

# Ensuring the Success of Youth Dually Involved with CPS & Justice Systems

## Testimony to the House Juvenile Justice and Family Issues Committee

The abuse and neglect that leads to children's involvement with Child Protective Services leads to involvement with the juvenile justice system. However, there is little coordination and data sharing between the juvenile justice and child welfare systems, resulting in costly, and sometimes counterproductive, duplication of services and worse outcomes for youth. Local efforts in Texas show that improved coordination can lead to better results. Texas policymakers should study the current population of "dually involved youth," establish a data collection and information sharing system, and create a taskforce to improve coordination.

### Abuse & Neglect Puts Youth at Risk of both CPS and Juvenile Justice Involvement

The youth involved with Child Protective Services and the youth in the juvenile justice system have often been through similar childhood experiences that require the same support and services to help them overcome their past trauma and keep them on a path to success. In many cases, they are the same exact kids.

Not all youth who are abused or neglected will go on to be delinquent, however **research has shown that abuse and neglect increase the likelihood of youth being arrested as a juvenile by 59 percent.**<sup>1</sup> The same study also found that youth who have experienced abuse or neglect begin their delinquent activity and get arrested at a younger age and commit more offenses than youth who have not experienced abused or neglect.

Children in foster care are more likely to experience behavioral health challenges than their peers.<sup>2</sup> Although these behaviors are often related to trauma experienced before entering and during foster care, these behaviors can lead to delinquency outcomes that undermine a child's stability in the foster care system. Research shows that once youth with child welfare involvement engage in delinquency, they are more likely to become deeply involved with the juvenile justice system.<sup>3</sup>

## Four Ways Youth Are Involved in Both Systems

The Center for Juvenile Justice Reform at Georgetown University has identified four “pathways” that lead to youth involvement with the juvenile justice and child welfare systems:

1. Youth who have an open child welfare case, are subsequently arrested, and enter the delinquency system.
2. Youth who have a previous but not current child welfare case and are arrested.
3. Youth who are arrested and have no previous history with the child welfare system, but during their involvement with the juvenile justice system they are referred to the child welfare system.
4. Youth who leave correctional placements and have no home or no safe home in which to return. Consequently, these youth are referred to the child welfare system.

Youth described by the first pathway are often the focus of efforts to address this issue, although youth involved in all four require our attention.

## Data from Outside Texas Suggest Most Youth in Juvenile Justice System Were Previously in Child Welfare System

Texas does not collect sufficient data on youth who have been involved in both systems or are simultaneously involved in both systems. However, national estimates conclude as many as 30 percent of youth involved with the child welfare system are involved with the juvenile justice system.

According to data from the few jurisdictions in the country that track the information, most youth in the juvenile justice system have likely been previously involved in the child welfare system. For example, 67 percent of youth referred to juvenile court in King County, Washington in 2006 had some type of previous involvement with the state’s child welfare system. Among the youth who entered the juvenile justice system most frequently, nearly all of them were previously involved with the child welfare system: 89 percent of youth with at least three referrals had been in the child welfare system.

Similarly, 72 percent of youth committed to Massachusetts juvenile justice department between 2000 and 2012 had current or previous involvement with the state’s child welfare system.

### **Beyond Past CPS Involvement, Many Youth Involved with Both Systems Simultaneously**

While many of the youth in the Massachusetts juvenile justice system were no longer in the child welfare system, a significant proportion were involved with both systems simultaneously: At a point in time in 2014,

youth currently involved with child welfare made up 39 percent of youth in detention and 37 percent of youth committed to the juvenile justice department.

## Lack of Coordination in Texas

There is a certain amount of data sharing in Texas regarding youth involved in both systems. Per a Memorandum of Understanding between DFPS and TJJD, the two agencies share data regarding youth who are in the conservatorship of DFPS and simultaneously committed to TJJD or released under supervision by TJJD.

However, those connections are not made at the local level. While DFPS, or at least a caseworker, will likely have data on when a child in their care is held in detention or in a probation placement, youth involved in both foster care and juvenile probation community supervision tend to go undetected, following disconnected parallel pathways in both systems. DFPS data systems do not sufficiently track juvenile justice involvement of youth in their care. The agency and its caseworkers do not necessarily know about a youth in their care being arrested or referred to the juvenile justice system or if that youth is on community supervision.

In 2011, the Texas Legislature passed SB 1106 requiring Juvenile Services Providers (JSP) – governmental entities who provide services to youth, such as juvenile probation departments, CPS, and local mental health authorities – to provide information including the history of services provided to a youth involved in multiple systems if requested by another Juvenile Service Provider serving the same youth. This change, however does not mean that Juvenile Service Providers know when other JSPs have served or are providing services to a particular youth.

## Why Texas Needs to Improve Policies on Dually-Involved Youth

### **Duplicating Services is Costly for Taxpayers and Potentially Counterproductive for Youth**

Under the current system, some youth end up receiving similar programming, such as family counseling, through both the juvenile justice system and through the child welfare system. The duplicative services often included costly behavioral assessments (e.g. psychological, psychiatric, and developmental evaluations). Not only does duplication of services waste resources in these under-resourced systems, it can also lead to worse outcomes for youth receiving conflicting services and overburden families with additional time commitments.

## **Policymakers Must Ensure Juvenile Justice Facilities Are Not Being Used as Temporary CPS Placements**

In the Massachusetts example cited above, 40 percent of youth involved in both systems and in detention were considered “low-risk” and were in detention only because the child welfare system had not found an appropriate placement for them.<sup>4</sup>

## **Racial Disparities Exacerbated by Involvement in Both Systems**

It is well known that youth of color – and particularly black males – are disproportionately represented in both the child welfare and juvenile justice systems. When looking at youth involved in both systems, those disparities are even greater.

