

NATIONAL JUVENILE JUSTICE NETWORK

Snapshot

DUAL-STATUS YOUTH AND FEDERAL INITIATIVES*

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As Americans, we believe in taking practical, responsible approaches to rehabilitate youth in trouble with the law while keeping our communities safe. However, when children are involved in both our juvenile justice and child welfare systems – so-called “dual-status youth” -- they have entered not one but two difficult mazes, each with a lot of entrances, but not many exits—and lots of dead ends.

“Dual-status youth” are youth who come into contact with both the child welfare and juvenile justice systems, though they do not have to be concurrently involved.¹ Also known as “crossover youth” or “multi-system youth”, there are a lot of such youth stuck in at least one maze. Depending on how broadly dual system involvement is defined, estimates of youth referred to the juvenile justice system who are also involved with the child welfare system are “upwards of 50 percent.”² In field work with many local jurisdictions across the country, the Robert F. Kennedy National Resource Center for Juvenile Justice (RFKNRCJJ) and the Center for Juvenile Justice Reform at Georgetown University’s McCourt School of Public Policy (CJJR), have found that approximately two-thirds of the juvenile justice populations in these jurisdictions have had some level of contact with the child welfare system.³ These figures align with a study on prevalence in King County, WA.⁴ Research also suggests that significant rates of adults involved in the criminal justice system may have experienced past child abuse and neglect. One study, for

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example, found that 68 percent of incarcerated adult males in a New York prison reported some form of early childhood victimization before age 12.⁵

We need to redesign our juvenile justice and child welfare systems to eliminate the mazes by closing entrances and creating clear pathways out of the system, so that the youth who enter have the opportunity to exit and move on to thrive and contribute as active members of their communities. To do that will require modifying how our juvenile justice and child welfare systems operate both individually and together, so they provide better support for youth and their families in how they engage in and benefit from their system involvement.

Challenges Experienced by Dual-Status Youth

Dual-status youth often struggle with a number of challenges, many of which are also common to youth in either the child welfare or the juvenile justice system, including educational and mental health problems, a higher incidence of drug use, a lack of sustained pro-social connections, positive youth development activities, and sexual abuse.⁶ Dual-status youth also experience more “complex trauma” than youth in the general population -- meaning “exposure to multiple traumatic events, often of an invasive, interpersonal nature, with the potential to have more wide-ranging and long-term impact.”⁷ In addition to these challenges, studies have found that dual-status youth receive disparate treatment in the juvenile justice system, when compared to youth not involved in the child welfare system – for example, they are more likely to be detained or sent to a group home instead of probation than youth with no child welfare involvement.⁸ They are also less likely to be diverted from juvenile court than the general population of youth involved in the juvenile justice system.⁹ In addition, and perhaps most importantly, youth of color are disproportionately represented in the dually-involved population.¹⁰

Federal Initiatives Focused on Dual-Status Youth

There are several federal initiatives that are focused on improving outcomes for dual-status youth, including various provisions that support coordination and collaboration between the child welfare and juvenile justice systems. (Note, however, that federal funding for such programs has been cut drastically in recent years, so localities may not be provided sufficient resources to implement many of these strategies.)¹¹ Several provisions of federal law also address the use and maintenance of information relevant to the child welfare and juvenile justice systems and the sharing of that information, which is key to effective collaboration between the systems.

CURRENT FEDERAL INITIATIVES

There are currently several Office of Juvenile Justice and Delinquency Prevention (OJJDP) initiatives that support local efforts to address the needs of multi-system youth, including dually-involved youth. OJJDP currently supports the following programs:

- **California State University—Los Angeles**
The university was awarded the Dual-System Youth Design Study grant to develop a research design to capture national estimates of dually-involved youth, key characteristics, and trajectories of the population.
- **The Center for Coordinated Assistance to States**
The center operates the Multi-System Collaboration Training and Technical Assistance initiative at CJJR. This distance-learning effort supports two cohorts of up to six jurisdictions each year as they cultivate their cross-systems work. The center is operated by the American Institutes for Research, CJJR, and the Council of Juvenile Correctional Administrators, with OJJDP’s support.
- **The Center for Juvenile Justice Reform at Georgetown University’s McCourt School of Public Policy (CJJR)**
CJJR trains public and private agency leaders focused on effective policies and practices in working across systems. Its certificate program, “Multi-System Integration,” uses CJJR’s research-based Crossover Youth Practice Model as a platform for its curriculum.¹²
- **The MacArthur Foundation**
The foundation, in partnership with OJJDP, has funded two rounds of dual-status youth technical assistance to the field through RFKNRCJJ over four years. Eight sites have been served, resulting in 1) [site manuals](#) that outline how each jurisdiction approached dual-status youth reform, and 2) a 2014 [report](#) on the outcomes and lessons learned in the first-round sites.

