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# Supporting Youth in Transition to Adulthood: Lessons Learned from Child Welfare and Juvenile Justice



David Altschuler, Principal Research Scientist, *Johns Hopkins Institute for Policy Studies*

Gary Stangler, Executive Director, *Jim Casey Youth Opportunities Initiatives*

Kent Berkley, Senior Associate Director, *Jim Casey Youth Opportunities Initiative*

Leonard Burton, Chief Operating Officer, *Jim Casey Youth Opportunities Initiative*

**Cover Art:**

*Youth moving from dependence to being on their own often face many challenges. A large number of juveniles will receive care in the child welfare and/or juvenile justice system during their transition to adulthood. For these youth, smooth transitions don't exist. The cover art represents the life experiences and skills that are acquired during transition and the goal of government systems to guide and prepare juveniles for a successful adulthood as they "age out" of the system.*

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# Foreword

This paper discusses the successes and challenges that juvenile justice and child welfare agencies face in preparing the youth they serve for a successful adulthood. The paper describes assessment, case management, and other practices implemented in either system that have shown promise in improving outcomes for the transition-age population. It also highlights organizational and legislative changes that have positioned these agencies to provide effective, individualized, and developmentally appropriate services to older youth and their families. The piece is aspirational as well as descriptive. It analyzes how best practices from one agency may be implemented in another, and applies current research and evaluation in its recommendations for further reforms that will help our public agencies prepare at-risk youth for a successful future. Our hope is that professionals, legislators, attorneys, judges, and other stakeholders can apply the practice fundamentals described here to the unique circumstances in their own jurisdictions and create lasting agency reforms that help actualize the great potential in even our most troubled youth.

Our population of interest consists of youth reaching the age of majority from the child welfare and juvenile justice systems. Special attention is given to analysis of the problems facing crossover youth because they have experience in both systems. There is a growing recognition that juvenile justice and child welfare agencies must work together to address the complex problems and needs of the crossover population and that the mechanisms needed to ensure collaborative assessment, case management, and transition planning are best understood in the context of serving these youth. An overarching challenge when dealing with the crossover population is the tension

between the cultures and perceptions guiding policy and practice in the juvenile justice and child welfare fields. Many of the basic practices recommended here are recognized as effective and necessary, but a successful and sustainable collaborative reform initiative must attempt to reconcile the tension between child protection and community safety.

We focus on crossover youth because they are the most visible manifestation of the common problems and aspirations youth from our two systems share. The recommendations will help juvenile justice and child welfare agencies in collaborating to improve outcomes for all transition-age youth, but we, as a professional community, must go beyond that. Young adults today require support far beyond the age of 18 so that they may attain the education, vocational skills, and emotional maturity required for success in an increasingly competitive and global economy. While modern families and institutions of higher education have evolved to provide this needed support, our institutions of care have not. Child welfare and juvenile justice agencies assume responsibility for a child's or community's safety; adequate preparation for youth success in today's society is an implicit part of that responsibility. The first step in achieving our goals is recognizing that child welfare and juvenile justice youth, regardless of their experiences or past actions, need the same support as other young adults making their place in the world.

**Shay Bilchik**  
Director  
*Center for Juvenile  
Justice Reform*

**Gary Stangler**  
Executive Director  
*Jim Casey Youth  
Opportunities Initiative*



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# Introduction

American youth face unique challenges in becoming successful students, employees, and parents in modern society. Acquiring all of the skills necessary for successful adult living is challenging even for children fortunate enough to mature in supportive environments. Although the age of majority is 18 in most states, a child does not automatically become an adult at that point. Rather, the acquisition of important life skills happens gradually as a young person moves from dependence on his or her family to independence. Young people must establish their own homes and develop the ability to sustain functional social, familial, and romantic relationships. Increasingly, youth must obtain education beyond high school to attain employment sufficient to support themselves and any dependents. Within employment, young people must develop the social, technical, and workplace skills necessary for job stability and satisfaction (Osgood et al., 2005). Mastering these and other complex tasks requires the emotional and financial support of a strong social or familial support system. This transition to adulthood often extends into a young person's mid-20s.

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Not every young person is lucky enough to enjoy the support of a functional family or social network, and many depend on the state in some capacity to help develop the skills necessary for achieving professional success and personal stability. Out of the approximately 24 million adolescents in the United States, a substantial portion will be involved in one or more governmental system of care at some point during their transition to adulthood. This paper focuses on two of those systems: child welfare and juvenile justice.

Many youth suffer abuse and neglect and become dependent on child welfare agencies for care and

protection. On any given day, about half a million children in the United States live in foster care, and many more are involved with the child welfare system while they continue to live with their families.

A youth "ages out" of foster care when he or she reaches the age of majority without having been adopted, reunified with his or her family, placed in a guardianship, or otherwise given a permanent family. Aging out, in many cases, marks the end of a youth's eligibility for educational, mental health, and other services provided while under a child welfare agency's care. In 2006, more than 26,500 youth aged out of the foster care system (U.S. Department of Health and Human Services, 2008). These youth are often expected to have the skills to navigate the adult world independently upon leaving foster care. Life outcomes for youth involved in the child welfare system, however, are typically grim. One in five will become homeless at some time after age 18; only 60 percent will finish high school by age 19 (compared to 87 percent nationally); by age 25, less than 3 percent will earn a college degree (compared to 28 percent of all youth that age); and risks of incarceration, early pregnancy, and lack of employment are much higher than with other youth (Courtney et al., 2001).

Childhood abuse and neglect can cause a host of short- and long-term negative consequences that may impede a youth's psychological and social development. Early physical abuse and neglect may cause adverse alterations to important regions of the brain, which can have long-term cognitive, emotional, and behavioral consequences (Wiley & Karr-Morse, 1999). Children abused early in life may exhibit poor physical and mental health well into adulthood. These effects are strongly correlated with low academic achievement, substance abuse, and a myriad of other problems that prevent successful social adaptation for those aging out of the foster care system (Kendall-Tackett & Eckenrode, 1996; Widom, DuMont, & Czaja, 2007). Chapin Hall's ongoing study of youth who age out of the child welfare system suggests that the majority of those interviewed at age 17 to 18 who were preparing

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to leave the foster care system hoped and expected to graduate from college eventually, although many were experiencing significant academic failure that would almost certainly keep them from meeting their educational goals (Courtney, Terao, & Bost, 2004).

An even greater number of youth have contact with the juvenile and criminal justice systems in this country. In 2004, juvenile courts nationwide processed approximately 1.6 million delinquency cases. An additional 9,400 youth were transferred to adult criminal court that same year. Of the population processed in juvenile court, about 700,000 were 16 or older (National Center for Juvenile Justice, 2008). Delinquent youth depend on the juvenile and criminal justice systems, and the services provided therein, to address the underlying behavioral health, mental health, and other factors leading to delinquency. A youth ages out of the juvenile justice system when he or she reaches the age of majority while in detention, on probation, in institutional care, or otherwise receiving services through the juvenile system. In addition to setting a maximum age by which young people who commit most offenses are handled by the juvenile justice system (ages 16 to 17 in most states) rather than criminal justice, once under state juvenile justice authority the state can maintain authority over “juvenile wards” until they reach a higher maximum age, frequently 21 years old. Upon aging out in either way, many of these youth are no longer eligible for the services they received through the juvenile justice system. Moreover, it is not uncommon for older juveniles approaching their maximum age of juvenile justice jurisdiction to have lower priority in receiving services.

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*Efficient and effective service provision is critical for older youth leaving the juvenile or criminal justice system as they attempt to navigate a successful path to a crime-free adulthood.*

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Efficient and effective service provision is critical for older youth leaving the juvenile or criminal justice system as they attempt to navigate a successful path to a crime-free adulthood. Unfortunately, youth transitioning to adulthood from the juvenile or criminal justice systems face even worse outcomes than their peers from the child welfare system. Within twelve months of their release from institutional placement, only 30 percent of delinquent youth

were involved in either school or employment (Bullis et al., 2002). These youth are significantly more likely than their peers to have substance abuse or mental health problems (National Mental Health Association, n.d.; Reclaiming Futures, 2008), and in some states, almost half return to the justice system after they are released (Office of Juvenile Justice and Delinquency Prevention, 2006).

The poor outcomes for youth deprived of developmentally appropriate services upon aging out are consistent with recent brain development research. Adolescence and young adulthood is a period of gradual cerebral maturation that is not complete until a youth is about 25 years old. The prefrontal cortex, which governs reasoning and impulse control, is the last part of the brain to reach full development. Because these regions are not fully developed, adolescents and young adults rely on emotional centers of the brain in making decisions. Chemicals like dopamine, which improve memory, concentration, and problem solving, are not at their most effective levels during this time period.

These and other chemical and physical changes explain the difficulties that many young adults have in controlling impulses, maintaining successful social relationships, engaging in long-term planning that promotes discipline in education and employment activities, and controlling emotional responses. The physical and emotional immaturity that accompanies incomplete brain development explains why transition-age youth often struggle to weather difficult setbacks caused by family dysfunction or to respond positively to sanctions for delinquent behavior.

Youth aging out of the child welfare and juvenile justice systems have much in common. They share the negative developmental impact that the trauma they experienced has caused. They also share many of the same challenges, given that their involvement in these systems generally indicates compromised social and family networks, networks that would normally help an adolescent establish pro-social coping mechanisms absent fully developed emotional or cognitive capacities. In many cases, out-of-home placement can exacerbate family and community tensions, making successful social integration as a young adult even more difficult. Sustained family and community relationships are important in



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providing critical support to a youth as he or she faces the challenges of young adulthood. Allowing youth to age out of either system without working to repair these relationships can inhibit a youth's future success in employment, education, and financial matters.

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Vulnerable young people face even greater obstacles to success when they are involved in more than one system of care. Many maltreated youth cross over from the child welfare system into the juvenile justice and other systems of care. Child abuse and neglect increase the risk of any arrest of a juvenile by 55 percent and the risk of committing a violent crime by 96 percent (Widom, 1989). Recent studies show that persistent maltreatment extending from infancy to adulthood and maltreatment during adolescence are significantly correlated with increased risk of juvenile delinquency and criminality (Thornberry, 2008). Young people who engage in criminal activity into their adulthoods, especially those dealing with the trauma of past abuse and neglect, face reduced prospects for employment, postsecondary education, and other key areas essential to success later in life.

Youth may follow several pathways in becoming known to multiple systems of care. In some cases, youth commit delinquent acts while still involved in, or after leaving, the child welfare system. In other cases, youth in the juvenile justice system are referred to the child welfare system when maltreatment is suspected or discovered, either as part of the youth's original case disposition or at the point they are returning from institutional placement. Youth falling into either of these circumstances are regarded as constituting a crossover population. Dual jurisdiction, on the other hand, refers to the handling of youth simultaneously involved in both the child welfare and juvenile justice systems. Youth who were previously involved with and who exited from one of the systems before becoming involved in the other system are a subset of the crossover population, but they are not subject to dual jurisdiction. Stated differently, all dual-jurisdiction youth are included in the crossover population, but not all youth in the crossover population are subject to dual jurisdiction.

Crossover youth often present a co-occurrence of problem behaviors and conditions. Even when a crossover youth grapples with only one disorder, the intensity of treatment needs is often greater than that for youth involved with a single system. For example, many crossover youth experience educational difficulties, including truancy and poor academic performance. These educational issues can derail the aspirations for higher education of even the most motivated youth. Diagnosed and undiagnosed educational disabilities are often present and need to be addressed when planning for school completion, academic success, and job training. Studies show that the majority of crossover youth also struggle with substance abuse and/or mental health issues. Family tensions, resulting from abuse and neglect or out-of-home secure placement, can make it difficult for youth to establish a support network to help them overcome personal barriers to life success.

When a youth reaches the age of majority, the loss of services to address problem behaviors can be devastating. About 14 percent of males and 10 percent of females report being homeless at least once after their release from foster care (Courtney et al., 2001). For youth leaving the juvenile or criminal justice systems, programs focused solely on deterrence and punishment can impede a young ex-offender's chances to obtain stable employment or qualify for the vocational and educational programs necessary for positive social reintegration (Altschuler, 2005).

For crossover youth, the particular system with which he or she is involved upon reaching the age of majority can determine which services are available leading up to and throughout young adulthood. Federal legislation, like the Foster Care Independence Act of 1999 (the Chafee Act), has provided some financial support for programs addressing the needs of youth aging out of the foster care system. However, only about two-fifths of eligible youth in foster care receive independent living services funded by the Chafee Act, and service availability varies widely between states and even among counties within states (Courtney, 2005). In the Fostering Connections to Success and Increasing Adoptions Act of 2008 (the Fostering Connections Act), youth age 16 and over who are adopted or who enter guardianship placements are now eligible for Chafee funded services. But the already inadequate funds were not increased. Also of concern is that the federal government has not yet recognized the need to support

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transitional services for those aging out of the juvenile justice system.

The uneven availability of services presents a challenge to caseworkers working to support crossover youth. They must navigate both systems in meeting the needs of those in their care. Indeed, the management of crossover cases has traditionally been problematic for professionals. Because these youth often present needs beyond the purview of a single agency, professionals must reach across multiple systems of care in crafting appropriate intervention and treatment strategies for crossover youth and their families. When these youth are preparing to age out, child welfare, juvenile justice, and other professionals must work together to help youth navigate the transition to adulthood.

Historically, these agencies of care have not worked consistently in collaboration to address the multifaceted needs of youth known to multiple systems. Discordant case management, a lack of collaborative funding strategies, and a perceived gap in the overarching goals of each agency translate into gaps in or inappropriate service provision for crossover youth. When these youth must prepare for adulthood, cross-agency coordination is crucial in formulating a young person's plan, including seamless service provision where possible. Breaking through the traditional obstacles to cross-system collaboration takes strong initiative from agency leaders and financial and ideological backing from political leaders.

Why should political and agency leaders marshal scarce resources toward addressing the problems of our most troubled young adults? Ostensibly, the state's responsibility toward these young people ends when they reach the age of majority. Yet, the state separated these young people from their families and communities and, in essence, acted as a parent for significant periods of many of these youth's lives. It can be expected that the state, like any good parent, should remain committed to supporting these young people as they launch into adulthood.

Failing to marshal resources to support youth who are aging out of the foster care or juvenile justice system also has serious financial implications for society. A recent study of these costs states, "A conservative cost of over \$5 billion per cohort year as the 'cost of bad outcomes' makes the point that tremendous return on investment can

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be achieved by providing effective services and supports and creating permanent relationships with responsible and caring adults. The tools exist to make improvements in the outcomes for aging-out youth; all that is needed is the political will and leadership required to make the necessary investments." (Cutler, in press) When young people leave systems of care unable to obtain steady employment, housing, or health care, they are forced to rely on government resources, and Cutler estimates that if "the youth aging out of foster care in a single year were only involved in the criminal justice system at the much lower rate of the general population, it would produce savings in excess of \$4 billion over their lifetimes." When youth age out of the foster care or juvenile justice system without supports and resources, society incurs exponentially greater costs in the form of wasted potential, welfare dependency, homelessness, child abuse, delinquency, crime, victimization, illness, and untold sorrow (Stangler, 2005).

In addition, some young people are already parents when they age out of either system, and many more start families soon after. In one study, nearly one-quarter of youth who had aged out of foster care and were 19 years old reported that they had at least one living child (Courtney & Dworsky, 2005). If the mental health, substance abuse, and behavioral issues of these youth go unaddressed, these problems can become intergenerational. When young adults are not able to integrate into society, the very systems charged with facilitating healthy development for at-risk youth or youth lacking adequate family support or supervision have failed.

