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Directors' Message

On behalf of the Robert F. Kennedy Children's Action Corps (RFK) and Georgetown University's Center for Juvenile Justice Reform (CJJR), we are pleased to present the second issue of *The Connector: Working Together for Multi-system Youth.* We were delighted to receive many positive responses to our first issue and encourage you to recommend other topics related to multi-system youth that you would like to see featured in future issues (see sidebar on page two for contact information). It is clear that a wide range of stakeholders across youth-serving systems recognize the need to address the challenges faced by these youth. *The Connector*—one of several resources created by the RFK-CJJR Partnership—will continue to assist stakeholders in addressing the unique needs of multi-system youth by highlighting new and current research, new initiatives, model programs, and critical policy issues that impact this population.

The RFK-CJJR Partnership is also in the process of creating a paper to further advance the work to address multi-system youth, particularly youth known to both the child welfare and juvenile justice systems ("dually involved youth" or "crossover youth"). The paper will describe how the Systems Integration Initiative (SII, housed at RFK) and the Crossover Youth Practice Model (CYPM, housed at CJJR) have addressed the unique needs of this population through the implementation and improvement of multi-system collaborations and practices. The paper will also describe Results-Based Accountability (RBA), a methodology that has guided leadership in the management, measurement, and improvement of outcomes across multiple systems and diverse stakeholders. The authors of the paper will present the next frontier to address the needs of multi-system youth by aligning the use of RBA with the SII and CYPM platforms. In doing so, the paper will not only provide specific policy and practice recommendations for working with multi-system youth, but also provide a framework for bringing together a multitude of stakeholders working toward a common goal. Subscribers of *The Connector* will be notified of the release of this paper, which will be available on both the RFK (www.rfkchildren.org) and CJJR (http://cjjr.georgetown.edu/) websites.

This issue of *The Connector* features articles that build on what we have learned about crossover youth and their families through research and practice over the past several decades. For example, we are already aware that the crossover youth population:

 Experiences higher rates of mental health and/or substance abuse problems

- Exhibits significant incidences of criminal behavior, mental health issues, substance abuse problems, and domestic violence in their family histories
- Is disproportionately overrepresented by females and children of color
- Often experiences instability in school, with increased transfers and placements, high rates of truancy, and poor academic performance

These research findings have informed many of the best practices for meeting the needs of crossover youth, especially in terms of preventing and reducing the occurrence of crossover between systems. Yet, practitioners and stakeholders are far better equipped to collaborate in serving multi-system youth and their families when their work is also informed by current research and data on this population, which often comes from local jurisdictions.

The feature article in this issue of *The Connector*, Prevalence of Child Welfare Involvement Among Youth Referred to the King County Court on Delinquency Matters (Gregg Halemba and Gene Siegel, National Center for Juvenile Justice), highlights findings from extensive research conducted on the prevalence, pathways, and demographics of multi-system youth in King

¹To learn more about the characteristics of the crossover population, we recommend the following article: Herz, D. C., Ryan, J. P., and Bilchik, S. (2010). Challenges facing crossover youth: An examination of juvenile-justice decision making and recidivism. *Family Court Review* 48(2), 305–21. Available online at http://onlinelibrary.wiley.com/doi/10.1111/j.1744-1617.2010.01312.x/pdf.

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County, Washington. The findings of this report further support the need for multisystem collaboration across all youth-serving systems as well as the need for early identification and intervention with multi-system youth.

The second feature article, Making Systems Integration Work, authored by Claudia Wright, provides readers with practical advice informed by years of multisystem experience. Ms. Wright describes five actions that can be implemented in any jurisdiction to improve cross-system collaboration. It is our hope that this article will inspire attorneys, social workers, probation officers, judges, and family-serving practitioners to strengthen their relationships and create a better understanding of the systems that youth encounter, ultimately producing better outcomes for children and families served by multiple systems.

We also would like to bring attention to two regular features readers can anticipate in all future issues of *The Connector:* Policy and Advocacy Update and the Youth Perspective Column. The Policy and Advocacy Update will highlight current national policy issues impacting multi-system youth. This issue's update, reported by Brittany Harwood, a CJJR research assistant and Georgetown University student, focuses on a joint initiative between the Department of Justice and the Department of Education on school discipline. We are also excited to present the first Youth Perspective Column. The column will spotlight a client of the Robert F. Kennedy Children's Action Corps presenting his or her personal perspective on the child welfare and juvenile justice experience (clients' identities will always remain anonymous to protect confidentiality). This issue's Youth Perspective Column reminds us of the critical importance of strong family connections, education, individualized treatment, and support to re-enter the community.

Again, on behalf of RFK and CJJR, we thank those of you who have subscribed to *The Connector*, and we welcome our new readers. We encourage you to share your ideas with us and look forward to our ongoing "connection" with you in the future.

Sincerely,

Edward P. Kelley President & CEO

Robert F. Kennedy Children's Action Corps

Shay Bilchik

Director & Research Professor Center for Juvenile Justice Reform Georgetown University

THE CONNECTOR

WORKING TOGETHER FOR MULTI-SYSTEM YOUTH

For more information about *The Connector* please contact Sorrel Concodora at sconcodora@rfkchildren.org

Ed Kelley

President & CEO
Robert F. Kennedy Children's
Action Corps

Shay Bilchik

Director

Center for Juvenile Justice Reform Georgetown University

Letitia L. Howland

Vice President

Organizational Management & Strategy Robert F. Kennedy Children's Action Corps

John Tuell

Co-Director

MacArthur Foundation Models for Change: Systems Reform in Juvenile Justice Initiative Robert F. Kennedy Children's Action Corps

Janet Wiig

Co-Director

MacArthur Foundation Models for Change: Systems Reform in Juvenile Justice Initiative Robert F. Kennedy Children's Action Corps

Sorrel Concodora

Program Manager Robert F. Kennedy Children's

The Robert F. Kennedy Children's Action Corps & Georgetown University Center for Juvenile Justice Reform Partnership

> Joellen Talbot Editor

Xcel Graphic Services, LLC

Designer

ModelsforChange

Systems Reform in Juvenile Justice

ModelsforChange: Systems Reform in Juvenile Justice Initiative is an effort to create successful and replicable models of juvenile justice reform through targeted investments in key states, with core support from the John D. and Catherine T. MacArthur Foundation. The Connector is created through the generous support of the John D. and Catherine T. MacArthur Foundation.