CURRENT FEDERAL LEGISLATION

Three key pieces of federal legislation that encourage collaboration between the child welfare and juvenile justice systems are the following:

- [Juvenile Justice Delinquency and Protection Act \(JJDP\)](#)¹³
In 2002, amendments were made to the JJDP to encourage the coordination of the child welfare and juvenile justice systems. Specifically, under the formula grant program to the states, states must facilitate information-sharing in the following ways:¹⁴
 - juvenile courts must have public child welfare records available to them when a youth is before them in juvenile court;
 - policies and systems must be established to incorporate these child welfare records into the juvenile justice treatment plans for dispositional planning; and,
 - states must provide assurances that youth in the juvenile justice system whose placements are funded by [Title IV-E Foster Care](#) receive the specified protections, including a case plan and case plan review.
- [Child Abuse Prevention and Treatment Act \(CAPTA\)](#)¹⁵
Amendments were added in 2003 that corresponded to the JJDP amendments.¹⁶ The CAPTA amendments:

- allowed states to use CAPTA grants to support and enhance collaboration between the child protection system and the juvenile justice system in order to improve delivery of services and continuity of treatment as children transition between systems;¹⁷ and
 - require states to document in their state data reports how many children under the care of the state child protection system were transferred to the custody of the state juvenile justice system.¹⁸
- [Every Student Succeeds Act \(ESSA\)](#)¹⁹
Signed into law on December 10th, 2015, the ESSA includes language supporting efforts to better identify and serve dual-status youth. It requires that state agencies seeking funding must, where feasible, note when a youth has come into contact with both the child welfare and juvenile justice systems and provide evidence-based services and interventions to keep the youth in school. States may also use funds to provide targeted services for dual-status youth.²⁰

PROPOSED LEGISLATION

On July 13, 2016, Senators Gary Peters (D-Michigan) and Charles E. Grassley (R-Iowa) introduced [S. 3193 - the “Childhood Outcomes Need New Efficient Community Teams,” or the “CONNECT Act.”](#) The purpose of the Act is to improve outcomes for dual-status youth by authorizing federal grants to state child welfare and juvenile justice agencies to collaborate in collecting data relating to dual-status youth and in developing practices, policies, and protocols to confront the challenges presented and experienced by dual-status youth.²¹

The act would amend Title IV of the Social Security Act, allowing grants to be administered by the Secretary of the Department of Health and Human Services (HHS) for a period of two to five years. In order to receive a grant, the state would have to develop a leadership collaboration group composed of senior officials from the state’s child welfare and juvenile justice agencies, as well as representatives from other relevant public and private agencies that would carry out the grant.

For More Information

- [Addressing the Needs of Multi-System Youth: Strengthening the Connection between Child Welfare and Juvenile Justice](#) (March 2012) a joint report from the Georgetown University Center for Juvenile Justice Reform (CJJR) and the Robert F. Kennedy Children’s Action Corps, provides a framework for jurisdictions to utilize in their efforts to better serve dual-status youth.
- [The Crossover Youth Practice Model](#) (CYPM) was developed by CJJR to improve outcomes for youth who are dually-involved in the child welfare and juvenile justice systems. Briefs on the application of the model to specific issues, such as behavioral health and education, [can be found here](#).