## **Dually Involved Youth Have Worse Outcomes**

A 2013 study found that youth involved in both child welfare and juvenile justice in Los Angeles County, California fared worse after aging out of the systems than youth involved in only one of the systems. Those worse outcomes included extreme poverty, lower likelihood of higher educational attainment, lower likelihood of consistent employment, and increased likelihood of jail time.

## **Local Projects in Texas Show Better Coordination Produces Better Outcomes for Youth**

As outlined below, local communities that improved coordination have seen improvements in youth mental health, behavior, and academic outcomes.

## **Local Efforts Show Promise of Better Coordination**

### **The Crossover Youth Practice Model**

The Crossover Youth Practice Model is a project of Georgetown University's Center for Juvenile Justice Reform to improve coordination of services and outcomes for children served by local county juvenile probation departments and the child welfare system.\* Travis County first adopted the model in 2011 and it was later expanded to Bexar, Dallas, El Paso, McClennan, and Tarrant Counties in 2012. However, in January 2014, with decreased contract funding available for 2014, DFPS and the Center for Juvenile Justice Reform scaled back the Center's involvement.

Under the Model, the juvenile probation departments send a list of all youth referred to probation during the prior few weeks to DFPS. Then DFPS matches that list with the youth currently involved with CPS and sends the matches back as a list to the probation department with information including contact information for

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\* For more information about the Crossover Youth Practice Model:  
<http://cjjr.georgetown.edu/our-work/crossover-youth-practice-model/>

each youth's caseworker. Juvenile probation can then communicate with and coordinate services for the youth. Each probation department has a Memorandum of Understanding with DFPS on how they transmit data back and forth, and what data is included in their sharing. The Model focuses on youth with an open CPS case, excluding those youth with closed CPS cases.

### **Harris County Juvenile Information System**

In 2015, Harris County began implementation of a local information-sharing project, known as the Harris County Juvenile Information System (HCJIS), to improve collaboration and reduce duplication of services. The Information System had been planned by stakeholders for years. HCJIS seeks to help identify youth involved in more than one system, including juvenile justice, child welfare, the local mental health authority, and the Harris County Children's Assessment Center (CAC).

These examples of experiences within the HCJIS demonstrate how improved coordination can lead to better results for youth, families, and communities:

- CPS saved one family more than three hours of time because the CPS caseworker was able to access the complete assessment that had been previously administered to the juvenile by [the juvenile probation department (JPD)].
- [W]hen a juvenile presented at the CAC [Harris County Children's Assessment Center] for treatment, the CAC case worker searched for the juvenile's name on the HCJIS and quickly identified that that juvenile had suffered prior abuse for which the juvenile had been treated. Reviewing the juvenile's prior encounter and treatment results allowed the CAC caseworker to immediately tailor the juvenile's treatment plan and immediately order and deliver appropriate and non-duplicative services.
- A JPD psychiatrist was able to determine that one juvenile had already been attending group therapy sessions in Austin, so the JPD psychiatrist modified his treatment plan for that juvenile to include individualized therapy sessions and additional group sessions.<sup>5</sup>

## **Policy Recommendations**

1. **Commission a study to match DFPS and TJJD records** to get a better understanding of the youth involved in both the child welfare and juvenile justice systems in Texas and the outcomes of these youth. The analysis should look at all youth who became involved in both systems through any of the possible "pathways."

2. **Develop a uniform, statewide data collection and information sharing system** that provides near real-time information regarding youth involved in both the juvenile justice and child welfare systems in Texas for the

purposes of improving services to youth and measuring outcomes of youth involved in both systems. For information sharing purposes, access to the system should be made available to those providing services to youth, limiting the information available to each provider as appropriate to maintain confidentiality. For data collection the system should be set up to track outcomes of all youth involved in both or just one system. Such a system could be the data systems at Texas Child Protective Services or the Texas Juvenile Justice Department or be wholly separate.

**3. Create a taskforce of systems stakeholders, service providers, and experts** regarding dually involved youth to provide guidance on development of the statewide data system; identify and define outcome measures to track, including recidivism and education; develop goals for the outcomes; develop standardized terminology for youth involved in both the child welfare and juvenile justice systems and disseminate best practices for working with youth involved in both systems.

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<sup>1</sup> Widom, C. S., & Maxfield, M. G. (2001). An update on the "cycle of violence". Washington, D.C., U.S. Dept. of Justice, Office of Justice Programs, National Institute of Justice.

<sup>2</sup> Smithgall, C., Jarpe-Ratner, E., & Walker, L. (2010). Looking Back, Moving Forward: Using Integrated Assessments to Examine the Educational Experiences of Children Entering Foster Care. Available at: [http://www.chapinhall.org/sites/default/files/Looking\\_Back\\_Moving\\_Forward\\_111810.pdf](http://www.chapinhall.org/sites/default/files/Looking_Back_Moving_Forward_111810.pdf)

<sup>3</sup> Models for Change Research Initiative. Is There a Link between Child Welfare and Disproportionate Minority Contact in Juvenile Justice? Published Dec 1, 2011, Available at <http://www.modelsforchange.net/publications/317>

<sup>4</sup> Missed Opportunities CfJJ <http://www.njjn.org/uploads/digital-library/CfJJ-MissedOpportunities-2015.pdf>

<sup>5</sup> Harris County Juvenile Information Sharing Whitepaper. JIS Whitepaper Final 81016.