Prevalence of Child Welfare Involvement Among Youth Referred to the King County Juvenile Court on Delinquency Matters¹

Gregg Halemba and Gene Siegel

Tirst established in 2003, the King County Uniting for Youth (UFY) Initiative is a collaboration of state and local community agencies and organizations that have come together to improve how the child welfare, juvenile justice, education, and mental health systems coordinate and provide services for multi-system-involved youth and their families.

In late 2006, King County UFY established an evaluation subcommittee to embed a research component within the initiative. As part of this effort, the National Center for Juvenile Justice (NCJJ) began work to design and implement a strategy to conduct research on the prevalence of multi-system involvement among youth referred to the King County (Seattle, Washington) Juvenile Court on offender (delinquency),² Becca (truancy, at-risk youth (ARY), and/or children in need of services (CHINS)),³ and/or dependency matters.

Working closely with the Washington State Center for Court Research, NCJJ developed specifications for the data sets that eventually were generated, individually analyzed, and ultimately linked to examine the frequency of cross-system involvement, juvenile justice system trajectories, and outcomes.

- The study examined the prevalence of multi-system or cross-system involvement among youth referred to the King County Juvenile Court on offender matters during the 2006 calendar year—a study cohort of 4,475 youth.
- Superior Court, juvenile court, and child welfare administrative data were obtained through December 2008. This allowed for the retrospective tracking of case progress and outcomes (specifically, subsequent court involvement and child welfare involvement) for a minimum of two years.
- The study examined how youth vary demographically and how juvenile justice trajectories and outcomes vary by level of multi-system involvement.

Summary of Key Findings

Two-thirds of King County youth referred for offender matters in 2006 had some history of Children's Administration involvement.

The 2006 study population (i.e., youth referred on offender matters in King County during that calendar year) was divided into

Gregg Halemba, Senior Research Associate, and Gene Siegel, Senior Research Consultant, conduct research, provide technical assistance, and consult on a variety of issues pertaining to child welfare, juvenile justice, and family court at the National Center for Juvenile Justice.

four subgroups that reflect an increasing continuum of child welfare involvement. Though it was anticipated that a substantial number of youth would have had some Children's Administration (CA) involvement, it was not anticipated that this would have been the case for two-thirds of the overall study cohort (figure 1, next page).4

- **Group 1:** Youth referred for offender matters with no record of any history of Children's Administration involvement—33 percent of the youth referred for offender matters in 2006 were in this group (n = 1,462).
- **Group 2:** Youth referred for offender matters who were known to the Children's Administration, were assigned an agency identification number (CAMIS ID), but no detail on the extent of agency involvement was available— 30 percent of the 2006 offender cohort were in this group. In most instances, these juveniles only had very limited involvement with the agency (n = 1,358).
- **Group 3:** Youth referred for offender matters who also had been named on one or more moderate- to high-risk child protection referrals that were accepted for investigation. Another 21 percent of the study cohort were in this group (n = 939).

¹This article is a condensed version of the report prepared by the National Center for Juvenile Justice, the research division of the National Council of Juvenile and Family Court Judges, for the King County Uniting for Youth Initiative. Grant funding for this study was provided by the John D. and Catherine T. MacArthur Foundation through its Models for Change (MfC) Initiative. The full report also examines, in some detail, the intersection of child welfare, court involvement on status offender (Becca) filings, and referrals to the court on offender matters. That analysis reveals an increased prevalence of cross-system involvement and future recidivism for cases with Becca involvement. A full copy of the report can be downloaded from the MfC website (www.modelsforchange.net) or from the NCJJ website: www.ncjj.org. The cite for the full report is: Gregory Halemba and Gene Siegel, DOORWAYS TO DELINQUENCY: Multi-System Involvement for Delinquent Youth in King County (Seattle, WA), (NCJJ, September 25, 2011).

²"Offender" is the term used by the Washington State juvenile justice system for delinquent behavior.

³In 1995, in response to the deaths of three runaway children, the state legislature passed the "Becca Bill" (SB5439), named after one of the deceased children. This statute governs issues related to three types of status offenders/nonoffenders-at-risk youth (ARY), truants, and children in need of services (CHINS). Though each of these categories of status offenders is considered a different type of case filing and the court process in each differs, all are commonly referred to as Becca matters in Washington State.

⁴Children's Administration is the child welfare arm of the Washington State Department of Social and Health Services.

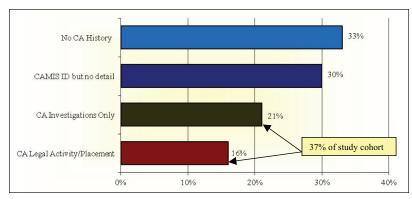


Figure 1. Percent of 2006 Offender Cohort with a History of CA Involvement

Source: NCJJ analysis of Superior Court Management Information System (SCOMIS), King County

Juvenile Justice Web-Based Data System (JJWEB), and Children's Administration Case and Management
Information System (CAMIS) data.

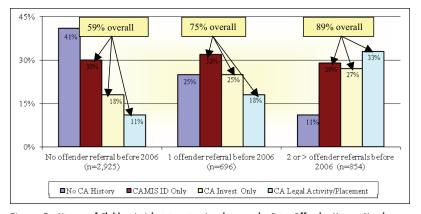


Figure 2. History of Children's Administration Involvement by Prior Offender History Youth Referred on Offender Referrals in King County During 2006

Source: NCJJ analysis of SCOMIS, JJWEB, and CAMIS data.

• **Group 4:** Youth referred for offender matters who also had a history of CA-initiated legal activity/placement. These youth had a dependency petition filed or were otherwise placed in CA custody and typically placed out of home—16 percent of the study population were in this group (n = 716).

The more extensive the history of CA involvement, the greater was the proportion of females and minority youth (specifically, African-American and Native American youth).

Demographic comparisons of these four cohorts revealed some notable trends: the more extensive the history of CA involvement, the greater the proportion of females. Females constituted 27 percent of the population of youth with no CA history, and the proportion of females steadily increased to 40 percent among juveniles with a history of CA legal activity/ placement.⁵

The proportion of African-American youth increased almost three-fold as the extent of CA involvement intensified—from 16 percent of the no CA history cohort to 45 percent of all youth with a history of CA legal activity/placement. Though Native American youth represented a small portion of all youth referred to the King County Juvenile Court in 2006, the trend was even more pronounced—a four-fold increase, from 1 percent to 5 percent.

The likelihood of at least some history of CA involvement increased even more dramatically when controlling for prior history of offender referrals.