Recognizing where the systems have fallen short in the past will help agency leaders and policymakers craft improvements for the future. A focus on youth known to multiple systems enables juvenile justice and child welfare professionals to learn from each other's successes and failures. In the long run, targeted efforts to assist youth transitioning and aging out of the child welfare or juvenile

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justice systems—including crossover youth—will improve community safety and enable young people to become healthy, economically productive members of society.

The goal of this paper is three-fold. First, it seeks to outline potential strategies, programs, and resources that will enable political and agency leaders, policymakers, and practitioners to act collaboratively across systems and effectively address the problems that crossover youth present. It outlines the guiding principles of cross-system collaboration, developmentally appropriate interventions and treatments, and policy changes that will facilitate positive reforms. Second, it takes note of the fact that

the child welfare field has addressed the needs of the transition-age youth population to a greater extent than has the field of juvenile justice, through both practice and local and national legislation, and can therefore help guide the work in this area in juvenile justice. Third, it identifies areas in which the juvenile justice field has developed promising approaches, some of which can be helpful to the child welfare system. In this regard, this paper addresses specific ways in which effective strategies identified by each of these systems may benefit the other and areas where the two systems can work together to smooth the transition to adulthood for crossover youth.



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# The Desired Result: Successful Transitions to Adulthood by Age 25

Most young people will “make it” by age 25. That is, they will have achieved a level of education and training that will permit some measure of economic success, and they will have developed the social and relational skills necessary for being part of and raising a family. They will commonly have developed a web of connections with peers, colleagues, business associates, and friends. The large majority of these “emerging adults” will be *connected by 25*, a term of art increasingly applied in the fields of child welfare, youth development, and workforce preparation.

Connected by 25 has come to be accepted as a common yardstick. That is, the convergence of full brain development; completion of college and other postsecondary education; and connection to employment, further education, child-rearing, or other pursuits is in large measure established. For those who reach age 25 and are *disconnected*, as when they are without connections to school or job, the future is indeed bleak. Hence, much of the thinking and programming in the professions dealing with young adults strives to address the conditions and circumstances that would eventually lead to connections by 25.

The population in danger of being disconnected is extremely diverse. But there are generally four subgroups commonly recognized as composing the vast majority of those at very high risk:

- High-school dropouts
- Teen parents
- Youth emerging from the foster care system
- Youth involved with the juvenile justice (and sometimes adult correctional) systems

Overlap among these subgroups is tremendous: half of the youth who age out of foster care have not finished high school, and some youth are teen parents (Courtney &

Dworsky, 2005). Connections to the labor force for these youth are often episodic or completely absent.

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*Although not all disconnected youth have been taken from their families, many, if not most, lack the necessary family supports to sustain connection to school and make connections in the community.*

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In addition to the overlap among these four populations, there is overlap in the conditions that lead to poor outcomes. Although not all disconnected youth have been taken from their families, many, if not most, lack the necessary family supports to sustain connection to school and make connections in the community. Most of these youth have in common their physical location in impoverished communities, poor educational opportunities, and a dearth of job prospects.

As Malcolm Gladwell points out in his book *Outliers*, on the success side of the equation, a huge number of factors contribute to success that are tacitly acknowledged as important in young people’s lives: help from others with contacts, jobs, and other opportunities; fortuitous circumstances in the social and learning environments; and sometimes simply luck, but luck that is more probable in affluent settings than in poor neighborhoods.

To understand the barriers and challenges facing youth at risk of being disconnected, it is important to identify the skills and conditions that contribute to being connected by 25 and that position young adults to achieve a level of well-being and economic security that most agree is desirable for children. Put simply, current research and cultural norms identify the centrality of family roles, education and training, opportunities to experience and ultimately select employment and career paths, social and civic engagement within the community, and a web of supportive relationships that give meaning to life. The key

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concepts of *stability* and *continuity* arise again and again as immense contributors to these conditions.

A short list of skills needed to attain connection by 25 includes:

- The ability to establish relationships, including romantic relationships
- Education and training for a high level of literacy, numerics, financial literacy, and management of adult challenges in modern society
- Occupational and employment skills relevant to the labor force in the 21<sup>st</sup> century's increasingly global markets
- The ability to contribute to the well-being of others, in neighborhoods and communities

A short list of the supports and resources that are needed so that young people attain these skills includes:

- Family supports and connections, services to address childhood trauma and deprivation, and services to strengthen relationships with parents and other caregivers
- Success in school, opportunities to learn basic life skills, reduction in the exposure to and risk of engaging in illegal activities, and residential stability

- Job opportunities and connections to those who can provide connections, exposure to the universe of employment paths, and mentors to promote a focus on the future
- Social opportunities and successes that promote a culture of being a contributor rather than a victim
- Health care

Researchers have concluded that the number of youth who are disconnected at 25 would be significantly reduced if child-serving systems—and their community and public partners—were able to help these youth finish high school, obtain additional credentials for employment, connect to the labor force, and create and maintain connections to their families and communities (Wald & Martinez, 2003). This research underscores the fact that virtually all youth not connected by age 25 begin the process of disconnection much earlier, often as early as age 14 (Wald & Martinez, 2003). Youth leaving the foster care system and youth in the juvenile justice system are at high risk of disconnection. To better understand both the risks and the protective factors that disproportionately affect youth in the child welfare and juvenile systems, it is important to understand the history, development, and workings of those systems.

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# History of Child Welfare and Juvenile Justice Systems

## Evolution of the Child Welfare and Juvenile Justice Systems

Many commentators have written detailed accounts of the historical events that shaped child welfare and juvenile justice. The philosophical underpinnings and developmental milestones from which the systems evolved continue to influence policy, operations, and outcomes.

As legally recognized institutions, the child welfare and juvenile justice systems developed to support and carry out the work of juvenile courts. Juvenile courts, statutorily created, have only existed for little more than a century. But issues of child welfare and justice have been present as long as people have lived in society. Prior to the creation of juvenile and family courts, children who were maltreated by their families were dependent upon informal interventions from their communities and churches. Although aspects of those informal, community-based interventions remain the foundation of good casework practice today, children suffered grave consequences when informal protective networks failed. Without a protective network, neglected and homeless youth often wandered the streets begging or stealing in order to subsist.

Concerned humanitarians intervened to address the plight of street children both out of concern for their welfare and fear that society was creating a new class of criminals. Reverend Charles Brace, his colleagues at the Children's Aid Society of New York, and other like-minded individuals believed that orphanages and other institutional settings were not good long-term answers for homeless and parentless children. Brace and other advocates of the time believed that the reformation and healthy development of young street people could only take place when they were able to experience a normal life in a family setting, generally away from an urban environment. Through Brace's efforts, children were transported on orphan trains

to the Midwest and West and placed with families in rural communities. Unfortunately, a lack of oversight following the placement of children resulted, in some cases, in abuse and exploitation. Brace's and others' emphasis on placing children far outside their urban environments hampered not only the ability of placement agencies to follow up with youth, but also the ability of youth to reconnect with family members who might be in a position to provide support later in life (O'Connor, 2001).

Historically, juveniles were tried as adults in criminal courts. In common law, children under age 7 were conclusively presumed immune from prosecution because they lacked moral responsibility (the infancy defense). Children between ages 7 and 14 were presumed not to be criminally responsible, but the presumption could be rebutted in individual cases. Youth over age 14 were deemed as criminally responsible as adults and were subjected to the same procedures and punishments. Young children were sometimes sentenced to prison and occasionally to death.

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Incarcerated adolescents experienced harm at the hands of adult offenders, jailors, and prison guards. Published stories of youth exposed to atrocious conditions in adult jails and prisons and draconian sanctions, as well as to maltreatment from parents, created a public outcry for a separate legal status for children and youth. The need for separation was widely accepted when the Illinois Juvenile Court Act of 1899 created the first juvenile court. With public support, it did not take long for separate juvenile courts to spring up in other states and territories.

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The juvenile court initially had special jurisdiction to address the needs of abused, neglected, and delinquent children. Key features of the Illinois Juvenile Court Act were: (1) a rehabilitative, rather than punitive, purpose; (2) a provision that juvenile court records be maintained confidentially and separately from criminal records to minimize stigma; (3) the physical separation of youth from adults when incarcerated or placed in the same institution; (4) a provision barring the detention of young children in jails; and (5) the use of informal procedures. The informality of the proceedings focused on what therapeutic intervention would best serve the child's needs rather than the particular circumstances (for example, maltreatment or delinquency) that brought the youth before the court. Because the interventions and supports were not dependent on the presenting circumstances, child welfare and juvenile justice supports were blended. Both systems evolved concurrently, and many of the strengths and deficits of each system derive from the influence each system had on the other.

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The concept of *parens patriae* influenced the creation and operation of the juvenile courts and the child welfare and juvenile justice systems. *Parens patriae* is the public policy power of the state to intervene against an abusive or negligent parent, legal guardian, or informal caretaker, and to act as the parent of any child or individual who is in need of protection. The concept originated in English common law to protect the land and property rights of orphaned children, and concomitantly, the taxation interests of feudal lords. The concept of *parens patriae* broadened over time to include the state's interest and responsibility in the protection of the rights of children to receive minimum standards of care and to be safe from abuse and exploitation. This new thinking refuted previous mores about children as chattels and established three principles that would become part of law and policy: first, children have rights and interests separate from others, including their parents; second, the relationship between parents and children is a special trust

in which parents, in return for acting in their children's interests (providing care, nurturance, and protection from harm), are given wide-ranging authority over their lives; and third, the state, as guarantor of that trust, is imbued with the responsibility to intervene, when necessary, to protect the interests of children.

For a state to satisfy its *parens patriae* responsibilities, it was expected that its juvenile courts would have specialized focus, be supported by caring social institutions, and be driven by knowledgeable and informed experts in child development and family systems. It was further expected that the supporting systems of care would have bountiful resources and a therapeutic focus. The systems would blend public and voluntary programs and have a body of law focused on the best interests of children. The correctional authority would be organized for the rehabilitation of offenders.

The nontraditional focus of juvenile courts prompted judges, legislators, and stakeholders to vacillate over whether the court should operate more as a social agency, a protector of individual due process rights, or an arm of law enforcement to protect communities from juvenile crime. Constitutional jurisprudence has contributed to the ambiguity of juvenile court approaches by requiring that the due process rights of juveniles take precedence in some contexts, but be superseded by a state's *parens patriae* interests in others. This lack of clarity, coupled with the fact that states, rather than the federal government, have the authority to design and implement child- and family-serving systems, has resulted in a lack of uniformity in practice, policy, and outcomes across states.

A comprehensive examination of state children's codes, administrative rules, policy statements, and agency training curricula suggests that the juvenile justice system is a paradox fraught with cross-purpose and unlimited scope. It is to treat, rehabilitate, instill accountability, develop skills and competencies, incarcerate, restore victims, protect communities, and punish offenders. The same review also supports interpretations that child welfare systems are designed to protect young children, make both short-term and long-term placements for children, find permanent families, provide services to children, provide services to families, ensure child well-being, build networks of relational and community



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support, and teach older youth skills to live independently. Although some of the purposes are congruent, others are contradictory.

The contemporary development of the child welfare and juvenile justice systems exacerbated cultural contradictions between the two, especially in their treatment of adolescents and young adults. Starting in the 1970s, the two systems diverged in their treatment of transition-age youth. As child welfare practitioners recognized a growing need for services for youth in foster care and extended service provision for young people transitioning into adulthood, the juvenile justice system moved in the opposite direction. Through the late 1970s and early 1980s, child welfare practitioners began to focus more on the importance of family permanency and the provision of services to children, youth, and families, culminating in passage of the federal Adoption Assistance and Child Welfare Act of 1980. In juvenile justice, a conservative reform movement, alleging excessive leniency in the juvenile court system, sought to shift courts' focus away from rehabilitation toward deterrence and punishment. By the mid-1970s, a majority of states had enacted legislation facilitating the transfer of juvenile offenders to adult criminal court. The subsequent two decades saw a marked increase in stricter penalties for delinquent behavior, including mandatory minimum sentencing guidelines. This time period also saw a rise in disproportionate minority contact with the juvenile justice system, with minority youth accounting for 96 percent of the increase in incarcerated youth following conservative reforms (Krisberg, 2005).

The dichotomy between child welfare and juvenile justice in the treatment of adolescents and young adults deepened in the 1990s. As Congress provided funding for services for older youth in foster care through the Chafee Act, it simultaneously attempted to make it easier for states to try youth as young as 14 in adult courts with the Violent and Repeat Juvenile Accountability and Rehabilitation Act. Although the president did not sign this bill into law, its passage in both the House and the Senate illustrates the vastly different social perception of adolescents in the child welfare and juvenile justice systems despite considerable overlap in the two populations. These differing social perceptions caused some states to raise the age of jurisdiction for child

welfare service provision, while others lowered the age of juvenile justice jurisdiction in an effort to impose criminal responsibility for delinquent acts. As a result, the number of juveniles transferred for prosecution in the adult criminal justice system and incarcerated in adult prisons during this time rose dramatically.

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*...better outcomes will be achieved when youth live and develop in functional families, are empowered to make decisions about their futures, and are provided with meaningful incentives and opportunities to succeed.*

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Ambiguities and contradictions in system purpose have produced protracted debates about fundamental policy and practice issues. Many questions remain open and are left to the discretion of local jurisdictions, including: whether congregate care facilities are appropriate foster care placements; whether delinquents, status offenders, and nonoffenders should ever be co-mingled in programs; whether child welfare or juvenile justice case management staff are better suited to manage the cases of crossover youth; whether completion of treatment is a relevant precondition for reunification; and whether the disabilities of youth and immature brain development should limit youth participation in decision making and mitigate against culpability. However, a growing evidence base suggests that better outcomes will be achieved when youth live and develop in functional families, are empowered to make decisions about their futures, and are provided with meaningful incentives and opportunities to succeed. The application of these guiding principles suggests that certain policies and practices should be favored over others. In this regard, this paper explores promising, evidence-based approaches to achieve better outcomes for youth transitioning to adulthood from child welfare, juvenile justice, or both systems.

## **Federal Legislation**

Congress has acted to reform both the child welfare and juvenile justice systems. Because states retain exclusive authority in designing and implementing these systems, however, the federal government is limited to inducing reform by tying best-practice models to

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federal funding opportunities. The Adoption Assistance and Child Welfare Act of 1980 (AACWA), the Federal Adoption and Safe Families Act of 1997 (ASFA), the Foster Care Independence Act of 1999 (the Chafee Act), and the Fostering Connections to Success and Increasing Adoptions Act of 2008 are the four major federal laws governing child welfare.

AACWA uses fiscal incentives to states to reduce the unnecessary placement of children in foster care. The act expanded financial resources for out-of-home care through the creation of Title IV-E of the Social Security Act. The act emphasized achieving permanency for children in foster care. Congress also recognized the fact that youth outcomes are better for those who can remain at home safely and created Title IV-B of the Social Security Act to provide funding for prevention of out-of-home placement or for rapid reunification in cases where children must enter foster care. Congress mandated that each state's child welfare agency establish service programs and make "reasonable efforts" to prevent placement of children or to reunify families.

ASFA is intended to shorten the time children spend in foster care and to speed the process of adoption so that children who cannot be reunified with their families are moved to permanent families through adoption or guardianship as quickly as possible. Under ASFA, the "reasonable efforts" concept was expanded to require efforts to achieve permanent families for children for whom reunification is not the permanent plan. As a result of ASFA mandates, the U.S. Department of Health and Human Services (HHS) developed the federal Child and Family Services Reviews (CFSRs), which assess the performance of state child welfare agencies in achieving safety, permanency, and well-being for children and youth in the state's foster care system.

