System fragmentation clearly produces worse outcomes for youth involved in both systems. Fiscal responsibility points towards systems integration as well, as fragmentation results in potential duplication of services.

To determine the scope of the problem and target services early, Kentucky needs accurate data on youth involved at all points of contact with both systems. Integrated data systems could provide immediate identification of youth as soon as youth enter either system, allowing for tailored treatment and avoidance of duplicated services.<sup>41</sup> Since immediate data integration is unfeasible, child welfare, court, and juvenile justice professionals can develop more formalized data sharing procedures to identify youth served by both systems as soon as possible. Collaboration between the systems could also be strengthened by formalizing expectations for the communication that often occurs in communities between DJJ community workers and DCBS case workers.

In counties identified with high concentrations of youth involved in both systems, assigning one judge to oversee a youth's maltreatment and delinquency cases promotes continuity of services and ensures familiarity with the entirety of a youth's situation.<sup>42</sup> This practice could also help ensure that a single attorney represents a youth on matters of delinquency and maltreatment. Steps should also be taken to develop coordinated case plans that do not duplicate services, contradict one another, or hinder a youth's progress in either system. Courts and agencies may need to establish formal agreements on sharing of information and confidentiality issues.<sup>43</sup>

### **Prevention efforts**

Whenever possible, efforts should be undertaken to prevent youth in one system from crossing over into the other. Strained budgets in the juvenile justice system could be relieved in part by focusing prevention efforts on youth who have experienced maltreatment to mitigate their increased risk of juvenile justice involvement. Such prevention efforts that encourage youth to avoid delinquent behaviors and grow into responsible citizens

also increase public safety, benefiting society as a whole. Addressing the minor delinquency and noncompliance behaviors of youth who have been abused or neglected through existing maltreatment proceedings rather than in a separate juvenile court allows for those behaviors to be addressed through child welfare treatment options rather than introducing the youth to the juvenile justice system.<sup>44</sup>

### **The importance of screening**

Given the link between maltreatment and delinquency, all youth should be screened for any current or past abuse or neglect when they first come into contact with the juvenile justice system through the Court Designated Worker program. Court Designated Workers currently ask youth who are eligible for their diversion program if they have been involved with state agencies (e.g., the Department for Community Based Services), but do not specifically ask about past abuse or neglect, and no formal process exists for sharing the findings with DCBS or DJJ. The Department of Juvenile Justice also conducts screenings on youth who enter a secure detention facility, but also does not specifically ask about abuse and neglect. The use of screening tools provides an important complement to improved data sharing, because maltreatment may occur without youth having formal involvement with the child welfare system.

### **Addressing disproportionality**

Kentucky currently has efforts underway to reduce disproportionate minority contact (DMC) with both the child welfare and juvenile justice systems. The Race, Community, and Child Welfare Initiative attempts to increase understanding and address the overrepresentation and disparate treatment of youth of color in the child welfare system.<sup>45</sup> The Juvenile Justice Advisory Board's Subcommittee on Equity and Justice for All Youth raises awareness on the issue of disproportionate minority representation in the juvenile justice system, and its causes and remedies; and develops policy and funding recommendations relating to this issue.<sup>46</sup> Reduction of DMC in each of these areas would help to prevent the overrepresentation of youth of color involved in both systems. Collaboration between the agencies undertaking DMC reduction efforts in each system could help to determine the scope of DMC for youth involved in both systems in Kentucky and aid in the implementation of steps towards reducing overrepresentation of youth of color. ■