The likelihood of at least some history of CA involvement increased even more dramatically when controlling for prior history of offender referrals (figure 2)—that is, 59 percent of youth referred a first time for an offender matter during 2006 had at least some history of Children's Administration contact or involvement. For youth with two or more prior offender referrals before 2006, this percentage increased to 89 percent. The percentage of youth with a history of CA legal activity/placement also increased three-fold (from 11 percent to 33 percent).

The vast majority of youth referred in 2006 on offender charges were referred for misdemeanor offenses (upwards of 75 percent). This was the case not only for first-time offenders, but also for youth with a history of CA legal activity/placement regardless of the number of prior offender referrals.

First-time offenders for misdemeanor offenses are, by Washington statute, automatically eligible for

diversion. Washington statutes give the prosecutor discretion with regard to diversion for second-time misdemeanants—many of whom are offered diversion.⁶

Youth with multi-system involvement began their delinquent activity earlier and were detained more frequently (and for longer periods of time) than youth without such involvement.

Youth with a history of CA involvement were first referred on offender charges and were first detained at an earlier age than

⁶This has considerable implications for cross-system screening and the array of diversion options and services available to first- and second-time offenders. The limited availability of mental health services and evidence-based practices (EBPs) at the diversion stage, and possible statutory barriers that inhibit early access to EBPs, are important issues for cross-system cases. By the time most youth are eligible for EBPs, they have typically been referred three or more times—a population of juvenile offenders who almost invariably have some history with the Children's Administration and often one that includes court involvement and out-of-home placement. Though most courts, including King County, have established diversion programs for juveniles who meet the statutorily defined criteria (i.e., first- and possibly second-time misdemeanants), these programs focus on community service, restitution, counseling, education programs, and other more traditional juvenile justice interventions. Given the high recidivism rates of first- and second-time offenders with a history of CA involvement, it appears that such traditional approaches are unlikely to be the most effective way to intervene with cross-system youth, particularly those who have the most extensive level of CA involvement.

⁵Nationally, 27 percent of all juveniles referred to the juvenile court in 2007 on delinquency matters were females. Please see Puzzanchera, C., and Kang, W. (2010). *Easy Access to Juvenile Court Statistics: 1985–2007*. Reno: NCJJ. Available at: http://ojjdp.ncjrs.gov/ojstatbb/ezajcs/.

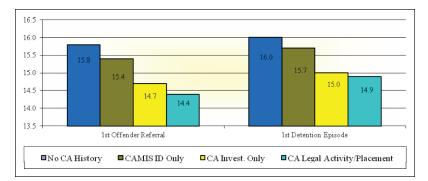


Figure 3. Age at First Offender Referral and First Detention Episode By Extent of Children's Administration History

Source: NCJJ analysis of SCOMIS, JJWEB, and CAMIS data.

youth with no CA history. As the data in figure 3 reveal, this correlation is linear and inverse. The more extensive the history of CA involvement, the earlier, on average, a youth's first offender referral and the earlier a youth's first detention episode—by more than a year in each instance.

- Youth in the study cohort with no history of CA involvement were, on average, first referred on an offender matter at 15.8 years of age, compared to 14.4 years of age for youth with a history of CA legal activity/placement.
- Similarly, youth with no history of CA involvement were first detained at an average age of 16.0, compared to 14.9 years of age for youth with a history of CA legal activity/placement.⁷

A similar pattern was identified when examining the frequency of offender referrals and detention episodes—that is, youth with a history of CA involvement were more frequently referred on offender charges and detained.

- Youth with no history of CA involvement were referred on offender charges an average of 2.1 times, compared to an average of 5.8 times for youth with a history of CA legal activity/placement—more than two and a half times.
- Similarly, the average number of detention episodes ranged from 2.4 for youth with no CA history to 5.9 for youth on the other end of the CA involvement continuum—nearly two and a half times more.

Not surprisingly, youth with a history of CA involvement, on average, spent considerably more time overall in detention than juveniles with no history of CA involvement. At the two ends of the CA involvement continuum (no CA history and history

of CA legal activity/placement), the difference was striking-19 days compared to 70 days, respectively.

There was a strong correlation between recidivism and history of CA involvement.

The database constructed for the King County Prevalence Study allowed for a minimum of two years of recidivism tracking of all juveniles included in the 2006 study cohort regardless of age at the time of a youth's first 2006 referral on an offender matter. Consistent with earlier findings, there was a strong

correlation between recidivism and history of CA involvement. The data presented in figure 4 trends recidivism rates in sixmonth intervals by level of CA involvement.

- Youth with no history of CA involvement were far less likely to be referred on a new offender matter within six months than youth on the far end of the CA involvement continuum—17 percent compared to 42 percent, respectively.
- At the two-year mark, 34 percent of the youth with no history of CA involvement had been referred on at least one new offender referral, compared to 70 percent of youth with a history of CA legal activity/placement.
- Recidivism rates for the two less extensive CA categories (CAMIS ID only and history of CA investigation only) fell in between these two ends of the continuum but generally tracked closer to the recidivism rates of the history of CA legal activity/placement subset of 2006 offenders. For example, 51 percent youth with only a CAMIS ID had recidivated within two years—a rate considerably higher than the no CA history cohort (34 percent).

Two-year recidivism rates for African-American and Native American youth were generally higher across all four CA involvement groupings. In the most extensive CA involvement category (the history of CA legal activity/placement cohort), the two-year recidivism rates for African-American and Native American youth were 75 percent and 79 percent, respectively.

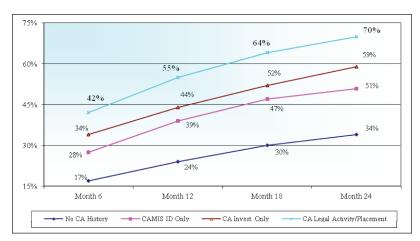


Figure 4. Percent Recidivating Within Two Years of 2006 Offender Referral By Extent of Children's Administration History

Source: NCJJ analysis of SCOMIS, JJWEB, and CAMIS data.

⁷Overall, 45 percent of all youth in our 2006 study cohort experienced at least one episode in detention. However, the likelihood that a youth was detained at least once prior to the end of 2008 varied from 22 percent for youth with no history of CA involvement to 73 percent for youth with an extensive history of CA involvement. For the two middle categories (CAMIS ID only and CA investigation history), the likelihood of ever being detained was 46 percent and 58 percent, respectively.

These were considerably higher than for Asian, White, and Hispanic youth with similar CA histories, which hovered somewhere in the mid-60 percentiles.

For females, two-year recidivism rates rose substantially as the analysis controlled for level of CA involvement—from 27 percent for females with no CA history to 63 percent for females with a history of CA legal activity/placement.