Congress recognized that child welfare systems traditionally rely on operating principles geared to the needs of younger children and took steps to target additional resources at older youth by strengthening the Independent Living program established in 1986. The Chafee Foster Care Independence Act is designed to reform and expand independent living programs for older youth in foster care and help youth become self-

sufficient. It focuses on services to help older youth obtain high-school diplomas, vocational training, job placement, training in daily living skills, and substance abuse prevention and preventive health treatment.

Although enormously helpful to states attempting to extend service provision to older foster youth in need of life-skills training, the Chafee Act did not directly address family relationships. Congress sought to improve foster youth's relationships with families and other care providers through the Fostering Connections to Success and Increasing Adoptions Act, which was signed into law on October 7, 2008. Among its provisions, the law promotes permanent families through relative guardianship and adoption and improves health care and educational stability. The law also provides states with the option of extending foster care to age 21 with federal support. Further, it requires that every youth preparing to leave foster care have a transition plan.

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*Although life-skills training classes have some value, a better focus would be to ensure that young people have opportunities to build strong relationships with adults and peers, participate in structured activities specific to their interests, and develop a broad and diverse network of social support.*

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Notwithstanding these legislative attempts to strengthen child welfare's attention to the needs of older youth, many public child welfare agencies simply use their Chafee Act funds to offer classes in independent living skills, often in group care settings. Although life-skills training classes have some value, a better focus would be to ensure that young people have opportunities to build strong relationships with adults and peers, participate in structured activities specific to their interests, and develop a broad and diverse network of social support. The best way to build a viable network of support for a young person is to make sure he or she is part of a safe, stable, and functional family.

Congress' attempts to legislate improvements in juvenile justice have not been as frequent or prescriptive. Juvenile justice in the United States has predominantly been the province of the states and their localities. In

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1974, Congress passed the first comprehensive piece of juvenile justice legislation, the Juvenile Justice and Delinquency Prevention Act (JJDP). JJDP has three main components:

- It creates a mechanism within the federal government that is dedicated to coordinating and administering federal juvenile justice efforts
- It establishes grant programs to assist the states in establishing and operating their juvenile justice systems
- It promulgates core protections that states must provide for youth in their juvenile justice systems to be eligible for federal funding through the formula grant program of the Office of Juvenile Justice and Delinquency Prevention

These core protections include:

- Deinstitutionalizing status offenders
- Removing juvenile offenders from adult jails
- Separating juvenile offenders from adult offenders

- Addressing the issue of disproportionate minority contact where it is found to exist in the state's juvenile justice system

Although JJDP has been amended several times over the years, its basic shape remains similar to that of its original conception. As enacted in 1974, JJDP focused largely on preventing juvenile delinquency and on rehabilitating juvenile offenders. Subsequent revisions added sanctions and accountability measures to some existing federal grant programs and new grant programs to the act's purview. Policy issues associated with its reauthorization included what the best federal response to juvenile violence and juvenile crime should be; whether the system should focus on rehabilitating juvenile offenders or on holding them accountable for their actions; and whether the grant programs as comprised represent the best way to support juvenile justice efforts in the states.

Federal legislation provides a policy framework and nudges states and communities toward good practice. States and local communities will have to choose to do more than meet standards set by the federal government, however, if they are serious about improving outcomes.



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# Systems Reform

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*Reform requires action simultaneously on many different fronts—including the political, the agency practice, and the agency leadership.*

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System reform is difficult and seldom undertaken when the status quo is viable. It typically occurs in response to crises such as litigation, changes in leadership, a failed business plan, or worst of all, a child death. Reform requires action simultaneously on many different fronts—including the political, the agency practice, and the agency leadership. Reformers are usually not afforded the luxury of deliberately implementing a coherent or systemic reform model. Instead, they are expected to implement multiple strategies and manage mutually competing reform priorities. Often the reform is expected to achieve results before new institutional infrastructures are in place to support the reform agenda. Notwithstanding these deterrents to reform, both juvenile justice and child welfare have taken on significant reform agendas. Tragic youth outcomes, failed business plans, class-action lawsuits, federal legislation, state performance improvement efforts, and dynamic leadership have all catalyzed changes in how these systems approach work with young people. These reform initiatives have resurrected fundamental philosophical debates about juvenile justice and child welfare that have churned since the inception of juvenile court.

## Juvenile Justice Reforms

It is striking how similar the discussion is when exploring the obstacles and impediments that exist between juvenile justice and child welfare as opposed to the debate on the “if” and “how” juvenile justice can both sanction (i.e., punish and deter) and intervene (i.e., serve, treat, protect, and support) in delinquency matters. At the level of mission, goals, and philosophy, historically the debate within juvenile justice has revolved around questions of acting in the best interest of children versus

punishing them for their antisocial conduct (see, for example, Bernard, 1992). Through court decisions, state laws, and administrative actions at the federal, state, and local levels, there has been much ebb and flow surrounding such juvenile justice matters as diversion, decriminalization, deinstitutionalization, and due process (see, for example, Empey & Stafford, 1991). Given the sometimes uneasy and shifting balance between punishing versus treating children within juvenile and criminal justice, it is no wonder that sharply divergent perspectives often separate the juvenile justice and child welfare systems.

At the same time, and quite fortunately, there have been several important developments within juvenile justice. These developments directly address the historic conflicts in goals between juvenile justice and child welfare, and as such, they offer a real opportunity for juvenile justice and child welfare to join forces in terms of mission and philosophy, particularly as they relate to the crossover population, which by definition requires attention to both delinquency and dependency issues.

These developments concern the growing acceptance in juvenile justice of the research findings and evidence on the value of positive youth development, cognitive-behavioral interventions, overarching case management (OCM), continuity of care, and restorative justice. These approaches are being applied in various jurisdictions with juveniles awaiting adjudication, on probation, in placement, and in aftercare. Progressive approaches require a different framework of analysis, which impacts policy, practice, and decision making at each stage of the process. The Juvenile Detention Alternatives Initiative, an Annie E. Casey Foundation reform initiative, demonstrates that jurisdictions can safely reduce reliance on secure detention by employing objective risk-screening instruments, nonsecure alternatives to detention, expedited case processing, and other strategies tailored to maximize the strengths of families and local communities (Annie E. Casey Foundation, 2008).

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Similarly, reform approaches with adjudicated delinquents emphasize service provision and supervision aimed at serving the best interest of the child consistent with the advancement of public safety. This more balanced approach has been shown to reduce commitments to state correctional facilities and other out-of-home placements (Annie E. Casey Foundation, 2008). Common to all of these approaches is a recognition that a mix of components is needed to address identified needs, risks, and strengths. Community protection and child protection are of equal concern in handling a crossover population, and it is this realization that is prompting a great deal of interest in strategies that can create partnership between juvenile justice and child welfare.

As a basis for reform within juvenile justice, each of these approaches reflects assumptions that substantially alter the “get-tough” atmosphere that has recently dominated juvenile justice. When the juvenile justice system’s public safety considerations, particularly around supervision and accountability issues, incorporate the tenets of these reform approaches and the child welfare system’s protection and dependency considerations do the same, the philosophical basis connecting the two systems can begin to merge in various ways.

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*In 32 states and the District of Columbia, young people up to age 20 can remain under the jurisdiction of juvenile justice authority; jurisdiction can extend even further in a handful of states.*

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Both juvenile justice and child welfare practices have implications for and are influenced by the gradual transition to adulthood experienced by young people who are immersed in the two systems. On the juvenile justice side, this gradual transition to adulthood is impacted in several ways. First, young people who committed a crime as a juvenile and who later reach the “age of majority” for juvenile justice purposes (in most states, 17 or 18 years old) can remain under juvenile justice authority well past the age of majority. In 32 states and the District of Columbia, young people up to age 20 can remain under the jurisdiction of juvenile justice authority; jurisdiction can extend even further in a handful of states.

Second, although some adolescents are released from juvenile justice authority before reaching the age of majority, their gradual transition to adulthood over time can be substantially impacted by what happens while in, and because of, juvenile justice sanctioning (Chung, Little, & Steinberg, 2005).

Third, in some states, juveniles below the age of majority are handled by criminal and not juvenile justice authorities. For crossover youth or teenage offenders with underlying dependency, behavioral health, or other issues, the circumstances can quickly become enormously complicated for both child and community protection. Because services in the criminal justice system are seldom developmentally appropriate for teens brought into the system, underlying issues may never be addressed. Additionally, youth transferred to criminal jurisdiction are not generally afforded the protections normally provided to juveniles, such as separation from the adult population, which raises serious safety concerns. Juvenile justice reform approaches, such as reducing the use of criminal transfer and extending protections to juveniles in the criminal system, are attempting to produce successful outcomes in both the life chances of these youngsters and their prospects for remaining crime-free.

Whether a young person is on probation, in a facility, or returning to the community from a placement, the focus of juvenile justice reform approaches includes strengthening the ability of adolescents to achieve positive outcomes related to education, employment, mental health, and substance abuse. Dependency systems that have the authority to retain youth longer than juvenile justice may be in an excellent position to continue providing youth with needed services without interruption. However, when juvenile justice youth are unable to establish eligibility for extended service provision under the dependency system, some juvenile justice professionals are developing mechanisms to provide meaningful services past the age of majority.

The possible disconnect between chronological age and adolescent developmental progress has become central in the discussion of juvenile justice reform. Developmental psychologists tend to divide adolescence into three age groupings—early, mid-, and later adolescence—during which young people develop physically, cognitively,

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emotionally, and socially (see Glick & Sturgeon, 1998). Indications are that many delinquents—with or without dependency issues—are at a developmental stage out of sync with their chronological age and that the synchronization is worse the deeper into the juvenile justice system these adolescents find themselves. Although there is debate on the extent to which so-called “arrested” adolescent development predates entry into the justice system as opposed to being a consequence of corrections, agreement is broad that “deep end” juveniles (i.e., those in commitment facilities) are among the most developmentally delayed (Chung, Little, & Steinberg, 2005).

In recognition of the multifaceted nature of the challenges confronting some juvenile offenders, juvenile justice reforms include not only a focus on the conditions of confinement and the provision of services within institutional settings, but also on assessment and screening, case planning, level of family involvement, service provision, supervision requirements, referral, and partnership. Among the barriers and challenges commonly identified in the implementation of these efforts are:

- Lack of funding and limited flexibility in the use of funds
- Eligibility criteria
- Availability of, access to, and adequacy of mental health and substance abuse treatment
- Limited to no commitment to family engagement
- Job training and placement
- Difficult relationships with the school system
- Bureaucratic turf battles
- Lack of information sharing and barriers around confidentiality
- Philosophical differences between disciplines and professions

Institutional and community correction workers in juvenile justice have also tended to place less emphasis on young people who will soon reach the age of majority.

As reform efforts within juvenile justice parallel reform efforts emerging out of child welfare, the opportunity

has come for the two systems to join forces and craft an interagency strategy that addresses well-known obstacles and barriers. Although some of these reforms are driven by class-action lawsuits that address basic protections and services, at the level of mission, purpose, and goals, the juvenile justice reforms underway in numerous jurisdictions represent an important convergence of philosophy that supports partnership between two systems that in the past have been at odds. As will be discussed, barriers are being addressed as part of joint juvenile justice and child welfare reform efforts in various jurisdictions.

## Child Welfare Reform

Federal and state efforts to strengthen child welfare systems have produced modest success. Notwithstanding grand ambitions, many child welfare systems perform poorly, are under resourced, have limited service offerings, maintain too few and untrained workers, and produce poor outcomes. Whether of their own volition or from outside pressures, many states are implementing reform initiatives. Federal legislation, state performance improvement efforts, and class-action lawsuits have served as primary reform drivers.

In 1975, the U.S. Senate Subcommittee on Children and Youth described practice changes underway at the time as “a small revolution in child welfare.” Family preservation and permanency planning became priority concerns. Systems recognized that children deserved permanent, safe, and stable families. Impermanent safekeeping was no longer deemed adequate.

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*Most states have structured their reforms around Program Improvement Plans (PIPs), developed in response to Child and Family Services Reviews, or to the compliance provisions written into settlement agreements for class-action lawsuits.*

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The small revolution in child welfare has evolved into a full-blown reform agenda. Most states have structured their reforms around Program Improvement Plans (PIPs), developed in response to Child and Family Services Reviews, or to the compliance provisions written into settlement agreements for class-action lawsuits.

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Pursuant to ASFA, as discussed above, HHS initiated a CFSR process in which review teams measure a state's performance based on prescribed outcomes and systemic factors. States then address areas of weakness in their PIPs. More importantly, a number of states are subject to federal court supervision resulting from litigation challenging operation of their public child welfare agencies. Most of these lawsuits have exit criteria based on a state's performance related to prescribed outcome and performance measures. Litigation has resulted in far more expense for compliance with judgments than have Child and Family Service Reviews, and the media and public attention garnered by these lawsuits has created enormous pressure for increased accountability and, in some cases, drastic reform measures. Unfortunately, one finds more media attention devoted to litigation and the sources of it—such as severe child abuse or death—than to CFSRs.

Although each PIP and settlement agreement has different provisions, some common areas of concentration that generally and specifically relate to transitioning youth are worth noting. These reform strategies include:

- Embracing family-centered approaches and service provision
- Promoting permanence for all children and youth, including older youth
- Requiring that out-of-home placements, when necessary, be in the least restrictive, most home-like environment, as close as possible to the home or neighborhood
- Integrating family and youth participation in decision making
- Preparing youth for adulthood and developing strategic transition plans that address education, employment, housing, and physical and mental health
- Requiring services to be culturally competent

Child welfare reform continues to evolve. Practice improvements become more widely accepted as evidence of their effectiveness grows. Unfortunately, the concerns of older and transitioning youth are still sometimes overlooked, even in reform jurisdictions. The concerns of older youth are often left out of a state's agenda

because there is no legal responsibility for them. Public agency administrators, especially in tight budget times, focus on providing services to youth that are mandated statutorily. Additionally, the media and the public are much more sympathetic to abused young children, which often leads to a focus on reform efforts around this group. Fortunately, lawmakers have sought to address the critical relationship between the success of young adults and their social well-being through legislation like the Fostering Connections Act, which provides states the option to extend service provision to age 21. Further expansion of developmentally appropriate supports and interventions and the abandonment of developmentally inappropriate interventions will produce better outcomes for youth and communities. When rich and dramatic changes are achieved in the way society and public systems perceive and interact with young people, advanced casework practices and policy improvements will naturally follow within the broader framework of reform.

## **Cross-Cutting Themes Related to Reform**

The challenges to reform that apply across substantive areas and service systems are recurring. Racial and gender equity, information management, and community partnerships are especially vexing because, notwithstanding the universal acknowledgement that these are serious challenges, corrective interventions are complex to understand and implement.

### **Racial and Gender Disparity**

Racial disproportionality and disparity exist in child welfare, juvenile justice, education, and health care systems across the country. African American children are overrepresented in the child welfare system in every state. The Indian Child Welfare Act notwithstanding, Native American/American Indian and Alaska Native children are overrepresented in many of the jurisdictions where they reside. In some states, Native American children are overrepresented at a rate of two to three times that of other populations (National Indian Child Welfare Association & Kids are Waiting, 2007).



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Research suggests that structural racism is at least a contributing factor to racial disproportionality in child welfare (Center for the Study of Social Policy, 2009). Structural racism allows public policies and institutional practices to contribute to inequitable racial outcomes (Center for the Study of Social Policy, 2009). Policies are often developed for White youth. Culturally appropriate services are either not available to or accessible by youth of color. Moreover, the conscious or unconscious cultural biases of practitioners can exacerbate an already inadequate service array.