- CJJR and the American Public Human Services Administration published “[Bridging Two Worlds: Youth Involved in the Child Welfare and Juvenile Justice System, A Policy Guide for Improving Outcomes](#)” (2008) to provide information on this population and recommend a policy agenda for serving crossover or dually-involved youth.
- The [Guidebook for Juvenile Justice & Child Welfare System Coordination and Integration: A Framework for Improved Outcomes, 3rd ed.](#) (2013) is a framework developed by the Robert F. Kennedy Children’s Action Corps to guide state and local jurisdictions in achieving better system coordination and integration for children in multiple youth-serving systems. The [Dual Status Youth – Technical Assistance Workbook](#) (2013) was designed to be used in conjunction with the *Guidebook* to provide detailed guidance in advancing policies and practices that improve outcomes for dual-status youth.
- [A Guide to Legal and Policy Analysis for Systems Integration](#) (2006) from the Child Welfare League of America provides a comprehensive summary of federal laws addressing collaboration between systems as well as those addressing confidentiality of youth records and information sharing in Appendix B.
- “[Racial and Ethnic Disparity and Disproportionality in Child Welfare and Juvenile Justice: A Compendium](#)” (January 2009) from the Center for Juvenile Justice Reform and Chapin Hall at the University of Chicago explores the racial and ethnic disparities in both the child welfare and juvenile justice systems and policy reforms to address it.
- “[Safety, Fairness, and Stability for Youth and Families](#)” (2011) is a collection of recommendations developed by a group of federal agency representatives, family and youth advocates, community supporters, and local juvenile justice, child welfare, and judicial leaders convened by the Center for Juvenile Justice Reform.
- “[Addressing the Unmet Educational Needs of Children and Youth in the Juvenile Justice and Child Welfare Systems](#)” (2010) outlines several strategies to help policy makers, practitioners, and educators work collaboratively to improve the educational outcomes of dually-involved youth and discusses federal and state legislative reforms impacting youth in these systems.
- “[Supporting Youth in Transition to Adulthood: Lessons Learned from Child Welfare and Juvenile Justice.](#)” (2009) provides a history of the child welfare and juvenile justice systems – including federal legislation, and looks at current challenges and how to move forward. Race and gender disparities in both systems and their impact on dual status youth also discussed.

¹Janet K. Wiig and John A. Tuell with Jessica K. Heldman, “Guidebook for Juvenile Justice & Child Welfare System Coordination and Integration,” 3rd ed. (Washington, DC: Robert F. Kennedy Children’s Action Corps, 2013), xix, <http://bit.ly/1nVvZ0b>. (Hereafter, this document will be referred to as, “Guidebook.”) The level of contact could be informal or formal. The Guidebook suggests the following definitions to distinguish the statuses: “dually-identified youth” (youth who are currently involved with the juvenile justice system and have a history in

the child welfare system but no current involvement); “dually-involved youth” (youth who have concurrent involvement (diversionary, formal, or a combination of the two) with both the child welfare and juvenile justice systems); and “dually-adjudicated youth” (youth who are concurrently adjudicated in both the child welfare and juvenile justice systems (i.e. both dependent and delinquent). See also, Denise Herz, Philip Lee, Lorrie Lutz, Macon Stewart, et. al., “Addressing the Needs of Multi-System Youth: Strengthening the Connection between Child Welfare and Juvenile Justice” (Washington, DC: Center for Juvenile Justice Reform and the Robert F. Kennedy Children’s Action Corps, March 2012), 1-2, <http://bit.ly/1jmO3mg>. (Hereafter, this document will be referred to as, “Multisystem Youth.”)

² Douglas Thomas (ed.), “When Systems Collaborate: How Three Jurisdictions Improved Their Handling of Dual-Status Cases” (Pittsburgh, PA: National Center for Juvenile Justice, April 2015): 3, <http://bit.ly/1kQIK4f>.

³ Jessica Heldman, Associate Executive Director, Robert F. Kennedy National Resource Center for Juvenile Justice, Robert F. Kennedy Children’s Action Corps, email communication, October 21, 2015; Michael Umpierre, Senior Research Fellow, Center for Juvenile Justice Reform at Georgetown University’s McCourt School of Public Policy (CJJR), email communication, September 23, 2016.

⁴ G. Halembea, and G. Siegel, (2011), “Doorways to Delinquency: Multi-System Involvement of Delinquent Youth in King County (Seattle, WA),” (Pittsburgh, PA: National Center for Juvenile Justice, 2011), <http://bit.ly/2dxrYPZ>.

⁵ R. Weeks, and C.S. Widom, “Self-reports of early childhood victimization among incarcerated adult male felons,” *Journal of Interpersonal Violence* 13:3 (June 1998): 346-361, <http://bit.ly/2czBkZx>.