First-time offenders with a record of multi-system involvement had much higher recidivism rates than youth without CA involvement.

First-time offenders represented 65 percent of all juveniles in the overall study cohort. The vast majority of these youth were referred on misdemeanor offenses (82 percent). Almost invariably, first-time offender referrals were diverted or disposition was deferred (96 percent).

Two-year recidivism rates for first-time offenders tended to mirror those for the overall 2006 offender population. Thirty percent of first-time offenders with no history of CA involvement were referred on a new offender matter within two years, compared to 57 percent of first-time offenders with a history of CA legal activity/placement.

- The percent of young and very young first-time offenders increased as the extent of CA involvement increased. Adolescents 12 years of age or younger represent 2 per
 - cent of the no CA history population and 8 percent of the CA legal activity/placement cohort—a four-fold increase. The size of the 13- to 14-yearold first-time offender population also tended to increase in similar fashion.
- The more extensive the history of CA involvement, the greater the proportion of first-time offender females. Females constituted 30 percent of the firsttime offender population with no CA history and almost half (47 percent) of all first-time offenders with a history of CA legal activity/placement.
- The proportion of first-time offender African-American youth increased almost threefold as the extent of CA

involvement intensified—from 15 percent of those with no CA history first-time offender cohort to 43 percent of similar youth with a history of CA legal activity/placement. A similar trend was evident among Native American youth.

Multi-system youth experienced frequent placement changes, and the costs associated with such placements are substantial.

This study also examined placement data on youth who spent extended time in one or more CA-related placements. The Chil-

dren's Administration provided data on all child welfare–related placement events and episodes on a total of 669 youth in the overall study cohort.8

Of these, 34 percent (226 in all) spent 30 or more days in one or more CA-related placements in calendar year 2006, and most of these youth also spent time in a CA-related placement in 2007 and, possibly, in 2008.9

Placement histories were compiled for these 226 youth from the start of 2006 through the end of 2008 or their 18th birthday, whichever came first. The amount of time tracked varied by juvenile but, on average, spanned 27 months. The number of individual placement changes was tallied for each youth (including the number of runaway/AWOL events), and the amount of time spent in various types of placements was examined.

An analysis of a somewhat similar set of dually involved youth in Arizona in 2004 found that these youth (on average) experienced frequent placement changes, spent time on multiple AWOLs, spent much of their time in congregate care and detention/juvenile corrections, and spent very little time at home. 10 The King County analysis produced similar findings to the Arizona study.

The data summarized in figure 5 reveal that only 23 percent of these youth experienced one to two placement events during the three-year period 2006–08 (or until their 18th birthday). These events could have included stays in detention and the

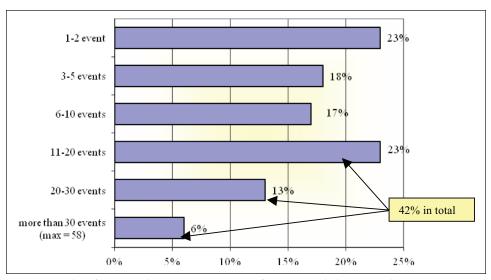


Figure 5. Number of 2006-08 Placement Events (Average of 2006-08 tracked = 27 months) Mean number of placement events = 12.

Source: NCJJ analysis of SCOMIS, JJWEB, and CAMIS data.

⁸All of these youth were considered to be in the fourth or highest category of CA involvement (i.e., history of CA legal activity/placement).

⁹That is, 76 percent (172 of 226 youth) spent time in a CA-related placement in 2007 and/or in 2008.

¹⁰Please see Halemba, G., et al. (2004). Arizona Dual Jurisdiction Study: Final Report. Reno: NCJJ, pp. 46–9. A total of 204 youth were involved in this study. These youth were active with the court on a dependency matter and also concurrently involved with the court on a delinquency matter (and on probation). The average amount of time tracked was 30 months, and these youth experienced an average of 11 placement changes during that period.

Juvenile Rehabilitation Administration (JRA).¹¹ On the other end of the continuum, 42 percent experienced 11 or more placement changes (again, this includes AWOL events).

On average, these 226 youth experienced 12 placement changes. This translates into some type of placement change every 2.2 months (66 days)—not counting placement changes that involved a return home.

The King County study also examined the percent of youth in the 2006 CA placement cohort who spent time in various types of placements. Key findings included:

- Group and foster homes were the most frequently listed types of placement utilized—65 percent of the placement cohort spent time in a group home and 59 percent in a foster home.
- About half of all youth also spent time in a detention facility (51 percent), and 5 percent were placed in JRA for part of the three-year period under consideration.
- Approximately 62 percent of these juveniles spent time on AWOL status.
- About 58 percent spent at least some time at home or not in CA-related care. However, the flip-side of this meant that 42 percent of the 226 youth spent 100 percent of their time in some type of placement and/or on the run.¹²
- Overall, the 2006 placement cohort spent little time at home or not in CA-related care—on average, only 140 days of the 814 days tracked. These youth spent, on average, more time in foster homes and relative placement settings (169 and 143 days, respectively) and almost as much time in group homes (110 days) and on AWOL status (115 days).

Lastly, the study conducted an initial cost estimate associated with these placements. This initial estimate took a hypothetical youth and, in the aggregate, used the average time spent in various placements to calculate preliminary cost figures (table 1).

 Table 1. Estimated Placement Costs

 (For Hypothetical Cross-System Youth in King County)

Placement Type	Months	Average Monthly Rate	Expenditure
Foster Home	5.5	\$750	\$4,125
Relative Care ¹⁴	4.7	250	1,175
Group Home/CRC	4.0	4,500	18,000
AWOL	3.8	0	0
Detention/JRA	2.8	4,500	12,600
Other	1.4	1,500	2,100
Parents/Out of Care	4.6	0	0
Overall	26.8		\$38,000

¹¹Any placement changes that resulted in return to parents or, more generally, not in CA-related care, were excluded from this total.

Average days in placement were converted to months and an average monthly rate was estimated. These estimated monthly costs are intended to be preliminary, should be considered conservative, and offer a starting point for future analysis.

The preliminary estimate of placement costs for one hypothetical cross-system youth was approximately \$38,000. Extrapolating this estimate to all 226 youth in the analysis who spent at least 30 days in one or more CA-related placements in 2006, the overall placement cost estimate is almost \$8.6 million through the end of calendar year 2008.¹³

Concluding Remarks

The findings of this study suggest the need to intervene more effectively at earlier stages with cross-system youth. This includes the need to carefully reexamine and possibly augment current intake screening protocols, which appear to rely primarily on self-reports of cross-system involvement from juveniles and/or family members. Prior or concurrent involvement with the Children's Administration—regardless of duration and intensity—can provide intake screeners with a simple surrogate measure of familial dysfunction and turmoil, behavioral concerns, and possibly episodic or long-standing patterns of neglect.