There is broad consensus that minority youth are overrepresented at every stage of the juvenile justice system (Anchorage Disproportionate Minority Contact Initiative, 2008; Dighton, 2003). Furthermore, at each stage of juvenile justice processing, the overrepresentation widens. Systems operate locally, and solution-oriented research needs local relevance. Often communities debate about the extent to which the overrepresentation is attributable to differences in offending versus differences in how groups of young people are processed and treated.

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Over the past few decades, juvenile arrest and detention rates for girls have risen faster than those of their male counterparts. Girls are detained in out-of-home placement more often than boys for minor offenses, and many are detained after violating a valid court order not to engage in noncriminal status offense behavior, such as truancy or running away (American Bar Association & National Bar Association, 2001). Despite the growing female presence in the juvenile justice system, as well as research demonstrating that girls respond to delinquency and life trauma differently than boys, few appropriate gender-based programs exist. Additionally, girls, who still comprise a minority of all juvenile justice cases in most jurisdictions, have restricted access to programs and services otherwise available to boys (Krisberg, 2005).

Girls are no more likely to enter foster care than boys. Once in foster care, however, girls are at heightened risk of pregnancy compared to their non-foster care peers. Foster youth are more likely than their peers to become pregnant as teenagers. The National Casey Alumni Study, which surveyed foster care alumni from 23 communities across the United States, found that the birthrate for girls in foster care was more than double the rate of their peers outside the foster care system (Casey Family Programs, 2005). A University of Chicago study of youth transitioning out of foster care in Illinois, Iowa, and Wisconsin found that nearly half of the females had been pregnant by age 19 (Courtney, Terao, & Bost, 2004). The Utah Department of Human Services found that girls who had left the foster care system between 1999 and 2004 had a birthrate nearly three times the rate for girls in the general population (Hoffman, 2006).

While the body of research continues to grow, there is a sense of urgency to better understand race and gender issues and the impact they have for crossover and dual-jurisdiction youth. Herz and Ryan (2008) found that disproportionality increased for both African American and female youth who moved from the child welfare to the juvenile justice system in Los Angeles. In a recent report, Chapin Hall Center for Children identified five common intervention strategies to reduce racial and ethnic disproportionality across the child welfare and juvenile justice systems: (1) increasing transparency, (2) reengineering structures and procedures, (3) changing organizational culture, (4) mobilizing political leadership, and (5) partnering in developing community and family resources (Chapin Hall Center for Children, 2009). Several of these strategies are explored below. However, to better understand how to increase our effectiveness in improving outcomes for these youth and for the health and safety of our communities, additional research needs to examine the experiences of these youth and the way each system responds, both individually and collaboratively.

## **Data-Driven Measures of Performance and Outcomes**

Recent reform efforts in child welfare and juvenile justice have begun to use system performance accountability measures and youth outcome measures to increase

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transparency, track progress, and make corrective adjustments. However, limited access to good data has hampered analysis of the efficacy of system performance. In the absence of data, policy and practice are driven by singular anecdotes and stale assumptions. Policymaking by anecdote haphazardly attaches fiscal resources and problem-solving efforts to the issue of the day, rather than applying resources strategically. Using data to make effective decisions is dependent on measuring the right things and having high-quality data. Both child welfare and juvenile justice systems are improving on both fronts.

Data shortcomings create challenges in establishing good baselines, especially when tracking the progress of youth in transition and crossover youth. If child welfare and juvenile justice use separate data management systems, then youth in transition and crossover youth are more likely to have only partial information in each data system. A lack of data sharing can result in suboptimal service assignment in both the juvenile justice and child welfare contexts, as well as conflicting or overlapping case plans for dually involved youth. Confidentiality concerns, quality assurance, and operational challenges have dissuaded some jurisdictions from consolidating databases. The sheer complexity and expense of data systems make compliance with federal data-reporting standards difficult even within agencies. For example, only six of the twenty-seven states that have received over a decade of federal funding to implement Statewide Automated Child Welfare Information Systems are in compliance with the federal rules governing data collection and management. These deficiencies within systems, as well as the substantial costs of modernization and compliance, further complicate efforts to share data in crossover, let alone dual-jurisdiction cases.

## Community-Based Reform

Effective systems have the participation and support of local communities. Both the juvenile justice and child welfare systems can benefit from having seamless

channels of communication and engagement with local residents, law enforcement agencies, and community service providers. Jurisdictions use different techniques to engage and collaborate with communities on justice and child welfare issues. Justice advocates argue that it is local people at the neighborhood level who have the primary incentive and responsibility to solve their crime and punishment problems (Hayes, 2004). In child welfare, the Family to Family (Annie E. Casey Foundation) model for redesigning child welfare systems promotes a network of care that is neighborhood-based, culturally sensitive, and located where the children and youth in need live. Some agencies rely on community advisory boards to shape policy, practice, and resource development. Integrated boards that address both juvenile justice and child welfare systems are better positioned to develop and marshal local resources more effectively. Both systems must communicate a consistent message of engagement to have credibility with local communities.

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*Community partners in system reform are also important recruiters of resources and opportunities for young people in care.*

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Community partners in system reform are also important recruiters of resources and opportunities for young people in care. Young people need opportunities to make connections in the community. Transition-age youth exhibit better outcomes when they are able to sustain community connections throughout early adulthood, especially when the individuals providing these connections are in a position to support the youth in finding employment, health care, and other necessary resources. Achieving improved outcomes requires community partnerships that develop a range of opportunities for exposure to adults. It is not possible to predict which relationships might develop into mentoring relationships, friendships, and other forms of adult guidance for young people transitioning to adulthood.

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# Agency Culture and Collaboration

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*Even in cases where child welfare and juvenile justice professionals agree on the child development foundations that should drive their work, disparate legal structures and workplace cultures may stymie even the most well-intentioned collaborative agreements.*

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Even in cases where child welfare and juvenile justice professionals agree on the child development foundations that should drive their work, disparate legal structures and workplace cultures may stymie even the most well-intentioned collaborative arrangements. States differ considerably in how they structure their juvenile justice and child welfare systems. In some states, juvenile justice and child welfare operations are under one umbrella agency, while in other states, they are bifurcated. Juvenile justice might be part of the adult criminal justice agency or a separate department. Directors of public child welfare and juvenile justice agencies may be at the cabinet level or in positions of less authority within broader divisions of government. Agency decisions or administrative reporting might also take place at an even higher level of state government, enabling the legislature to dictate policy and practice within and across the two systems. Maximum ages of jurisdiction may differ across agencies, which might make collaboration especially difficult for transition-age dual-jurisdiction youth. In states that allow or encourage transfer of older delinquents to criminal court, cross-agency mechanisms may not be in place to encourage collaborative service provision for an incarcerated youth with a history of neglect or abuse. How these systems are structured can impact the ease or difficulty with which collaboration occurs. Although sharing data, cooperating in assessment and case management, and deploying funding to enhance service provision for crossover, dual-jurisdiction, and transition-age youth may be easier when juvenile justice and child welfare agencies are joined, opportunities to leverage impact and influence are not dependent upon the agencies being under one agency umbrella.

Some government officials and legislators assume that the cultural differences rooted in organizational thinking necessarily prevent child welfare and juvenile justice officials and staff from working with each other and with other stakeholders to improve performance and outcomes. An organization's culture is comprised of the shared assumptions, beliefs, and normative behaviors of the group. Leadership styles and group dynamics within the organization are shaped by the culture, and conversely, the culture is shaped by leadership styles and group dynamics. The culture affects the thoughts and actions of group members and the quality of work life. As juvenile justice and child welfare officials and staff work together to shape policy and coordinate cross-system performance for youth served in multiple systems, officials must be sensitive to divergent organizational cultures and take steps through cross-training and information sharing to clearly communicate organizational assumptions, beliefs, and normative behaviors.

Moreover, juvenile justice and child welfare work is emotionally charged and subject to intense public scrutiny. As a result, both these agencies are subject to second-guessing by the media, child advocates, and oversight bodies. It is easy to become defensive, to hear even constructive criticism and essential community input as blaming language. This defensiveness goes beyond mere sensitivity; the stakes can be high, and professional self-preservation can undermine a pragmatic, collaborative approach to problem solving. The virulent and often personal nature of attacks from the media and the legislature, in many instances, poses a threat to professionals' jobs and careers. Evasiveness and defensiveness can easily become part of agency culture unless intentional and affirmative actions and mechanisms are in place to encourage an open, transparent, and solution-focused organization. However, even the best-intentioned collaborative efforts may be stymied by large differentials in pay scales and benefits among agency personnel. These differences are real and should be addressed up front before professionals can be expected

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to collaborate effectively, especially when addressing shortcomings likely to attract public scrutiny.

Organizational defensiveness is especially problematic in the case of crossover youth, and public scrutiny and political pressure can be especially intense when dealing with older dual-system adolescents. For example, communities become indignant when a youth close to the age of majority commits a serious criminal act after being treated “leniently” with service provision, and often cite the youth’s acts as a failure of the agencies involved. In blaming cultures, rather than solution-focused cultures, an inordinate amount of energy is dedicated to shifting responsibility and accountability from one agency or division to another. A commitment to modeling open communication and team-oriented practices can help transform a blaming culture into a problem-solving culture. Individuals are more likely to embrace responsibility and accountability in a problem-solving culture because role assignment and actions are assumed for the purpose of furthering agency goals.

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When juvenile justice and child welfare are bifurcated, collaboration and systemic change can be more challenging because no single individual or organization is authorized to ensure interagency coordination. Organizational cultures may clash, and the agencies may have different practice models and theories of change. These tensions are especially true concerning transition-age youth. Child welfare professionals may focus on permanency and social networks; juvenile justice agencies may approach transition from an individualistic,

employment-focused standpoint; and politicians and the community may be most concerned about public safety. Without familiarity with the underlying knowledge that drives decision making, members of any collaborative partnership will worry that the other parties’ approaches may undercut their own. Trust needs to be established so that governmental partners and community stakeholders will not question each other’s motives.

Agency reform is frequently subject to criticism based on unsustainable “project-based” reform. Social workers, probation officers, and other professionals from both systems may do their best to implement the reform vision that agency and political leaders proffer. But when project funding runs out or agency or political leadership changes hands, the mandate for reform may shift or the best practices implemented during a pilot project may be abandoned. In order for reform initiatives to move agency culture toward collaboration, new practices must first become habit. Then, habit can become tradition, tradition can become culture, and better outcomes for the populations served can be achieved. Only by changing the habits of frontline workers can we hope to implement sustainable reforms that transcend the cultural divide between juvenile justice and child welfare.

Agencies must collaborate with multiple stakeholders to overcome the barriers and resistance to changing approaches and practices. The collective investment created by cross-system and cross-community collaboration provides the leverage necessary to combat stasis, ensure movement, and encourage innovation. As noted above, jurisdictions use different techniques to collaborate with communities. Whichever approach is used, however, consistent dual-system community engagement has the potential to be enormously beneficial for youth leaving both systems. Community service providers will be familiar with their needs and prepared to assist agencies in promoting their successful social integration.

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# Managing Multiple Systems Involvement

The ambivalence, if not reluctance, of some in child welfare and juvenile justice to wholeheartedly support dual jurisdiction is often driven, at least in part, by the belief that when there are very serious behavioral problems and community safety is in jeopardy, juvenile justice should assume responsibility and have funding (Halemba & Lord, 2005). This belief tends to turn on the issue of whether the youth is primarily delinquent or primarily a victim of abuse or neglect. Although funding considerations loom large, they are not the only concern, which is underscored by the debate over goals and mission (i.e., punishment versus protection) discussed earlier. For crossover youth poised to age out of these systems, the need for efficient coordination of effective, individualized service provision is especially crucial. Many crossover youth present issues best addressed by both agencies. Because these issues are likely to extend into adulthood, youth must be prepared to independently garner the resources necessary to address them once child welfare and juvenile justice jurisdiction ends.

In terms of the distinction between delinquency and dependency, some argue that the very definition of “crossover” is justification enough for the need to have some form of dual jurisdiction. However, although dual jurisdiction is permitted in every state but one, the number of crossover youth across the nation is unknown. Many states do not know the number of crossover youth in their jurisdictions. In recent years several efforts have been made to learn more about the extent of the crossover population and dual-jurisdiction practices in particular states. This information is essential, as is an understanding of exactly how eligibility for dual jurisdiction is determined. Because of the delinquency versus dependency question and its implications for the volume of cases, costs, and goals, it is critical to know how many crossover youth pose a potential public safety threat (i.e., risk to reoffend) and, therefore, exhibit what is regarded as being high level on “criminogenic need,” also known as dynamic risk factors. High-risk crossover youth may be more in need of dual-jurisdiction expertise, specialized

service delivery, and intensive supervision. High-need but low-risk crossover youth, where the potential public safety threat is low, represent a very different group, which may require an entirely different intervention that would benefit more from child welfare jurisdiction alone.

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*Determining which skills transition-age youth must develop—and which needs necessitate continued service provision once the youth ages out—is critical in ensuring adulthood success.*

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The assessment of risk, need, and resiliency has increasingly dominated reform efforts in juvenile justice, with fundamental implications for determining level and type of supervision, level of restrictiveness, security and structure, and nature of services provided. Determining which skills transition-age youth must develop—and which needs necessitate continued service provision once the youth ages out—is critical in ensuring adulthood success. Screening and assessment is essential in juvenile justice because it is the entry point for case planning, service provision, supervision, behavior management, and collaboration. None of these components is any less important in child welfare. In fact, these components have been identified as among the major areas in which child welfare and juvenile justice need to coordinate their efforts in handling crossover youth (Siegel & Lord, 2004).

## Overarching Case Management

Overarching case management is a key element in the juvenile justice reform approach to transition, reentry, and community aftercare. OCM was originally associated with the Intensive Aftercare Program, but is now being implemented more broadly for a wide variety of juvenile offenders placed in an out-of-home setting (Altschuler & Armstrong, 1994a, 1994b). It bears a striking resemblance to the categorization used by Siegel and Lord (2004) to identify court practices relevant to handling



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crossover youth and by Halemba and Lord (2005) in their examination of how crossover youth are handled in four Ohio counties.

As OCM reforms begin to take hold, they can potentially serve as a springboard to further advance and support adoption of the policies and practices described by Siegel and Lord (2004) and Halemba and Lord (2005). OCM in juvenile justice refers to the process used to identify the appropriate offenders who will receive supervision and services, to determine and integrate the supervision and services that will be provided, and to promote consistency and continuity through collaboration (Altschuler & Armstrong, 2001). The components of OCM include: (1) risk assessment and classification for establishing eligibility; (2) a consolidated case plan that incorporates a family and social network perspective; (3) a mix of supervision and service delivery focused on risk and protective factors; (4) a blend of graduated incentives and consequences (i.e., graduated responses) coupled with the imposition of realistic, individualized, and enforceable conditions; and (5) service brokerage with community resources and linkage to noncorrectional youth-serving agencies and groups.

When a youth enters either the juvenile justice or child welfare system as a teenager, the assessment must consider whether he or she is developmentally delayed in any of the areas identified as critical for a successful transition to adulthood. These considerations are not limited to older teenagers; brain development research indicates that youth must begin developing the skills necessary for successful adulthood at age 14 (Wald & Martinez, 2003). These needs and strengths assessments, described in more detail below, focus on the skill indices deemed critical for adulthood success, such as education and interpersonal relationship skills, and should be emphasized when assessing youth age 14 and older. Coordinated service provision must focus on areas of physical, social, emotional, and cognitive developmental delay to bring these indices of development in line with the youth's chronological age before he or she reaches the age of majority.