⁶ Brian Goldstein, “‘Crossover Youth’: The Intersection of Child Welfare & Juvenile Justice,” *Juvenile Justice Information Exchange (JJIE)*, Nov. 15, 2012, <http://bit.ly/1X9QwIW>; “Multisystem Youth,” 17; Peter Leone and Lois Weinberg, “Addressing the Unmet Educational Needs of Children and Youth in the Juvenile Justice and Child Welfare Systems” (Washington, DC: The Center for Juvenile Justice Reform, May 2010), 9, <http://bit.ly/1oKz87x>; Denise Herz, “The Crossover Youth Practice Model Research Summary” (Washington, DC: Center for Juvenile Justice Reform, 2010) 3, <http://bit.ly/2dn3pIo>.

⁷ Thomas Grisso and Gina Vincent, “Trauma in Dual Status Youth: Putting Things in Perspective” (Robert F. Kennedy Children’s Action Corps, RFK National Resource Center for Juvenile Justice, Jan. 13, 2015): 2, <http://bit.ly/2bNbfd1>.

⁸ “Multisystem Youth,” 17.

⁹ G. J. Halembea, G. Siegel, R.D. Lord, & S. Zawacki, “Arizona dual jurisdiction study: Final report,” (Pittsburgh, PA: National Center for Juvenile Justice, Nov. 30, 2004), <http://bit.ly/2dpJTaU>.

¹⁰ “Multisystem Youth,” 16-17.; See also, J.P. Ryan, D. Herz, P. Hernandez, and J. Marshall, “Maltreatment and delinquency: Investigating child welfare bias in juvenile justice processing,” *Children and Youth Services Review*, 29 (2007): 1035–50, <http://bit.ly/2czCvrM>.

¹¹ Jessica K. Heldman, “A Guide to Legal and Policy Analysis for Systems Integration” (Washington, DC: Child Welfare League of America, 2006), 16-17, <http://bit.ly/2dDN1Ua>.

¹² For more information on the Crossover Youth Practice Model, the research behind it, and evaluations of its impact, please see: Macon Stewart, Lorrie Lutz, Denise Herz, and Lyman Legters, “The Crossover Youth Practice Model Abbreviated Guide” (Washington, DC: Center for Juvenile Justice Reform, 2015) <http://bit.ly/2dn2fwx>; Denise Herz, “Crossover Youth Practice Model Research Summary” (Washington, DC: Center for Juvenile Justice Reform, 2010), <http://bit.ly/2dn3pIo>; Wendy Haight, Laurel Bidwell, Won Seok Choi, and Minhae Cho, “An evaluation of the Crossover Youth Practice Model (CYPM): Recidivism outcomes for maltreated youth in the juvenile justice system,” *Children and Youth Services Review* 65 (June 2016): 78-85, <http://bit.ly/2dlF14L>.

¹³ Juvenile Justice Delinquency and Prevention Act of 2002, 42 U.S.C. §§ 5601 et seq. (2002).

¹⁴ “When Systems Collaborate,” p. 4; Wiig, et. al., “Guidebook,” xviii-ix; “Multi-System Youth,” 25.

¹⁵ CAPTA Reauthorization Act of 2010, 42 U.S.C. § 5101 et seq.

¹⁶ Note that CAPTA was also reauthorized in 2010, but these Code sections have not changed.

¹⁷ CAPTA, 42 U.S.C. § 5106a[a][12] (2010); Wiig, et. al., “Guidebook,” xviii; “Multi-System Youth,” 25.

¹⁸ CAPTA, 42 U.S.C. § 5106a[d][14] (2010); Wiig, et. al., “Guidebook,” xviii; “Multi-System Youth,” 25.

¹⁹ Every Student Succeeds Act, Pub. L. No. 114-95, 20 U.S.C. § 6301 (2016).

²⁰ Juvenile Law Center, “What the ‘Every Student Succeeds Act’ Means for Youth in and Returning from the Juvenile Justice System” (January 2016), <http://bit.ly/2cTBhIP>.

²¹ Lisa Martine Jenkins, “Senate Introduces Bill Targeting Needs of Crossover Youth,” *The Chronicle of Social Change* (July 14, 2016), accessed Aug. 25, 2016, <http://bit.ly/2bWB6fS>.