The current study also reveals that youth referred on misdemeanor offenses who have any history of cross-system involvement are considerably more likely to recidivate than youth referred for misdemeanors with no such history.

By statute, most youth referred on a first or second misdemeanor offense in Washington State are eligible for diversion and are in fact diverted. Given the elevated recidivism rates found among cross-system misdemeanants, it would seem prudent to carefully examine additional and perhaps nontraditional diversion options for, at minimum, certain segments of this population (e.g., younger youth, females, and youth of color).

Additionally, the velocity with which cross-system youth recidivate highlights the fact that the timing of interventions is as important as the types of interventions. Consistent with earlier studies in Arizona and California, 15 the findings in King County suggest that the delinquent careers of cross-system youth can quickly spiral out of control. Taking four to six weeks and possibly longer to respond to a cross-system youth's first offender referral is too long. A sense of urgency needs to permeate any coordinated/integrated response to effectively intervene with cross-system youth—especially cross-system youth referred for the first or second time on a misdemeanor referral.

¹²That is, for the three years starting in January 2006 or until they reached their 18th birthday.

¹³That is, 226 youth \times \$38,000 = \$8,588,000.

¹⁴Assuming that approximately a third of this time is spent in reimbursed licensed relative care (one-third of the estimated foster home rate).

¹⁵Please see Herz, D. C., and Ryan, J. P. (2008). Research Update: Exploring the Characteristics and Outcomes of 241.1 Youth Crossing Over from Dependency to Delinquency in Los Angeles County. San Francisco: Judicial Council of California, Administrative Office of the Courts, Center for Families, Children and the Courts

Policy and Advocacy Update

Department of Justice & Department of Education Joint Initiative

Reported by Brittany Harwood

n July 21, 2011, Attorney General Eric Holder and Secretary of Education Arne Duncan announced the launch of a joint initiative by the Department of Justice and the Department of Education to promote effective reforms in disciplinary practices. The Supportive School Discipline Initiative is intended to directly address the "school-to-prison pipeline" and the disciplinary policies that push students into the juvenile justice system (Council of State Governments, 2011).

The connection between school disciplinary problems—such as truancy, poor academic performance, suspension, and expulsion—and entry into the juvenile justice system has been researched extensively in the last several decades (Wald and Losen, 2003; Browne, 2003; Casella, 2003; Skiba and Peterson, 2000). The school-to-prison pipeline has proven to be a serious issue in public schools (Casella, 2003). Students who are impacted by zero tolerance policies and the use of punitive and exclusionary responses to minor disciplinary problems can become excluded from their school communities. Rather than focusing on identifying the problem and providing appropriate school- and community-based resources to a student, these policies make it easier, or sometimes necessary, for school officials to push a young person out of the classroom and into the community, often without the resources or support systems that could reduce the likelihood of entering the juvenile justice system.

The Supportive School Discipline Initiative was created soon after the release of a report by the Council of State Governments Justice Center. The report, entitled Breaking Schools' Rules: A Statewide Study on How School Discipline Relates to Students' Success and Juvenile Justice Involvement, documents findings from a Texas-based study that looked at all youth who were enrolled in seventh grade in the Texas public schools system—nearly one million students—during 2000, 2001, or 2002, and their contact with school disciplinary policies and practices for the duration of their public school experience (Council of State Governments, 2011). The report reveals that of the one million youth tracked, nearly 60 percent had been suspended or expelled at least once between their seventhand twelfth-grade school years (Council of State Governments Justice Center, 2011). The study also explained that a vast majority of the disciplinary actions taken were discretionary responses made by school officials, not mandatory by state law, highlighting the propensity for schools to use suspension or expulsion as a disciplinary recourse. Further, "African-American students had a 31 percent higher likelihood of a school discre-

Brittany Harwood is a Georgetown University Student and Research Assistant at the Center for Juvenile Justice Reform. tionary [disciplinary] action, compared to otherwise identical white and Hispanic students." It also reported that 15 percent of the students had 11 or more disciplinary actions, and nearly half of those students were involved in the juvenile justice system, further supporting that recurrent school disciplinary action for an individual student is related to contact with the juvenile justice system (Council of State Governments Justice Center, 2011). The report has proven to be very instructive in the juvenile justice and education fields, causing the Department of Justice and the Department of Education to become more actively involved on issues of school discipline.

Goals of the Joint Initiative

The goals for the Supportive School Discipline Initiative are extensive in that they attempt to combat many of the issues associated with current disciplinary policies. Coming to a consensus about what should be included in school disciplinary policies can be difficult on the national level because education systems are primarily the jurisdiction of state governments. However, the intended actions included in the goals of the initiative can be a critical call to bring states together to address this difficult problem.

The goals of the initiative are as follows:

- Build a consensus for action among federal, state, and local education and justice stakeholders
- 2. Collaborate on research and data collection that may be needed to inform this work, such as evaluations of alternative disciplinary policies and interventions
- 3. Develop guidance to ensure that school discipline policies and practices comply with the nation's civil rights laws
- 4. Promote positive disciplinary options to both keep kids in school and improve the climate for learning
- Promote awareness and knowledge about evidence-based and promising policies and practices among state judicial and education leadership

For more information, please see the Department of Justice press release on the Supportive School Discipline Initiative at http://www.justice.gov/opa/pr/2011/July/11-ag-951.html.

With its extensive goals (see sidebar, above), the Supportive School Discipline Initiative anticipates a decrease in the behavior or subsequent misbehavior that could possibly lead to contact with the juvenile justice system. Among the many goals of the initiative, the establishment of a consensus for action among the education and juvenile justice stakeholders in the United States is a major undertaking (Department of Justice, 2011). Despite recent research pointing toward a more inclusive and rehabilitative reaction to school disciplinary issues, there is still a widely held belief that safety should be the dominant focus of school disciplinary policies. To address this issue and aid in the progression of school disciplinary reform, the initiative is intended to disseminate information on evidence-

based policies and practices regarding school discipline to state education and judicial systems. The joint initiative will also address the seeming inequality of disciplinary responses for minority youth, a major concern of those who have done research on this subject. According to various studies, "non-white students experienced higher rates of suspension than white students" and "African-American students appear to be referred for disciplinary sanctions for less severe behavior" (Skiba and Peterson, 2000). Due to this apparent disparity, a stated goal of the initiative is to "develop guidance to ensure that school discipline policies and practices comply with the nation's civil rights laws" (Department of Justice, 2011).