The fifth OCM component—service brokerage and linkage—is also important when dealing with older youth who may need services beyond the age of jurisdiction

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*Risk assessments that identify chronic mental, physical, or behavioral health needs are essential, as are linkages to organizations that may assist youth upon aging out.*

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of youth-serving agencies. Creating relationships with community-based and other service providers may help promote seamless service provision for youth transitioning into adulthood. Community-based youth-serving organizations and groups may not have the same jurisdictional constraints as public agencies, allowing them to extend service provision beyond the age of majority by using Medicaid or other available funding. Child welfare, juvenile justice, and community-based professionals can work together to help those aging out access benefits for which they may be eligible in a manner that ensures uninterrupted treatment of needs that agency professionals identify. Given the high rates of homelessness, recidivism, and unemployment in this population upon termination of juvenile justice and child welfare service provision, continuity of treatment has the potential to vastly improve outcomes. Risk assessments that identify chronic mental, physical, or behavioral health needs are essential, as are linkages to organizations that may assist youth upon aging out.

The screening and assessment function, as described by Siegel and Lord (2004), closely parallels OCM's focus on assessment and classification related to risk, needs, and resiliency. The selection of appropriate and validated instruments, along with a thorough social history and background check on current and prior involvement with other agencies and systems, is critically important. Difficulties in sharing information due to confidentiality issues, inadequate or incompatible recordkeeping and databases, contradictory assessment findings, and staff resistance require close examination to identify the source of the difficulties and options for resolution (see, for example, Halemba & Lord, 2005; Halemba et al., 2004; Herz & Ryan, 2008).

In a recent survey of states (Petro, 2007), 88 percent reported having a collaborative initiative between child welfare and juvenile justice that focused on assessment. Although this finding is encouraging, less so was the lack of reported collaborative efforts devoted to case

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assignment (16 percent) and case flow management (19 percent). Case assignment refers to how courts assign cases to judges, probation officers, and attorneys; case flow management concerns the frequency and nature of court proceedings. In OCM, case assignment and case flow management are closely intertwined with assessment and classification, recognizing that assessment should set the course of action that follows. Crossover youth constitute a special and unique population, not unlike other special populations (e.g., drug court cases), for which case assignment and case flow management may differ from that for other populations. Transition-age crossover youth present unique concerns as well, as professionals must gauge which life skills require special attention for development and assign the case accordingly.

The case planning and supervision functions discussed by Siegel and Lord most closely approximate the OCM components focused on case planning, the mix of supervision and service delivery, and the use of graduated incentives and consequences. The juvenile justice reforms described earlier are concerned to varying degrees with these three OCM components in large part because research and accumulating evidence emphasize their importance. Child protection and safety considerations that undergird child welfare goals are compatible with juvenile justice reform efforts that subsume these components as well.

When Siegel and Lord (2004) refer to interagency collaboration, they have in mind agreements and understandings that bring together in various ways the courts, probation, and child welfare. Interagency collaboration includes: (1) shared or handing-off of authority over crossover youth; (2) ways assessment and case planning can be accomplished by the involved agencies; (3) clarity on which agency will be responsible for services, supervision, and funding; and (4) expectations on information sharing and safeguards. OCM covers these areas as well in its emphasis on service brokerage and agency linkage.

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*Particular sensitivity is given to how misbehavior and noncompliance with rules are handled since child welfare and juvenile justice can have strikingly different attitudes and responses.*

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Particular sensitivity is given to how misbehavior and noncompliance with rules are handled since child welfare and juvenile justice can have strikingly different attitudes and responses. In a dual-jurisdiction arrangement, when community protection is a preeminent concern (such as when the crossover youth is identified as at high risk for reoffending), juvenile justice workers may regard a youth's misbehavior and noncompliance as a sign that public safety is in jeopardy, which can warrant a more restrictive and punitive response such as revocation. In such situations, while revocation may be an option, reformers widely acknowledge that other sanctions short of revocation should be used first. The use of revocation as a last resort can best be clarified in guidelines and standard operating procedures that are agreeable to all parties. It is at this point that a formal, graduated response system and disciplinary policy become paramount. Crossover youth who are at low risk of reoffending may need little to no involvement of juvenile justice, whereas those who are at high risk may be better suited for dual jurisdiction. When crossover youth who are at high risk for reoffending misbehave or are noncompliant, the response should take into account the likelihood of subsequent criminality. A youth's noncompliance with rules can sometimes pose no threat to public safety, and the appropriate graduated consequence is best modulated.

## **Lessons from Juvenile Justice Assessment**

Concerns about and measurements of risk, needs, and resiliency permeate the major strategies for reforming juvenile justice. Characteristics that increase the chances of reoffending are called risk factors and can be static or dynamic. Static factors are not subject to change and include characteristics such as age at first arrest, number of prior arrests, and a history of family members in prison. Dynamic risk factors, also known as criminogenic needs, are associated with the likelihood to reoffend and are potentially subject to change. Dynamic risk factors commonly include family dysfunction, negative peer group influences, disciplinary problems in school, substance abuse, antisocial beliefs and attitudes, and poor critical thinking skills. Youngsters who exhibit a combination of more than one or two criminogenic needs as well as static factors are deemed more at risk for reoffending.

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Although noncriminogenic or generalized needs may be important to address, they have not been found to be strong, direct correlates of delinquency. A very depressed or even suicidal individual, for example, may not be likely to reoffend but would nevertheless be clearly in need of attention and help. Protective factors act as a buffer that can reduce the likelihood of reoffending. For older youth, employment and the presence of a stable, long-term, pro-social intimate partner can be protective and add resiliency.

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*Child safety and well-being, rather than community protection and punishment, are child welfare's chief concerns.*

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Child welfare, by its nature, is focused on the needs and strengths relevant to child safety, permanence, and well-being. Child safety and well-being, rather than community protection and punishment, are child welfare's chief concerns. For this reason, lower risk but high-need crossover youth may fit more comfortably within the child welfare arena. It is also why high-risk crossover youth with accompanying high criminogenic needs can potentially benefit from child welfare partnering with juvenile justice. What is critical is tackling the high needs, both criminogenic and general, that youth who are both delinquent and dependent exhibit. Addressing criminogenic needs can lead potentially to both lower recidivism and improved functioning. The child welfare focus on permanency is consistent with the juvenile justice system's goal of facilitating stability in interpersonal relationships.

Crossover youth can be lower risk but high need, or conversely higher risk and therefore also high on criminogenic need. The common thread of meeting needs and building resiliency is behind the call for active collaboration between child welfare and juvenile justice. Collaborating on the assessment of risk, needs, and strengths among crossover youth, with a focus on preparation for adulthood for youth age 14 and older, is a natural starting point. The assessment can be used to determine the division of labor between the two systems, including the extent and nature of the necessary supervision and service delivery, all of which feeds into the intervention plan.

One recent example of how this process can work is illustrative. Herz et al. (2009) analyzed data from a sample of first-time offenders (n=226) who were jointly assessed during 2004 by Probation and the Department of Children and Family Services in Los Angeles County. Risk levels were determined by applying the Los Angeles Risk and Resiliency Checkup instrument (Yoo & Sosna, 2007; Sosna & Yoo, 2007). The analysis found that the majority of crossover youth were low risk (116, or 51 percent), with 41 percent (93 youth) at moderate risk and 8 percent (17 youth) at high risk. The actual recidivism rate for low-risk youth was 16 percent, followed by 30 percent for moderate-risk and 41 percent for high-risk youth. The moderate-risk group was nearly twice as likely to recidivate as lower risk youth, and high-risk youth were about two-and-a-half times more likely to recidivate as the low-risk group. These data indicate that high-risk youth are the least prevalent among first-time offenders and that less than half of even the youth classified as high risk ended up actually reoffending during the follow-up period.

Interestingly, the percentage of violent offenders (such as those committing offenses that involved threat of or actual harm) versus nonviolent offenders did not differ for any of the three risk groupings. Stated differently, the high-risk crossover youth were just as likely to have committed a violent offense as a nonviolent one. Additionally, despite the differences in terms of risk, a substantial portion of the youth exhibited unstable family situations (85 percent), followed by delinquent orientation (34 percent), social isolation (29 percent), and academic disengagement (29 percent). Over three-fourths of the youth had problems with mental health, substance abuse, or both. Generally, the need for intervention rose with risk level, though the need for family intervention was similar for all three risk groupings.

The study's findings identify several areas for collaboration specific to transition-age youth. The vast majority of youth coming from unstable family situations, as well as those exhibiting social isolation, would benefit from child welfare interventions focused on permanency. The finding that over three-fourths of youth exhibit mental health and/or substance abuse problems suggests that many youth may require seamless service provision beyond the age of majority. Academic disengagement may be the most difficult challenge to address, as few agency partnerships



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with local school systems exist. Although the Fostering Connections Act places mandates on child welfare agencies to achieve educational continuity and stability, the fact that these mandates are not extended to the schools themselves makes collaboration challenging. In some states, efforts to approve statutes that include education agencies in their mandates have prompted fierce opposition from schools, mostly based on financial considerations. In other states, lawmakers have placed collaboration mandates on child welfare agencies and education systems. Although partnering with schools is not easy, attempts to do so are critical to ensuring the future success of the youth these agencies serve. Creating partnerships with community colleges and vocational training institutions may be especially beneficial for older youth.

## Lessons from Child Welfare Assessment

Assessment decisions are made for different purposes. It is important to be precise about the context and purpose of the assessment decisions made at various points in a case. Child welfare agencies must make strategic assessments and decisions about immediate safety, long-term risks, strengths and needs, service standards, placement, and legal permanence. Because the assessment process is dynamic and ongoing, it makes sense to integrate and streamline information gathering. When integrating these processes, however, the danger is that misleading information might be introduced or that information might be used in inappropriate ways, and decisions that are unnecessarily restrictive could be made. If safety and risk issues are co-mingled, for example, a youth may be unnecessarily removed (a safety intervention) from his or her family for reasons that are relevant to risk, but not safety. If the agency is assessing risk, the decisions should focus on whether the risk can be managed within the home by deploying appropriate protective services and supports. To illustrate, specific assessment applications within the context of child welfare case management are described below.

*Safety assessments* occur at first contact with a family after a maltreatment referral has been made. This assessment addresses current family circumstances

and documents any issues that put a child or youth at immediate threat of harm. Workers may develop a safety plan to mobilize resources or change family circumstances that compromise safety to allow the child or youth to remain at home. A child or youth must be removed if safety cannot be maintained in the home.

While the assessment of safety is immediate, the assessment of risk is prospective. *Risk assessments* identify potentially harmful conditions that exist and protective factors that are in place. The assessment also guides decisions about strategies that could be put in place to minimize and manage the risk factors while permanency planning and implementation efforts occur. One goal of the risk assessment process is to deploy appropriate services to keep families intact, when possible, and to create conditions in the home to keep young people safe while living with their parents or relatives.

The *strengths and needs assessment* considers whether young people are able to build and preserve positive, enduring relationships and make successful transitions to adulthood. The systematic identification of strengths and needs of the youth and his or her family should capture the underlying needs and not merely the behavioral symptoms. The underlying needs are the conditions that are the source of the behavioral expressions of the problems. A mother who is self-medicating with drugs and neglecting her children, for example, is exhibiting the behavioral expressions of underlying needs. The underlying need might be for community support and nurturance to address her overwhelming sense of inadequacy or for treatment of chronic depression or drug addiction. If the underlying conditions producing the behaviors are not addressed, the behavioral symptoms will likely be suppressed only to reappear, often in a more serious manner. Likewise, when the underlying needs of young people are addressed, supports can be put in place to make placements that are appropriate for the youth and that reduce the likelihood of disruptions and runaway episodes.

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*The child's and the family's identified strengths play an essential role in determining what culturally relevant interventions might be successful.*

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The child's and the family's identified strengths play an essential role in determining what culturally relevant interventions might be successful. The family strengths, along with the behavioral symptoms related to the maltreatment and family deficiencies, are assessed in a balanced manner and used to develop plans that protect the child or youth and empower the family. Although accurate identification of risk factors (destructive behaviors and dynamics) is essential, risk identification should also help children and families transfer strengths from a functioning area of their life to overcome problematic areas. A strength-based intervention with a self-medicating mother might build on her positive connections with a church community (a strength) to construct her support team. The plan for permanence might enlist church members to help monitor and mentor the parent and take steps to satisfy the mother's underlying need for nurturance and community support.

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*Encouraging an older youth's inclusion in community social organizations or helping the youth foster sustainable connections to mentors and other adults may help the transition to adulthood.*

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When the strengths of youth close to the age of majority are assessed, their need for sustained community support must also be considered, especially in situations where family members are burdened with issues that might prevent them from acting as the youth's primary support system. Encouraging an older youth's inclusion in community social organizations or helping the youth foster sustainable connections to mentors and other adults may help the transition to adulthood. The use of strengths is based on the premise that the best way to aid, protect, and nurture youth and families over time is to strengthen and support families within their own homes, communities, and cultures. The assessment of strengths and needs should be rationally related to the supports, services, and interventions that public child welfare and juvenile justice systems provide or support.

A good assessment is evidenced by substance and process. No single form, tool, event, or chronological benchmark can define the assessment process.

Assessment tools help identify child and family issues that need attention and concomitantly, the current strengths, functioning levels, and needs for the purposes of planning and decision making. To assess the level of clinical care requirements, some states employ standardized, objectively scored assessment tools to evaluate the child's service needs; some rely upon the judgments of individual case workers; some use independent experts; and others assess family functioning more holistically through family conferencing, infusing multidisciplinary and cross-system input as needed.

Best practices for assessment call for the engagement of the child or youth, family, and others as partners in a team process to gather information, plan, and make decisions. The assessment process should integrate the family support team to gather and analyze information from all possible sources, including the child, family, foster parents, the family's natural helping system, key professional stakeholders, and service providers. Once identified, the service providers or other individuals most likely to comprise a youth's primary support system after aging out also should be engaged. The elements of safety, stability, permanence, family connections, emotional and behavioral well-being, physical and mental health, education, and parent and caregiver supports should be analyzed holistically, within a cultural context. The multifaceted, dynamic nature of the assessment process must allow for appropriate adjustments as assessment information changes.

Some clinical issues identified in the assessment may require a higher degree of clinical proficiency than is typically found among caseworkers. In those instances, it is important to include the point of view of a qualified clinician in decision making. A properly constructed team can routinely assess strengths and needs on many matters of concern, with specialized clinical input on particular issues, as needed. The assessment of strengths and needs should address the following areas:

- Family and kin/fictive kin relationships
- Family housing and finances
- Emotional behavior and coping skills
- Medical and physical issues

- Substance use
- Sexual adjustment and/or victimization
- Education and early intervention
- Child development and life skills
- Employment and vocational skills (for older youth)
- Cultural and community identity
- Peer and adult social relationships (nonfamily)
- Independent living services and needs

The assessment process identifies and organizes information that is built into permanency plans. The plans are evaluated and adjusted as necessary, based on the continuing evolution of the family's and youth's needs, strengths, and resources. The dynamic nature of the assessment process means that emerging problems can be identified in a timely way and prompt corrective actions taken to improve the case trajectory and the likelihood of achieving permanence, well-being, and adulthood success for the youth.