This effort by the Department of Justice and the Department of Education encompasses the ideals we strive to achieve, instituting change on a national stage. Indeed, ensuring that the public is aware of the consequences of current school discipline practices and their connection to subsequent juvenile justice contact will allow for better practices to take shape. The leadership coming from the federal government validates the work done in Texas as well as in many other states that have dedicated time and resources to discovering problems with our current education system. Further, in addressing the problems with current discipline practices in our education system exposed by the Council of State Governments Justice Center report, this joint initiative is well positioned to establish a strong foundation for future multi-system collaboration at the national level. Many of the youth who come into contact with both the school disciplinary and the juvenile justice systems, for example, are also involved in the child welfare system or have behavioral health problems. Therefore, there are strong policy considerations that call for further expansion of this initiative into the behavioral health and child welfare arenas, with the potential for an even larger effect on the school-to-prison pipeline.

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Making Systems Integration Work

Claudia Wright

Integration of services across agency lines, especially in delinquency and dependency cases, is accepted these days as the best way to provide services to children and families. Initiatives have begun in many states, including Maryland, where I now live, and Florida, where I gained most of my experience with child-serving agencies. National efforts such as the collaboration between the Robert F. Kennedy Children's Action Corps and the Center for Juvenile Justice Reform are making systems integration the ideal of most

Claudia Wright is a senior juvenile justice monitor in the Office of the Attorney General in Baltimore, Maryland. She was the director of Gator TeamChild, the Juvenile Law Clinic at the University of Florida Levin College of Law, from 1998 to 2006.

service-providing agencies by creating the tools necessary to implement change. Still, integration of services for a child and family is often not accomplished. I believe we can accelerate our actions toward that goal.

This article suggests five concrete actions that individuals and groups can take to make a difference without waiting for the reform of an entire system. My suggestions are based on my experiences as director of Gator TeamChild, the Juvenile Law Clinic at the University of Florida Levin College of Law. Gator TeamChild, which began in fall 1998, is unique in two ways. First, lawyers and social workers work together in teams

¹Gator TeamChild is still in operation under the leadership of Director Meshon Rawls.

with psychologists, psychiatrists, educators, and physicians to represent children in court; and second, the team represents the child in any case or legal issue the child may have, regardless of forum.² In this experimental clinic, we observed that our holistic representation of children improved their chances for success. We were also able to enhance the training of youth advocates. The following suggestions reflect the lessons we learned about systems integration as it relates to this one dimension of the operation of youth-serving systems.

1. Children's lawyers should be trained to work with social workers and other professionals, and should be trained to work across boundaries.

In February 2008, the American Bar Association Commission on Youth at Risk issued its *Policy and Report on Crossover and Dual Jurisdiction Youth*. In the report's recommendations, the commission resolved to "promote training for all juvenile defense counsel on foster care issues" (American Bar Association, 2008). Law schools should be leading the way in cross-boundary training, but their leadership has been difficult, primarily because traditional teaching methods reward competition rather than collaboration. After more than 18 years of exposure to traditional education, the students at Gator TeamChild were experts at competition, but often incapable of collaborating with their peers. The ability to collaborate across disciplines is essential to systems integration. We learned that our law school clinic could be a laboratory where the skills of collaboration could be explored and taught.

We also observed that a comprehensive approach to the problems in a child's life—and the family's constellation of problems and issues and the resulting system contacts—encouraged better outcomes.

2. Social workers should be trained to work with lawyers, other professionals, and the courts, and should be trained to work across boundaries.

Why would social workers want to team up with lawyers to represent clients? Even in our law school clinic, social workers were often treated by the law students as employees or paralegals rather than full partners. We worked to prevent development of an unspoken hierarchy that was entrenched in legal tradition and fostered by ethical rules that prohibit partnership between lawyers and nonlawyers.³ Partnerships are necessary to provide the comprehensive representation and advocacy that are essential in the representation of children and families. Social workers conduct assessments; evaluate the strengths, weaknesses, and needs of the client; and bring skills in counseling and therapy to the table. Part of the social worker's contribution to the case is a fund of knowledge about available services and agencies, how they operate and how families can successfully interact with service providers. This information is essential to lawyers seeking services for clients.

At Gator TeamChild, we began to understand that social workers may have a different view of the world than lawyers. They want to help their clients, but sometimes feel that they have very little power to do so. Lawyers, on the other hand, have access to the courts to make things happen, but often don't know what to suggest when the judge says, "OK, I agree that your client needs help. What do you want me to do?" The collaboration between social worker and lawyer is a potent force to ensure that the client gets what he/she needs and wants. Many law firms and public defender offices recognize the benefits of the lawyer–social worker collaboration, and have had social workers on staff for years.

To maximize this power, social workers should have opportunities during both undergraduate and graduate education to collaborate with lawyers and other professionals. Gator Team-Child partnered with the School of Social Work at Florida State University and hosted social work graduate students for yearlong internships. The result was better training for the students, which improved the services in place to ensure better outcomes for our clients.

3. Integration of services should start with crossover cases, and should come from the bottom up, not from the top down.

Real systems integration, including multidisciplinary planning and cross-boundary service delivery, would benefit every child and family who comes in contact with either the dependency or delinquency system. How do we start on such a massive undertaking? I suggest we start with the youngsters with the most complicated and difficult problems—crossover children and youth.

Juvenile court judges know that "the child welfare system has an important impact on the juvenile justice system. Research is clear that youth who have been abused and neglected are at heightened risk for early onset of delinquency" (National Council of Juvenile and Family Court Judges, 2005). A study commissioned by the Arizona Supreme Court found that (1) dependent children over the age of eight are very likely to be (or to become) involved with the court on delinquency matters. That likelihood increases substantially for children 14 years of age and older; and (2) youth with histories of court involvement on dependency matters are twice as likely to recidivate if referred on a delinquency offense than juveniles with no history of dependency court involvement (62 percent compared to 30 percent) (Halemba et al., 2004). Those of us who work regularly in the juvenile and family courts see children bouncing back and forth between the systems.

A noticeably higher proportion of crossover youth are girls, in contrast to the proportion of girls in the general delinquency population (Ryan and Herz, 2008). Many girls enter the delinquency system through status offenses (runaway, incorrigibility, truancy), which are tied to abuse within the home. And, in some instances, if a girl is not able to return home, she may stay in the delinquency system longer while awaiting placement.