## Using Clinical Assessments to Match Services with Needs

Two key issues related to assessments and evolving casework practice have challenged some practitioners: (1) whether it is possible to engage and partner with youth and families throughout the assessment process while at the same time identifying and responsibly intervening to address serious clinical issues, and (2) whether it is possible to design an assessment process that makes findings and service decisions specific to the individual youth and family rather than assumptions and service offerings driven by the financial reimbursement system. The manner in which these two issues are addressed can determine whether older youth benefit from the services provided and transition into adulthood successfully.

### Clinical Assessments

The emphasis on conferencing and teaming does not diminish the importance of clinical assessments and

clinical input. Good clinical practice is consistent with giving great weight to the opinions and contextual understandings of families in terms of particular case-related decisions and courses of action. The clinical needs assessment should accurately reflect the clinical needs of a youth and family within a family-centered context. For older youth, the family and youth needs likely to be present beyond the youth's age of majority should also be identified. Good clinical practice also takes advantage of natural support systems both to implement and monitor progress toward the goals of permanence, safety, and well-being. The clinical treatment plan should therefore address how direct clinical services to the youth will be supported by other formal and informal supports provided to the child and family. It also should address whether seamless service provision beyond the age of majority is required in a particular case.

The clinical assessment and identification of needs sometimes gets intertwined with and influenced by the reimbursement system used to pay clinical and other service providers. These issues may be exacerbated when youth age out and service and funding eligibility shift. Although these issues will necessarily be closely related, it is important not to confuse needs with services. A substance abusing parent, for example, needs a degree of sobriety to adequately parent, but the parent does not necessarily need to complete a particular substance abuse treatment program before being able to adequately parent. The endangering behaviors associated with the parent's chemical impairment might be safely managed by other means even if the parent does not successfully complete the program and only attains intermittent sobriety. An older youth may successfully complete a mental health/substance abuse program but still need continuing mental health/substance abuse services after the jurisdiction of the child welfare and juvenile justice systems ends. Similarly, permanence schedules and reunification decisions should not be predetermined by a youth's performance on a particular behavior management plan or successful discharge from a treatment program.

### Matching Services with Needs

Whatever model of assessment that a service system adopts, proper incentives should be in place for the

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service provider to work holistically with the child, family, and network of formal and informal supports to move the child to timely permanence.

As suggested above, many systems use a level-of-care system to define the intensity of services that the system will provide to address a youth's needs. In child welfare, the level-of-care system establishes a daily reimbursement rate for foster care that has major fiscal implications for the public agency and private providers. Economy of scale advantages lead systems to develop some type of service classification system. The level-of-care system predicts the type of placement, intensity, duration, and long-term cost of services that will meet the needs of the child and family. These predictions drive reimbursement, but they should not determine the permanency outcome. The clinical assessment should reinforce the connection of services to need rather than determine the placement location or permanency goal and schedule.

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# Fundamentals of Policy and Practice

## Perceptions and Stereotypes Affecting Policy and Practice

Societal perceptions of teenagers and young adults are deficit-based, at least in part because teenagers flaunt their deficits and mask their strengths. Parents and caretakers are all too aware of the erratic judgment and lack of impulse control that guide and affect the actions of teenagers. Exasperated parents and caretakers often experience “teenager fatigue.” The mutuality of interests that commonly exists between parents and young children may be replaced by conflicts of interests between parents and teenagers. When unique circumstances in Nebraska permitted parents to legally abandon their teenage children, several desperate parents handed over their contumacious teenagers to the child welfare agency without explanation or attempted intervention. A temporary oversight in the safe haven law failed to set age limits on its use. Of the several dozen children dropped off, most were adolescent and older teenage youth, many from other regions of the country.

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Juvenile justice and child welfare practitioners—like all individuals—act on perceptions, assumptions, and stereotypes about young people that influence casework practices and outcomes. Casework practices and results reflect the challenges of working with teenagers. The total number of children in foster care is decreasing, yet older youth too frequently languish in care and exit without lasting connections or networks of support. In the child welfare system, older youth are least likely to be adopted or find permanent homes (Casey Family Programs, 2008). Many states prioritize permanent placements for younger children because they believe that younger children are more adoptable and that fewer obstacles will be encountered

in the path to permanency. Too many older youth in care spend years moving among temporary placements and then age out of foster care without a permanent family. Many states place older children in congregate care settings. These settings often hinder the maintenance of family ties and the development of relationships with members of the community. Youth in congregate care settings have fewer opportunities to reunify with families, become adopted, or develop adult mentors.

One underlying reason for many of the poor outcomes that older youth experience is that child welfare systems are based on early childhood development theories without consideration of adolescent development principles. Instead, child welfare systems need to view young people through a positive youth development lens and tap into the potential of youth in the decision-making process. Systems need to make case-specific, individualized decisions that build on youth and family strengths. Child welfare practices must be able to blend youth development, permanency work, and the provision of independent living services. The integration of permanency work and preparation for adulthood will reshape obsolete casework practices instituted when *independent living* was a legally recognized permanency goal and youth were assigned to an independent living program. Unfortunately, the assignment of an independent living goal often served as a predetermining label that meant the youth was unlikely to be adopted or be reunified with family. It also meant that casework resources would be reallocated to other children who remained on a permanency track. The casework on behalf of independent living youth was limited by a short-term view that terminated upon the youth’s eighteenth birthday. The critical role of permanency for all youth in care, not just the young ones, is discussed below.

Some juvenile justice systems are moving away from deficit-based models and are incorporating strength-based, positive youth development perspectives into the design of independent living services. This perspective focuses on what is right and functional with a youth rather

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than what is wrong. Independent living services need to be integrated into a comprehensive service plan for these youth, one that supports their permanency and well-being in the most normalized setting possible without subjecting the community to undue risk. This will promote benefits that can be transferred to community and family settings.

## The Primacy of Permanence

Permanency planning became the practice guidepost in 1980, when Congress explicitly recognized the primacy of family connections, a primacy reinforced by subsequent federal laws. Although strenuous efforts are made to reunite children with their families, seek relatives for young children, and pursue adoption for them, the effort has been lackluster for older youth and nonexistent for youth after they turn 18. Yet, the need for family supports is no less important for teenagers, a fact verified in nearly any conversation with youth either currently or formerly in foster care.

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*Decades of research...point to one incontrovertible fact: there is no substitute for a family in the preparation of children and youth for adulthood, including through extended adolescence.*

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Decades of research—not to mention cultural history and experience—point to one incontrovertible fact: *there is no substitute for a family in the preparation of children and youth for adulthood, including through extended adolescence.* Inherent in that statement is the value of consistency and stability that a family provides, in a relationship that has no expiration date, a permanent relationship.

Families provide youth with the lessons, supports, role models, and exposure to life skills needed to make a successful transition to adulthood. Families may not all look alike or conform to the mother-father-in-the-home ideal. They do, however, have at least one thing in common: “they do not have an expiration date,” as put by one youth formerly in foster care who contrasted them to the relationships with professionals in his life, all of whom were paid to be there (a fact not overlooked by youth in foster care).

Many studies have pointed to the ongoing financial support parents provide for their children, long after age 18—the age that public systems define as adulthood—with estimates of an average of \$2,200 annually in one report (Schoeni & Ross, 2004). News accounts over the past several years have suggested an even longer period of extended support—into the 30s in many cases (Children’s Mutual & Social Support Research Centre, 2009). For youth in or leaving foster care, the lack of financial support is only the most obvious deficit. Lack of a family often means lack of a place to live as well, or at least residential instability. Hence, homelessness among former foster youth is all too common.

Data from the Jim Casey Youth Opportunities Initiative Opportunity Passport™ Participant Survey reveal the important association between a permanent relationship and residential stability. The survey of participants in the initiative’s ten demonstration projects indicates that youth no longer in foster care report safe, stable, and affordable housing at a much higher rate if they also report that they have a permanent relationship (72 percent versus 46 percent). Respondents with permanent relationships were also more likely to report that they had enough people in their lives they could count on. The association with reported permanent relationships extended to other outcomes as well, albeit to a smaller extent: participants had slightly higher rates of finishing high school or getting a GED and were more likely to have access to health insurance. Most respondents without a permanent relationship reported that they did not have enough people in their lives to count on. Those low numbers declined further as the youth aged, a sign of increasing disconnectedness.

More important than financial support is the emotional support families provide. In both the reports and recommendations from the initiative’s youth boards and Gina Samuels’ study of relational permanence, a consistent theme emerges that young people seek the emotional supports families provide (Samuels, 2008). Young people earnestly make every effort to reconnect to families and to form family-like connections with peers and adults. Sibling relationships in particular emerge as very important to young people with foster care experience, and these youth have often led the crusades for sibling visitation rights in Maine and Iowa, to mention



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two examples (Finkel, 2007; Maine Department of Health and Human Services, 2008).

One of the primary duties of a family is to ensure the education of their children. Education and training through postsecondary levels is a critical requirement for successful transition to adulthood. But a corollary of removal from one's family is almost always removal from school as well, often followed by multiple placements and multiple changes of school. Child welfare professionals have bemoaned this problem for years, and the struggle to prevent school disruption often appears as intractable as it is longstanding. Interventions, such as the Family to Family projects sponsored by the Annie E. Casey Foundation, have sought to make every effort to find placements for children removed from their homes that would allow them to remain in their current schools and near their families to promote reconnection.

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Continuity and stability in school attendance is, of course, absolutely essential to educational progress and achievement and is now addressed by the Fostering Connections to Success and Increasing Adoptions Act of 2008. Despite recognition of the vital importance of school continuity and stability, it remains a constant and tragic fact that family disruption and school disruption are inextricably linked, in both the child welfare and juvenile justice systems. Juvenile justice youth in out-of-home placement, often by definition, experience educational interruption while incarcerated. Many juvenile justice youth have a history of learning disabilities, truancy, suspension, expulsion, and dropout, making it especially difficult for juvenile justice professionals to facilitate transition back into school following release. This difficulty is illustrated by the fact that less than 30 percent of juvenile justice youth have connections to either school or employment within the twelve months following release. Although the No Child Left Behind Act contained provisions mandating an increased state focus on juvenile

justice education programs, implementation has been uneven, and poor data collection practices make program evaluation impossible in some jurisdictions.

There is no need here to reiterate the importance of education for employment. Again, there are unique circumstances attached to youth in foster care. Most obvious is that for most successful transitions to adulthood, there are family and community connections conducive to making connections to the labor force. Less obvious are the attachments to the labor force that occur during adolescence that set the stage for later employment. For youth in foster care—especially those in group homes and congregate care facilities—serious constraints are imposed under the rubric of protecting them from further harm. Often, in addition to posing many barriers to normalcy, these include restrictions on employment caused by limits on how they spend their time after school and a lack of flexibility in how they are allowed to establish work hours or find transportation to their job. Juvenile justice youth in secure or out-of-home placement face similar barriers to creating employment connections, despite the focus on vocational training in some juvenile justice facilities. Additionally, the stigma of having committed delinquent or criminal acts, especially for youth processed by the adult criminal system, may further reduce future employment prospects.

Recent research has pointed out that connection to the labor force *before emancipation from foster care at age 18* is the strongest predictor of employment at age 24. For most young people, summer and part-time jobs are an inherent part of their lives. Other opportunities often provide exposure to the world of jobs: internships, recreational activities, family, friends, and other community connections. Foster care, however, is an isolating system, focused on safety above all else, often to the detriment of the normal activities of growing up. This condition is compounded for those placed in group living arrangements, where any semblance to family supports is tenuous at best.

Other barriers to employment, unknown to the average person, are of serious consequence. For example, legal documents such as birth certificates are required for employment in the post-9/11 world. Yet, many youth leave foster care without critical records: birth certificate, school

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records, health records. Practitioners routinely rattle off the disruptions caused by the lack of such documents: repeat immunizations each school year because records have been misplaced or lost; repeated grades and other incorrect academic placements because of lack of documentation of schooling; inability to get photo identification, especially a driver's license. Juvenile justice youth who experience frequent disruptions in schooling or residence may face similar challenges retaining the documentation they need to attain postsecondary education, employment, and other services after reaching the age of majority.

Youth isolated in foster care often lack exposure to the mentors and role models who could guide employment and career choices. Although youth in foster care have the same high aspirations for college and careers as other young people, foster youth typically are exposed to a far more limited range of potential career choices. It is distressing to some observers how many youth in foster care aspire to become social workers—the only positive role models in their lives. Opportunities for connections in the community are difficult for youth in foster care, who face so many restrictions on otherwise normal behavior. Gina Samuels reports in her study that youth placed mentors very low on the scale of important relationships because they attempted to fill roles not usually filled by strangers. It was aptly put by one former foster youth involved in the initiative: “We don't want mail-order brides.”

Although permanency is rarely a focus in the juvenile justice system, in-home counseling that engages a youth's family in addressing the root causes of delinquency has reduced recidivism by as much as 50 percent (Connecticut family counseling plan, 2002). A potential bridge between the child welfare system's focus on permanency and family engagement in the juvenile justice context may be found in multi-systemic therapy (MST) models. MST posits that delinquency can be explained by dysfunctional connections with families, peer groups, schools, and communities. The intervention is goal-oriented and meant to improve caregiver practices while strengthening community and other social supports to help youth and their families maintain positive changes. MST has been shown to be extremely cost-effective, though it is often reserved for serious offenders. Low-risk crossover youth who age out of the juvenile justice system, as well as youth who

experience juvenile justice involvement only, may miss the opportunity to improve family relationships and develop a support system if they are deemed ineligible for MST. Extending MST and related practices to more adolescent and transition-age juvenile justice youth may help create the permanency deemed critical for future success.

## Developmentally Appropriate Systems of Care

There is no *system* of care for youth age 18 to 24, the critical period for building societal connections and setting one's life course. Adult legal status is attained at 18, but the acquisition of critical life skills happens gradually as a young person moves from dependence on his or her family. Even the most successful and resource-rich young adults are far from independent at the age of 18. Policy must reflect that reality, especially for the most vulnerable young people. No public awareness campaign is needed to promote the truth that 18-year-olds are not ready to be independent citizens; people clearly understand that. In national opinion polls, when asked at what age children are self-sufficient, the average response is usually around age 24. In a poll conducted for the Jim Casey Youth Opportunities Initiative, respondents who parented older children reported the self-sufficiency age to be even higher. That poll also found that the public overwhelmingly recognized that youth need support beyond age 18, especially to finish school and get a job. In the focus groups leading up to the poll, many people were quite surprised to learn that foster care, or at least care by foster parents, did not continue past age 18.

Jailers, prison guards, and justice officials have similar perceptions about the maturity and self-sufficiency of young adults. They have identified numerous problems associated with the treatment of young people in adult corrections. The same characteristics and developmental considerations that prevent young adults from being self-sufficient and viable at age 18 also make it difficult for youthful criminal offenders to successfully complete probation, adult correctional programs, and parole.

The prescription for improvement is a system that integrates permanent family relationships with the life-skills training needed to manage adult life and that



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recognizes continuity and stability as the foundation for success in life. This system would benefit youth aging out of foster care, youth aging out of the juvenile justice system, and crossover youth. This system would differ significantly from current methods of serving transitioning youth. For some, the foster care system is followed by the juvenile justice system, which is also age-limited and even less prepared to help youth with the transition to adulthood. It is a rare young person who has completed high school before age 18, yet young people are expected suddenly on their own to manage supporting themselves, have a place to live while they finish high school, and hopefully, continue their education.

Some jurisdictions have created youthful offender systems as a middle tier between juvenile justice and adult corrections. Such specialized systems can reduce the risk of harm from predatory adults, but they must offer developmentally appropriate programs, interventions, and supports if they are to achieve long-term benefits.

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*'The distinction between youth and adults is not simply one of age, but one of motivation, impulse control, judgement, culpability, and physiological maturation.'*

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As discussed earlier, brain research has yielded insights into the period of life formerly called adolescence, a term increasingly inadequate for describing the developmental phase corresponding to the turbulence of transition from childhood to adulthood. Over the last decade neuroscience has confirmed the experience of most parents: "The distinction between youth and adults is not simply one of age, but one of motivation, impulse control, judgment, culpability, and physiological maturation." (Coalition for Juvenile Justice, 2006)

Young people need longer periods of education and training, which require longer periods of support from families and public institutions. A century ago, it would have been common for a young person to leave school before getting a high-school diploma and still be able to achieve financial self-sufficiency and a level of well-being for a spouse and family. Today, a college degree is often necessary; clearly education and training at the postsecondary level is the absolute minimum for reaching any level of economic security.

It is not difficult to envision the components of an effective, integrated system. It is clear that systems that respect the differences between youth and adults outperform systems that do not. Young people who are retained in foster care beyond age 18, receiving developmentally targeted services, do better than those who age out of care with only adult services available. Data from the *Midwest Evaluation of the Adult Functioning of Former Foster Youth*, an examination of the experiences of young people across a variety of domains, suggest that allowing foster youth to remain in care past age 18 increases their likelihood of attending college and receiving independent living services after age 19 (Courtney & Dworsky, 2005). This study also found that extension of foster care may increase earnings and delay pregnancy. Likewise, young offenders in the juvenile justice system fare better than similarly situated young people in the adult criminal justice system. A meta-analysis of studies conducted by a Centers for Disease Control and Prevention Task Force found that juveniles who enter the adult justice system, on average, reoffend sooner, more frequently, and for more serious offenses following their release than comparison groups of juveniles retained in the juvenile justice system (Centers for Disease Control and Prevention Task Force on Community Preventive Services, 2007).

An integrated system must be built upon a foundation grounded in positive youth development and developmentally based service provision. Fortunately, a vehicle for accomplishing these systemic changes now exists. The Fostering Connections to Success and Increasing Adoptions Act, passed in October 2008 in the waning days of the 110<sup>th</sup> Congress, provides an incredible opportunity to fashion a system that truly supports youth in the transition to adulthood. As a result of this legislation, the artificial truncation of developmentally specific services triggered by a youth's eighteenth birthday, is more easily surmountable.

The Fostering Connections Act supports the design of a system based on the growing knowledge of what youth need as they transition into adulthood, combined with the tools and resources of the new law. The act reflects the cumulative experience and research of the past decade, a knowledge base that began to grow when Congress instituted the first funding to states for independent living programs. When Congress passed the John Chafee Foster

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Care Independence Act in 1999, it expanded the resources available to independent living programs and required the states to prepare comprehensive plans to help youth achieve self-sufficiency in their education, employment, and connections to adult supports. Prior to the Chafee Act, state and private agencies set up programs that were intended to teach life skills, but generally without any connection to the other supports that youth need. The Chafee Act promoted an integrated approach, and for the first time directed the states to include youth in the preparation of their plans.

In retrospect, it seems odd that the Chafee Act mandated that youth be engaged in the design of the very services meant to assist and support them and that youth engagement was seen as essential in preparation for adulthood. Historically, the foster care system was constructed to make every decision for young people in the state's care and custody—for their protection—and to assume all responsibility for decisions about living arrangements, school attendance, and health care. And yet, our expectation has been that youth will somehow by age 18 finely hone their power of judgment without the benefit of any experience making their own decisions. This is no less an issue in juvenile justice programs, where all too often there is little or no opportunity for young people to learn how to manage their own lives independently, freed from the heavy-handed supervision of correctional staff.

The role of youth engagement—of youth voice—is a growing movement. In many places, youth advocacy has led to important improvements in state policies, and in fact was instrumental in congressional passage of the 2008 Fostering Connections law. Increasingly, young people in the child welfare system are being allowed to participate in decisions about their lives, even in the court proceedings that most directly affect their family relations, living situation, and autonomy. With the 2008 law and more enlightened policies and practice, it is expected that courts will increasingly allow youth in foster care to not only offer their views, but also to be present at their court proceedings. In the juvenile justice system, the youth court movement is but one example of efforts to engage young people and to harness the power of peers to motivate positive change. This is an area, however, in which the juvenile justice system has much to learn from child welfare.

Engaging youth directly in the design of the new system is the first step. The next step is to create opportunities for young people to make connections to their parents, to locate relatives who could substitute for parents unable or unwilling to provide family supports, and to be considered for adoption, even as older youth. New computer software, known as family locator technology, has the ability to more effectively and efficiently search for a child's immediate and extended family. This advance in technology is cause for great optimism that future searches for parents and relatives can work on a large-enough scale to make a difference in helping to create family connections for young people in both the child welfare and juvenile justice systems.

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*The new, developmentally appropriate system of care will require life-skills training that is not only connected to families and communities but is also relevant to the exigencies of the economy.*

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The new, developmentally appropriate system of care will require life-skills training that is not only connected to families and communities but is also relevant to the exigencies of the economy. Youth sorely need training in financial literacy and management, as well as opportunities to learn how to save and accumulate assets that will promote self-sufficiency. It may seem unrealistic to expect that young people struggling to support themselves will also save money for specific purposes. And yet, the Jim Casey experience is instructive: one in three Opportunity Passport™ participants have managed to save money and draw matching funds to buy a car, put down a deposit for an apartment or a house, or pay for educational expenses not covered by other sources of financial aid. Such opportunities have a huge impact on the ability of young people to continue in school, take advantage of jobs outside their immediate neighborhood, and secure a place to live. And what may seem even more surprising: single parents have the highest rates of saving for and purchasing an approved asset. Although a car may not strike everyone as an asset, it is indispensable for having a job, and many studies have noted the link between having a car and earning higher wages.

But designing a new system under the Fostering Connections Act means that additional data and research

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on this population are needed. Under the Chafee Act, states were required to begin collecting data on youth in their care and conducting follow-up surveys on alumni youth at ages 19 and 21 to assess outcomes. However, regulations for the data collection system did not arrive until 2008—nine years after the act was passed—and some experts doubt the level of compliance states will be able to achieve. Follow-up surveys will be difficult to accomplish, and the funds to pay for them will come from the funds now going for services. Without the ability to analyze outcome data, it will be difficult to design a system that achieves what society needs it to achieve. Hopefully, the Fostering Connections Act will spur a greater level of attention and effort around data collection and research.

Still, the Fostering Connections Act establishes important new requirements that will be part of the new system:

- States must plan for the young person’s transition from foster care, with detailed plans required 90 days before exit using language that reflects a growing emphasis on youth engagement: a plan that “is as detailed as the child directs”
- States must plan for the educational stability of youth while in foster care, making all efforts to keep the child in the same school enrolled in at the time of placement
- States must have a plan in place for oversight and coordination of health services for the child

Most importantly—and a landmark improvement in practice—the Fostering Connections Act provides federal cost-sharing with the states for kinship guardianship placements and allows the states to define “child” up to the age of 21. For the first time, federal law enshrines the primacy of relational permanence and recognizes that an older child is still a child until the age of 21, a significant extension of our traditional statutory recognition of adolescence. Although extension of juvenile justice supervision beyond the age of majority may prove problematic for youth struggling to conform to the conditions of probation, extending developmentally appropriate service provision through the Fostering Connections Act or other mechanisms will prove positive in terms of facilitating a successful transition to adulthood for crossover youth.

We know what it means to make a successful transition to adulthood, and we know what it takes. We have a growing body of knowledge and experience, as well as some of the tools it will take to create a system that supports young people in that transition. If there is one critical set of tools, perhaps it would be those that connect young people with permanent families.

## **The Tennessee Practice Model: A Case Study**

Tennessee has done promising work in integrating its child welfare and juvenile justice systems. Within the new institutional structure, the jurisdiction has made some noteworthy reforms in support of youth in their transition to adulthood. However, the Tennessee reforms are not yet complete, and therefore we are unable to assess the extent to which these reforms have resulted in better outcomes for transition-age youth. The Tennessee model is included here to illustrate how reforms targeting this population have been implemented amidst some unique challenges in the jurisdiction.

In Tennessee, unwelcome circumstances—in the form of a class-action lawsuit filed in the summer of 2000—forced the child welfare and juvenile justice systems to assess operations and find ways to collaborate. The Tennessee Department of Children’s Services (DCS) had been created in 1996 to consolidate service delivery for children, including services associated with juvenile justice and child welfare. The consolidation was designed to improve collaboration and “make any door the right door” to access services. Likewise, officials hoped it would reduce duplication of efforts and prevent systems from working at cross-purposes.

Perhaps not surprisingly, implementation of the consolidation was difficult and did not yield the anticipated dividends. It is not easy to redirect organizational design and practices heavily influenced by past structures and administrative conveniences. In this case, cultures clashed, and staff maneuvered to protect their territories and interests. Both child welfare and juvenile justice staff resented the imposition of new practices and protocols designed to accommodate the other system. In some regions, casework staff had mixed caseloads, but for the

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most part staff worked in “silos.” Although neither system was producing good outcomes, over time the systems found a way to coexist under one management umbrella. The consolidation existed on paper, but not in practice.

In 2000, a class-action lawsuit was filed challenging the way in which care and services were provided to children and youth in foster care. The class affected by the lawsuit included all children and youth in foster care for reasons of abuse, neglect, dependency, and unruliness. The ensuing settlement agreement made clear that unruly youth (status offenders) were covered by the same standards of care and protection from harm applicable to children in the child welfare system. DCS traditionally handled status offender functions (both pre- and postcustodial matters) as part of the juvenile justice system. With the settlement, the paper consolidation of 1996 had to be operationalized.

DCS developed a single model of practice applicable to all components of the child welfare and juvenile justice systems (*Tennessee Department of Children’s Services’ Standards of Professional Practice for Serving Children and Families*, hereinafter the practice model). The process of developing the practice model was challenging because of differences in philosophy and culture in protective services, foster care, adoption, and juvenile justice.

Each division and unit had its own distinct perspective on youth and families. Protective services and juvenile justice had a deficit focus and strong alliances with law enforcement and prosecutors. The foster care unit was compliance-driven to meet federal regulations and lawsuit requirements, but did not attend to qualitative decision making or the experiences of youth and families. The adoption unit was solely child-focused and considered its work unrelated to other permanency work.

The new practice model was designed to provide a unified purpose and approach to the work of DCS. It describes the organizational values, structures, mechanisms, tools, practices, and skills needed to carry out the mission. The practice model articulates guiding principles as well as standards of professional practice (including commentary). It promotes family-centered casework and planning, team decision making, strengths-based approaches, engagement skills, and structured and functional assessment processes designed to achieve

timely permanence (for maltreated youth) and successful reintegration into the community (for delinquent youth).

The model’s unified approach envisions similar casework practices for both juvenile justice and child welfare staff, except that community safety is always factored into decisions involving juvenile justice youth. This integration increases training demands and raises the qualitative and quantitative expectations of worker competencies. The model expects juvenile justice staff to understand clinically based issues and advanced social work practices in addition to the more traditional justice-related concerns of safety, behavior management, security, use of force, confinement, supervision, and community reintegration.

The practice model establishes the need for an integrated approach in universally applicable provisions and in subject matter-specific provisions. The commentary addressing worker ethics (Standard 2-103A) states:

Staff will understand and utilize basic social work principles. Effective practice in both child welfare and juvenile justice requires professional staff to possess the necessary interpersonal skills that will guide interactions with children, families, and colleagues.

However, the practice model is careful not to vitiate community safety at the expense of social work. In discussing service provision (Standard 8-301), the practice model comments:

Offenders in need of greater supervision and control may require secure placements, or extensive monitoring that will limit access to community or home-based services. DCS will provide a range of services to confined youth that address common issues associated with juvenile offending. Confined youth will have program plans that provide services that address their individual likelihood of reoffending.

Moreover, the model explicitly requires the use of placement criteria for juvenile justice youth that include community safety factors (Standard 6-508B). Recognizing that community protection is vital, but not a reason to abandon good social work practices for engaging the youth, family, and community in the process, it adds this commentary:

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The treatment goals for delinquent youth will address their risk factors related to reoffending and build foundations to move them toward permanent placements as soon as it can be safely and legally accomplished. The permanency planning process for delinquent youth will track the process used for abused, neglected, and unruly youth as much as possible while also addressing community safety and rehabilitative concerns.

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*Many delinquency cases have dependency overtones, and if a teenager's dependency issues are not addressed, then he or she will likely continue down the delinquency road and never receive the services needed to live a law-abiding and productive life.*

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These provisions make clear that good juvenile justice practice includes good permanency planning as part of the community reintegration process. Youth in both systems need stable, caring families. Many delinquency cases have dependency overtones, and if a teenager's dependency issues are not addressed, then he or she will likely continue down the delinquency road and never receive the services needed to live a law-abiding and productive life.

Tennessee uses family conferencing to guide permanency planning for young people in both the child welfare and juvenile justice systems (Standard 10-200). The conferences are driven by support teams that enlist community resources and professional expertise. Family conferencing can take many forms, but it usually ensures that the young person and family have a supportive decision-making team working on their behalf. The team is typically comprised of family members, friends, members of the family's faith community, and professionals who work together to jointly develop individualized plans to strengthen family capacity and to ensure safety, stability, and permanency. Teams build on natural supports that will sustain the family over time. Teams may include a supportive circle of allies whose primary function is to focus on the safety concerns of the young person (child welfare) and the community (juvenile justice).

Recognizing that juvenile justice systems too often ignore the crucial role of families in resolving delinquency, the model includes standards that require DCS to actively involve parents and families in the treatment of delinquent and unruly youth (Standards 8-201A and 8-304). In commentary, the practice model adds that DCS will use "family-centered practices and tools for gathering and assessing information for children in both the child welfare and juvenile justice systems." It also expects workers to be clinically and behaviorally astute and to recognize that:

Families may need assistance to overcome skepticism and disengagement that might be present due to previous failed interventions. In addition, families may also need to be reminded that they are responsible for their role in achieving successful outcomes for their children. Families should not be allowed to walk away from their "problem child."

In addition to aligning casework practice standards for juvenile justice and child welfare, the practice model also integrates casework requirements to concurrently pursue permanence while preparing older youth for adulthood. The introduction to chapter 8, which addresses the needs of adolescent youth, states:

Adolescents in foster care, especially those who have had protracted custody episodes, face numerous challenges related to developmental milestones experienced while in care. These DCS youth will have Permanency Plans that not only address barriers to permanency, but concurrently provide for services that will prepare them to become self-sufficient adults.

In addition to standards discussing competencies and skills that will be addressed as part of preparation for adulthood, the practice model contains a comprehensive provision related to preparation benchmarks that must be addressed in discharge planning. Standard 8-107 states:

In preparation for discharge from custody, DCS will assess the independent living skills of youth 14 years old and older to ensure that all resources and supports are in place to enable the youth to succeed in adult society.