Crossover youth also include Cinderella children. A Cinderella child is a child who is no longer welcome in his/her home when a single parent marries and starts a new family. We can imagine the despair of children who find themselves with no family—no money, no support, and no connection to the

²At Gator TeamChild, we represented children on dependency, delinquency, school discipline and special education, social security disability, and civil commitment. Often a single child would have all of these legal issues, and they often were interconnected.

³See, for example, *Rules Regulating the Florida Bar*, Rule 4-5.4(c) Partnership with a Nonlawyer. A lawyer shall not form a partnership with a nonlawyer if any of the activities of the partnership consist of the practice of law.

wider world—and then, often because of survival behavior, in a punitive delinquency system.

In any local system, everyone knows these children. Ask the public defender, the foster care caseworkers, the probation officers, and the judges, and they will tell you the names and histories of the crossover kids and their families. They come back over and over again because their underlying problems are never really solved. If we start with these most difficult cases, we will identify and learn to better address the challenges of integrating the work of the multiple systems that touch the lives of these young people.

There is a well-known theory in economics and management called the Pareto principle, also called the 80/20 rule, or the Law of the Vital Few.⁴ The idea is that most things in life are not distributed evenly. Pareto approximates the distribution at 80/20. For example, "[I]n most societies, 20 percent of criminals commit 80 percent of crimes. Twenty percent of motorists cause 80 percent of all accidents. Twenty percent of beer drinkers drink 80 percent of all beer" (Gladwell, 2000, p. 19). In the context of systems integration, we similarly observed that a small number of children and families were responsible for a large number of complex problems—and that those children were crossovers. In other words, if we could stack our resources to fully resolve the problems of the 20 percent, we would solve 80 percent of the problems. So we have to start with crossover children first.

4. Social service agencies should make full use of differentiated case management with crossover children.

Over the years, juvenile case management systems in delinquency and dependency have been judged by the number of cases assigned to each caseworker. A system that had a typical caseload of 25 was deemed to be better than one where each caseworker had a caseload of 50. In some instances, settlement agreements in lawsuits against state child welfare systems have included provisions that each caseworker should not have more than a certain number of cases. But we have learned that just counting numbers does not ensure effective case management, result in better outcomes for clients, or make the work more satisfying for case managers. What we now know is that the character of the cases is more important than the quantity—that cases can be matched based on complexity and difficulty with the caseworkers whose skills fit the needs of specific clients.

The traditional practice in many juvenile courts is for the toughest cases to be assigned to the newest people—caseworkers, public defenders, prosecutors, and even judges—who are the least skilled and least experienced. This tradition defies common sense. What we should do is look carefully at each case and assign it to the person who is best equipped to handle it successfully with the appropriate caseload. Further, we have to find incentives that will encourage the best social workers, lawyers, and judges to take on the most difficult assignments.

Social workers have recognized the importance of differential case management for a long time. The National Association of Social Workers Standards for Social Work Case Management state:

A differential use of staff may be implemented in carrying out case management responsibilities, particularly when specialized expertise is indicated. The more highly educated, more skilled, and experienced social work case manager (i.e., a social worker with a master of social work [MSW] degree) should conduct the assessment and handle difficult and complex situations. The less highly trained professional (i.e., a social worker with a bachelor of social work [BSW] degree) should perform more routine tasks under supervision (National Association of Social Workers, 1992).

So the ideal case management or probation office might look quite different from what we are accustomed to seeing. Supervisors and staff would meet to evaluate cases as they come in, and difficult cases involving high-risk crossover children, intense client contact, and multiple court appearances would be assigned to the most experienced, educated, seasoned veterans. This group would carry a very small caseload—the Pareto principle's 20 percent. Cases with a high potential for success and that require limited client contact the remaining 80 percent—would go to less experienced social workers, who could handle larger caseloads. New workers would spend part of their time as apprentices to experienced social workers. In-service training and peer collaboration would be encouraged. Evaluation of the work of the office would be based on positive client outcomes and worker satisfaction. In these ways differential case management can make systems integration possible.

5. Judges should specialize to address the issues of families with crossover children.

In 2001, after many years of study, Florida Bar commission reports, and discussion, the Florida Supreme Court issued a unanimous opinion that required a Unified Family Court (UFC) system for the state.⁵ The new model court is designed to include many innovations, such as technology to improve access to information, social workers in the courtroom to assist with quick access to services for families, requirements of experience and education for family court judges, and a commitment to the one judge—one family model throughout the family courts. The UFC has become a reality today in many Florida judicial circuits.

The development of a UFC or similar court is important to the integration of services effort because the model allows the court to become the center of the integrated services universethe hub of the wheel, with agencies and service providers as the spokes. Why is it important that the court is the hub? Because courts have power. Judges can make people do things they may not want to do.

I believe that models in which the court is at the center, such as the UFC model in Florida, show the most hope for the future. Judges who become specialists in juvenile and family court can accelerate our movement to greater systems integration. They have the authority and standing to do so, the power to convene

⁴Business management thinker Joseph M. Juran suggested the principle and named it after Italian economist Vilfredo Pareto, who observed that 80 percent of income in Italy went to 20 percent of the population. See Reh, F. J., Pareto's Principle—The 80-20 Rule, About.com Guide.

⁵In Re Report of the Family Court Steering Comm., 794 So.2nd 518 (Fla. 2001).

others in instituting these changes and to enforce their implementation. They should not wait for the reform of the entire system to take on this role.

Conclusion

The institution of integrated systems working to improve the lives of our children and families sometimes seems like a goal we may never achieve. I believe we will get there and we are well on our way, though the change will happen slowly and in a variety of ways. The examples discussed in this article are evidence of these possibilities—actions that can be taken by one person, by a few colleagues, by one court, or by a whole state system.

Programs that further exemplify these principles can be found throughout the country. For example, in St. Petersburg, Florida, public defender Bob Dillinger created a Crossover for Children program in the Juvenile Division, staffed it with experienced children's attorneys, and challenged those attorneys to provide holistic representation to their young clients. The attorneys now attend dependency as well as delinquency hearings, and are beginning to experiment with attending Individual Education Plan conferences and school disciplinary hearings. Pilot projects in dual jurisdiction courts are working in California and Arizona. The Unified Family Court is taking hold in Florida. Programs like Gator TeamChild are working to further systems integration by using crossover status to work together for the benefit of the child and family rather than at cross purposes. The MacArthur Foundation Models for Change: Systems

⁶See: http://www.wearethehope.org/child_crossover.htm.