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The practice model details content guidelines for the Child and Family Team (CFT) meeting held prior to discharge. The commentary states:

At the discharge-related Child and Family Team meeting, the case manager, youth, and other CFT members will conduct an assessment of independent living skills to determine that the youth has all the resources and supports in place that will predict a successful discharge and positive outcomes. The Child and Family Team members will complete a standardized discharge checklist developed by DCS that enumerates tasks identified by the assessment that will be completed prior to discharge. The checklist will include assurances that DCS has assisted the youth in completing all of the following that apply:

- Acquiring driver's education
- Obtaining a driver's license
- Obtaining a Social Security card
- Obtaining a complete medical record
- Obtaining medical information about the family that could be relevant to potential future medical issues
- Obtaining an original birth certificate
- Obtaining a copy of all school records
- Drafting a job resume or skills summary
- Establishing an appropriate and stable living arrangement

Tennessee has adopted a model of practice that expands traditional approaches in treating delinquent offenders by dedicating resources to family stabilization and employing family-centered practices. The practice model expects DCS to “provide families with services to facilitate their participation in the planning process.”

Implementing this integrated practice has rendered improvements and presented challenges. Fiscal integration proved problematic because the lawsuit did not impact all children and youth equally. The legislature created a statutorily separate juvenile justice division with a dedicated budget to guard against disproportionately assigning resources targeted at lawsuit mandates.

Notwithstanding the challenges, Tennessee remains committed to this approach and reports enhanced skill development and decision making by staff in both divisions. Training and education is a core component of both systems. They share an integrated, continuous quality improvement process that examines quantitative measures of performance improvement, quantitative measures of outcomes, and qualitative measures of decision making in casework practice. Both systems include a feedback loop to staff as part of the process. Staff members from both systems participate as reviewers and as case study participants. They are afforded opportunities to learn across systems to enhance each other's professional competencies.

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# Conclusions and Recommendations

In working with transition-age youth, practitioners, policymakers, and legislators must understand positive youth development and the importance of family and community support systems. The following recommendations are meant to guide policy, practice, and law so that interventions are developmentally appropriate. These changes in practice will enable agencies to optimize family, youth, and community strengths and create natural support systems that will outlast public agency involvement.

Statutory schemes differ among jurisdictions. Legislation that would provide adequate resources for supporting youth until they are successful adults is often not politically or financially feasible. Some of the following recommendations describe legislative fixes to problems identified in this paper, but most are meant to improve the quality of service to youth and coordination among agencies within existing statutory frameworks. By improving the ability to accurately assess needs and increasing the efficiency with which existing resources are mobilized to address these needs, jurisdictions can improve outcomes for transition-age youth across the child welfare and juvenile justice systems, regardless of the particulars of local law and legislation.

## **Recommendation 1: Promote policies and practices that address family relationships and permanency.**

Young adults do best in functioning families. Practices that approach youth development and rehabilitation holistically by assessing both the strengths and the challenges in a youth's family and community support system and then supporting a range of protective factors can help to improve adult outcomes.

Promising practices in this area include:

- *Targeted assessment to evaluate the strength and stability of family relationships.* This assessment should be completed when a youth first comes in contact with the child welfare or juvenile justice system. In child welfare, the assessment should focus

on the strengths of the family in providing for the youth's safety, permanence, and well-being through the youth's transition to adulthood. In juvenile justice, the assessment should also include a determination as to whether a youth's risk of recidivism may be exacerbated by family issues such as mental illness, substance abuse, parental incarceration, or a critical lack of economic resources in the home.

- *Individualized service provision for youth and their families.* Family challenges should be addressed with services targeted to meet the family's needs, including therapeutic and other behavioral health services, substance abuse treatment services, housing, and other services. Addressing the needs of both youth and families gives parents the tools they need to support the youth's transition to adulthood. In the child welfare context, holistic service provision helps prevent further neglect and abuse. In the juvenile justice context, strengthening family support reduces risk factors for future criminality.
- *Connecting families to community-based support systems, including civic and faith-based organizations.* These connections are essential to enhance the ability of the family to provide emotional, educational, and financial support to youth as they transition into adulthood. Strengthening community connections helps to prevent unemployment, homelessness, and other problems common to transitioning youth. For juvenile justice youth, strengthening relationships with community members can reduce future criminality by creating local accountability as well as opportunities for pro-social community involvement.

## **Recommendation 2: Engage youth to work with their case managers in formulating a plan that includes the goals they wish to achieve by age 25.**

Allowing a youth to take the lead in formulating his or her own case plan increases the likelihood that the youth will stay engaged and comply with case requirements.



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*Case managers should work with older youth as they identify their adulthood goals.* Agency professionals can help identify the personal challenges a youth may face in working to achieve those goals and develop a strategy to address the challenges. The plan should include:

- Appropriate services during agency involvement.
- A plan to access needed resources once a youth ages out of the child welfare or juvenile justice system.

*Agencies across child welfare and juvenile justice should adhere to the spirit of the Chafee mandate by encouraging youth to participate in service design and delivery in a more expansive way.* Youth engagement, coupled with interagency collaboration, may enable agencies to deploy their resources more effectively by:

- Eliminating services and programs that youth identify as unhelpful or counterproductive.
- Expanding or creating services identified as effective by participating youth.
- Working across agencies to eliminate duplicative service provision, especially for crossover youth.

*Effective youth engagement must be nurtured and must provide opportunities for experience.* The direct involvement of youth in the advocacy for enhanced transitional supports is a powerful tool for building public will, but it requires deliberate efforts by agencies. Some jurisdictions work with foster care alumni organizations to train youth for participation in agency planning and professional presentations.

- Creating or supporting existing alumni organizations can provide much-needed feedback to agencies, as well as provide positive role models for youth currently struggling in their path to adulthood.

**Recommendation 3: Ensure that the services available to youth are developmentally appropriate.**

Assessment and case planning are essential to the provision of developmentally appropriate services for transitioning youth. The value of a careful assessment

cannot be overstated because it is the entry point for case planning in both juvenile justice and child welfare systems:

- *Craft initial assessments to gauge the youth's physical, emotional, educational, and vocational developmental status compared to other youths the same age.* Assessments should be structured to address these and other elements that predict adulthood success. All life domains should be addressed in the assessment and service plans.
- *Create assessment tools that measure the youth's development across factors that predict adulthood success.* All youth age 14 and older should be evaluated across these factors. By evaluating youth early, agencies can assign services that address any developmental deficits.
- *Target services to address developmental deficits.* When a youth age 14 or older is found to be developmentally deficient in one or more area(s), services should be targeted to accelerate development. Services should focus on those areas for which service acquisition is difficult after the youth reaches the age of majority.
- *Limit the use of criminal transfer for juvenile justice youth.* Transition-age youth demonstrate worse outcomes when they are processed by and detained in the adult criminal system, where they rarely receive developmentally appropriate services. To address these issues, juvenile justice professionals can:
  - Strengthen review mechanisms for transfer decisions. Judges, attorneys, and agency professionals should work together to ensure that transfer is used sparingly, if at all, and only in appropriate cases.
  - Increase coordination with adult correctional agencies. Juvenile justice professionals can collaborate with adult correctional agencies to ensure that transition-age youth and other young adults receive services that are developmentally appropriate.
- *Change legislative and regulatory mandates.* Youth-specific service provision can be effective even after a youth reaches the age of majority. If feasible, legislative

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or regulatory changes in this area might prove useful. States may opt to:

- Extend foster care to age 21 with federal support, as provided by the Fostering Connections to Success and Increasing Adoptions Act.
- Extend Medicaid coverage for young adults through age 21.
- Create early asset building opportunities for older youth to build financial literacy.
- Raise the maximum age for which a youth may establish juvenile service eligibility. Some jurisdictions have already implemented extended jurisdiction. Although accountability and community safety are critical goals of the juvenile justice system, expanding the practice of extended jurisdiction to include developmentally appropriate service provision can help agencies achieve these goals by reducing the risk factors associated with future criminality and strengthening a youth's ability to navigate the adult world by addressing developmental deficits.

**Recommendation 4: Use federal funding to create programs for older youth and track their outcomes.**

Opportunities currently exist through federal funding streams to expand services for older youth and learn more about youth outcomes. Steps that can be taken include:

- *Implement the Fostering Connections Act* to strengthen kinship care and adoption services as well as secure funds to strengthen collaboration with education and mental health care agencies.
- *Implement the National Youth in Transition Database* so that reforms focused on transition-age youth may be evaluated based on outcomes.
- *Assist service providers in obtaining funding to serve transitioning youth.* Juvenile justice and child welfare professionals can work with adult service providers using federal funds to ensure that services for youth eligible beyond the age of majority are targeted to address developmental shortcomings that may hinder adulthood success. Another option would be to work with service providers already serving these youth to

facilitate procurement of federal and state funding that would allow them to continue service provision to youth over the age of 18.

**Recommendation 5: Develop policies and practices that support prevention and development of the specific skills and competencies necessary for adulthood success.**

Youth need sufficient education and employment skills to become economically independent adults. Problems in either sphere may be exacerbated by unmet psychological or behavioral needs, but practices can be improved to prevent or remove the challenges agency-involved youth often face in their education and careers.

Juvenile justice practitioners and policymakers can implement a range of preventative and ameliorative practices, including:

- *Solidify connections with education agencies to reduce educational interruption and dropout rates.* Juvenile justice, child welfare, and crossover youth exhibit alarming rates of school failure and dropout.
- *Ensure that juvenile justice youth's special educational needs are met.* Dropping out is often connected to undiagnosed learning disabilities. Working with educators to identify and address learning disabilities early can help youth successfully complete secondary education.
- *Collaborate with educators to reduce school referrals.* Referrals from schools are an increasingly common path for youth into the juvenile justice system. Juvenile justice professionals and educators can respond to troubling behavior by creating an assessment tool that can identify learning disabilities, behavioral or mental health problems, and family issues. Addressing these issues early, outside of the juvenile court system, may increase the likelihood that a youth struggling with academic work or exhibiting troubling behavior will remain in—and finish—school.
- *Ensure that detained youth experience minimal educational interruption.* Because suspension and expulsion are common in this population, it can be a challenge for youth to return to the same school upon

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release. Older youth, especially those over the age of compulsory school attendance, are in danger of not completing high school or continuing their education. Juvenile justice professionals should work to identify appropriate schools and other programs able to accommodate older youth, especially those in need of remedial instruction.

Child welfare practitioners and policymakers can also make changes to reduce educational failure among transition-age youth. Many of these changes can be financed by making better, more efficient use of federal funding streams. These changes include:

- **Fully implement the educational provisions of the *Fostering Connections Act***, which require states and tribes to keep youth in their schools when they must enter foster care and to promptly transfer records when youth must change schools. Use available federal funding to provide transportation to a youth's original school.
- **Use education-related funds available through the *Chafee Act*** to establish services to assist youth in completing high school or a GED and enrolling in college or in technical or vocational school.

Practices both juvenile justice and child welfare agencies can implement include:

- **Create partnerships with community colleges and other local postsecondary institutions** to ensure that transitioning youth have the information and support they need to enroll in and finance higher education. These partnerships must identify additional financial and other supports, such as tutoring, mental health, and related services that will increase student retention.
- **Solidify connections with local employers.** Youth who hold part-time jobs during their teenage years demonstrate greater adulthood employment success. Connecting youth with adequate employment upon aging out can lower the risk of homelessness and instability. Find local employers willing to interview, hire, and train juvenile justice, child welfare, and crossover youth. Developing relationships with employers will enable agencies to identify and address

individual behavioral problems or learning disabilities that might limit a youth's future career prospects.

- **Change rules in group care settings to allow for employment** to help youth build the vocational and professional social skills necessary for future success.
- **Plan for extended service provision after youth age out.** Any gains made in educational and vocational spheres may be derailed if chronic needs are unaddressed following agency involvement. Practitioners should ensure that transition-age youth in need of extended medical, educational, behavior health, and other services are able to access these services as adults in a manner that allows for seamless service provision.

Many publicly funded service providers have waiting lists. As a result, practitioners should work with adult-serving service providers well in advance of youth aging out to ensure that youth will be placed immediately.

**Recommendation 6: Strengthen collaboration between the juvenile justice and child welfare systems to efficiently target service provision and improve outcomes for crossover youth.**

Our understanding of the needs of crossover youth as they transition to adulthood is growing. Practice reforms should be based on prevention as the first strategy in serving crossover youth. Practices should focus on positive youth development and normalcy, particularly for youth in congregate care settings. A number of strategies can be implemented to advance these goals by strengthening collaboration between juvenile justice and child welfare, including:

- **Create information-sharing mechanisms to identify crossover youth.** Information sharing with triggers can provide information on a youth's status in both systems, eligibility for services, and status of service planning. Dependency and delinquency judges will be better able to shape case plans for transitioning youth if information on their experiences with other agencies is available.

Confidentiality provisions that prohibit data sharing across agencies may limit some information sharing.

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Revising confidentiality laws or including educational, child welfare, juvenile justice, mental health, and other history in an assessment would enable judges to mandate appropriate service provision for a youth and his or her family.

- ***Allow child welfare to retain jurisdiction for dually adjudicated youth.*** This may enable crossover youth to benefit from programs funded through the Chafee Act and the Fostering Connections Act. These programs are crucial where adulthood preparation or family-centered services are unavailable for older youth through the juvenile justice system.
- ***Dedicate resources to support the collaboration between juvenile justice and child welfare.*** This may include resources for cross-training programs, information-sharing systems, overarching case management, and the development of assessment tools that meet the needs of both agencies.
- ***Align the supervision of juvenile justice and the provision of behavioral health services by child welfare with the public safety risk and the child safety and well-being needs of dual-jurisdiction youth.*** Lower risk but high-need youth would potentially benefit from a division of labor in which child welfare involvement is relatively high and juvenile justice involvement is relatively low. High-public-safety-risk youth, who by definition have high criminogenic needs, would potentially benefit from high levels of involvement from both juvenile justice and child welfare. In no instance should a dual-jurisdiction youth be dropped from the caseload of child welfare unless the criminogenic and generalized needs cannot be addressed in any fashion by child welfare.

**Recommendation 7: Engage with the community to create broad support systems for transitioning youth.**

Agencies can develop community resources that are able to support youth throughout their transition to adulthood. Creating connections among older youth, their families, and community stakeholders while the youth is still

under an agency's care can provide the foundation for permanency, help struggling families support their young adult, and enable the youth to feel community acceptance, thus facilitating his or her integration into adult society. Agency professionals should:

- ***Work with existing social, civic, and faith-based organizations to increase public awareness of available agency services.*** Trust between the public and government systems of care needs to be cultivated.
- ***Engage community members in procurement decisions.*** Community engagement can help agencies identify the unique needs and challenges in the jurisdiction's high-risk communities. Working collaboratively with communities to help youth and their families meet these challenges will increase agency legitimacy and ensure that reforms are sustainable through broad-base support.

Adapting these recommendations to local circumstances can help agencies prepare juvenile justice and child welfare youth for adulthood. By working collaboratively, child welfare and juvenile justice agencies can help each other overcome the social, financial, and political challenges standing in the way of meaningful reform. Conceiving of transition-age youth in the broader social context can help professionals identify the supports they must cultivate to ensure adulthood success. Beginning collaboration around the needs and strengths of crossover youth will not only improve joint efforts between the systems, but also allow practitioners to recognize the cross-cutting needs in every youth struggling to mature into a successful adult. Through implementation of collaborative, developmentally appropriate, and youth-inclusive best practices, the cultural barriers that historically stymied a coordinated approach will begin to break down. Although meeting the challenges presented by transition-age youth seems daunting, acting decisively to do so will not only improve the lives of the young people we serve, but also improve the safety, cohesiveness, and productivity of their families and communities.



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**Center for Juvenile Justice Reform**

Georgetown Public Policy Institute

Georgetown University

Box 571444

3300 Whitehaven Street, NW, Suite 5000

Washington, D.C. 20007

<http://cjjr.georgetown.edu>

[jjreform@georgetown.edu](mailto:jjreform@georgetown.edu)