Reform in Juvenile Justice System's Integration Initiative at Robert F. Kenney Children's Action Corps and the Georgetown University Crossover Youth Practice Model, taking root in over a dozen jurisdictions across the country, are further indicators of both the importance of the issue and the readiness of communities to take it on.

Stay tuned—this reform is only limited by our imaginations, and it is just getting started.

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Youth Perspective Column

Youth clients of RFK Children's Action Corps' child welfare and juvenile justice programs (including dually involved youth or crossover youth) are invited to voluntarily write about their experiences in "the system." It is our hope, as well as the hope of the anonymously featured youth, that by sharing the experiences of children in the child welfare and juvenile justice systems, readers will be reminded of the importance of multi-system work. We hope you appreciate and benefit from this issue's Youth Perspective Column.

What do you think is helpful about the child welfare and juvenile justice systems?

Child welfare is helpful to me as well as other youths and their families because they provide money to help support and feed your family, help with child abuse and neglect, adoption and foster care, and they also help with supporting and preserving for youths and their families. They provide care and assistance for youths and families.

The juvenile justice system helped me as well as other youths because, it incorporates a recognition that young people need to be held accountable for their

crimes, and have a greater opportunity to be rehabilitated and reintegrated into society. The criminal justice system for young persons must be separate from that of adults and emphasize the following: The rights of young persons, such as right to be heard in the course of and to participate in the processes and the special guarantees of their rights and freedoms. They should be treated with courtesy, compassion and respect for their dignity and privacy and should suffer the minimum degree of inconvenience as a result of their involvement with the youth criminal justice system.

How did you become involved with the juvenile justice system?

When I was in middle school I kept fighting in school, getting suspended. I also was being rude in class, disrupting my classes. As each year went on I kept getting myself in more trouble. I went to court in 6th grade for being absent a lot because of suspensions. When I was in 7th grade I kept fighting in school, and I was already put on probation from what I had done in 6th grade, and by the middle of the 7th grade year I was expelled. In 8th grade in alternative school, I was

doing good on and off. For 9th grade they let me go back to public school and I got expelled 2 months into school and got committed for assault and getting expelled which was a violation of my probation.

Is there anything that could have kept you out of the juvenile justice system?

I feel that everything happens for a reason and there is a plan for how everything turns out. I don't think the things I was doing could have kept me out of the juvenile justice system! If I had stopped the way I had been acting and handling things I might have not gone as far as I did in the system, but I would have still been involved in court. I think that if I never was at the point I am now I would have gotten way worse consequences then I have now because I would have been doing worse things.

What has worked for you?

Through my experience with all of this, I feel being able to have support and help from a lot of people has helped me a lot through all my hard times as well as good times. I've been able to talk openly with females which I never did before I got committed. I didn't trust them so I would not talk to any female counselors or anything. I've been able to identify why I get mad so easy and they help me through rough times I have had with my family and all. I really appreciate them for it too, if I never took risks and done what I have done when I was younger I would have ended up probably in prison by my 17th birthday!

Is there a program or service or a person that made that difference for you?

When I first got committed and went to an assessment program I had a female clinician and I would not openly talk with her or tell her anything about me because I didn't like females and didn't trust them! When I went to a treatment center after that they had put me with another female clinician because they wanted me to get over having to talk with females. At the beginning of having my clinician I was rude and disliked her just because she was a female and after awhile of having her I got comfortable with her and was able to talk with her. By the middle of my stay me and her had a good relationship and I was able to openly have conversations about anythina. When I left that program I was able to talk with female counselors about how I felt instead of holding things back from them.

How have your experiences at school changed since you entered the child welfare and juvenile justice systems?

I feel that my education has changed since I've been in the systems because I take my education more seriously then I have in the past. I used to skip school and get suspended a lot from school or just walk around in school and not go to classes, and then I got committed. After I got out of being in programs I took school seriously and even when I was on the run I would go to school and that's how I usually got caught but I didn't care! Without an education these days you won't be able to get a good paying job.

What are your two favorite subjects in school?

My two favorite subjects in school are math and science. I love these subjects and enjoy the different lessons and how my teachers always taught them to me. I want to become a heart surgeon when I grow up, for my occupation I need to be good in both of theses subjects so that's a plus for me!

What are the barriers to success in school?

You have to go through a lot of obstacles to succeed in school. You would have to go through being able to study hard, be able to work with others, and be able deal with how others act and are towards you, and also getting low grades. For me myself I had to go through getting in trouble because of my anger and the way I responded to others. If you can overcome these barriers you will succeed in your life just never give up!

How has your relationship with your family been maintained during your time at RFK?

I feel that since I have been here at RFK me and my mom are able to talk more openly than in any other program, I let her know what is going on and when I get in trouble instead of hiding it from her. I have talked with her a lot and we don't argue or hang up on each other like before. I think since my brother is in jail for a very long time, the time she does talk to us its always good because she realized she never knows what's going to happen to one of us.

Has anything changed in your family relationships?

My relationship with my family has changed a lot since I've been locked up again for my second time in a program! I feel that we all were always yelling and fighting when I was home, and now that I'm away, and my brother is too, they realize that at any time something can happen and we will never be able to see each other for months or years. So I feel that has a big impact on my family and our relationship. Also I feel that we see how much we miss and love each other when were not around each other 24/7!

Is there anything you would like someone to do to help you with your family?

I feel that every family has their own sets of issues and that's always going to be there, but what I do know is that the only thing I would want help with for my family is getting us a family counselor so we have someone to talk to when we feel we can't communicate well enough with each other.

What was it like to re-enter your community after being in a facility?

I was really overwhelmed when I re-entered the community. I had a lot that I wanted to do, I was not use to being around so many people, and wasn't use to not asking for everything I did! It was weird for the first month and a half and after I just was going crazy trying to do everything I haven't done in 8 months in 2 months and that didn't go well! I got pulled back in for sleeping out too much and not coming home. I was staying out way too late than I was supposed to.

What kind of help would you need to make it easier to re-enter your

I feel to enter the community easier I would have to have a plan set up for me for school, have a job when I get out. It would be better if they set up counseling and family therapy for me while I'm here and I meet them before I get out so I am used to them and more comfortable with them.

What ideas do you have for improving the child welfare or juvenile iustice system?

I don't feel that there are a lot of changes that need to be made on the both of these systems. I just think that they should change the structure they have on proms, and that youths should not be locked in a locked down facility no matter what. We are all human beings and should be treated like it, not be treated like animals having every door locked behind you! I also feel that these systems give you excessive amounts of times in programs as well as they do in placements in or out of home.