We Can Do Better:

Sharing Responsibility to Better Meet the Needs of Dual-Status Youth

A supportive, nurturing environment is the solid foundation on which a successful future is built. Children and youth who have been abused or neglected have a faulty foundation and a compromised sense of safety and security. The insecurity and trauma experienced by children who have been maltreated can manifest in maladaptive behaviors and inappropriate responses to stress and adversity. Too often, this means youth with a history of abuse or neglect become involved with the juvenile justice system.

While only a minority of children who have been abused or neglected engage in delinquent behavior, they are at a significantly higher risk. When youth do become involved in both the child welfare and juvenile justice systems, they present unique needs that require collaboration between the numerous systems and people involved in their lives.

The link between childhood maltreatment and risk of delinquency and criminal behavior is well-established. Practitioners have long recognized that many youth are involved in both systems, but information sharing and joint case planning and service delivery between the systems has lagged behind.[1] Though each individual, case, agency, and jurisdiction is unique, decision-makers and stakeholders can work together to improve coordination and communication between systems and improve outcomes for youth and families caught between them.

This brief is intended to serve as an introduction to dual-status youth and the system reforms needed to better serve this vulnerable population. Resources and examples provided throughout the brief can be used to further explore the issues raised, begin conversations, and spur interest in systems coordination. Multidisciplinary collaboration is emerging as a best practice across all types of work with children and families, and the child welfare and juvenile justice systems are no exception.

Defining Dual-Status Youth

Dual-status is a general, overarching term used for youth who have come into contact with both the child welfare and juvenile justice systems. They enter the systems at different ages, through different pathways, and have different levels of involvement in each system. Under the umbrella term "dual-status youth" are three categories distinguished by different levels of penetration into the child welfare and juvenile justice systems. **Dually-identified** youth are currently involved in the juvenile justice system and have a history of involvement with the child welfare system, but do not have a currently open child welfare case. **Dually-involved** youth are concurrently involved with both systems, but the involvement may not be formalized in both. For example, a dually-involved youth can have a combination of formal or diversionary involvement. **Dually-adjudicated** youth have formal involvement with the court in both systems. They have a sustained dependency allegation in the child welfare system and have been adjudicated by the juvenile justice system. It is difficult to estimate the number of dual-status youth. Estimates range from 17% of the juvenile justice population to 67% in some jurisdictions. Though there is variation in estimates of the prevalence of dual-status youth, studies have shown that the more deeply a youth has penetrated the juvenile justice system, the more likely he or she is to have a history of involvement with the child welfare system.[2]

Figure 1

Dual-StatusYouth:

Overarching term for youth who come into contact with both the child welfare and juvenile justice systems.

Dually-Identified Youth: Youth with current involvement in the juvenile justice system and a history of involvement in the child welfare system

Dually-Involved Youth: Youth who are involved with both systems simultaneously and receiving services (diversionary, formal, or a combination)

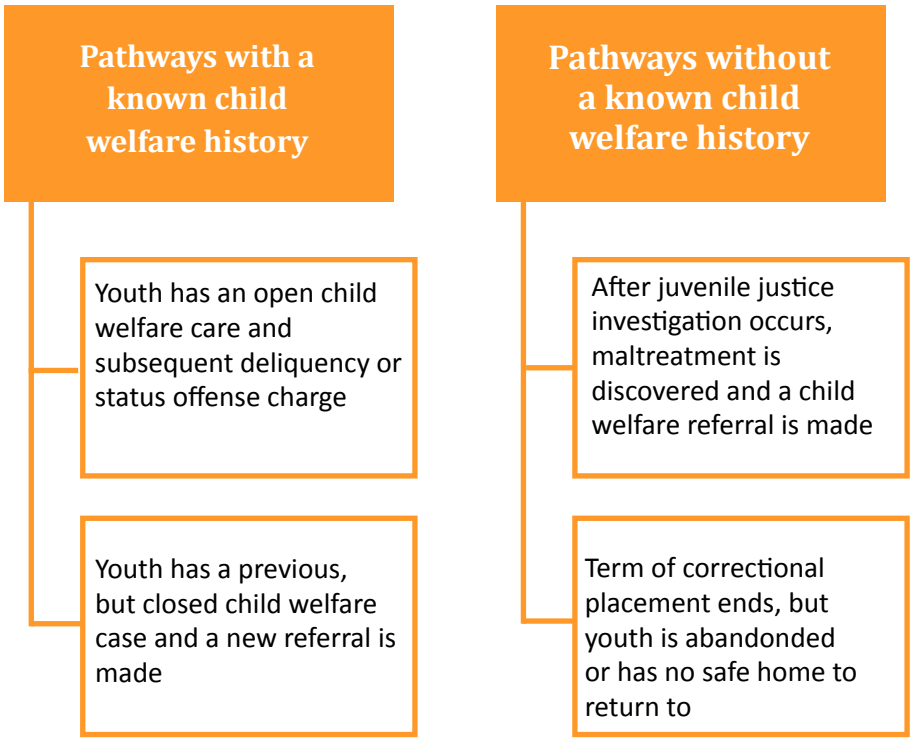
Dually-Adjudicated Youth: Youth who are concurrently adjudicated and dependent in the juvenile justice and child welfare systems

Adapted from: "Guidebook for Juvenile Justice and Child Welfare System Coordination and Integration: A Framework for Improved Outcomes

There are Multiple Pathways to Dual-System Involvement

The pathway a youth takes to dual-system involvement is another important part of his or her story and needs. Several studies have found that the most common pathway occurs when a youth with a child welfare history becomes involved in the juvenile justice system. This pathway can also be broken down by delinquent youth and youth who commit status offenses. A status offense is a behavior that is prohibited because of age, whereas a delinquent act is one that would have been a crime if committed by an adult. Examining the pathways a youth may take into dual-system involvement helps jurisdictions better target intervention and prevention efforts. Figure 2 describes pathways for youth with a known child welfare history and for youth without previous child welfare involvement.

Figure 2



Adverse Childhood Experiences as Risk Factors for System Involvement

Understanding the link between involvement in the child welfare and juvenile justice systems begins with an understanding of how adverse experiences and maltreatment impact the development of children and adolescents.

Research on trauma and its effects on brain development and health continue to support what practitioners have long suspected: that our childhood experiences have a dramatic, lifelong impact. A groundbreaking 1998 study by the Centers for Disease Control and Kaiser Permanente found that adults who had one or more traumatic experiences prior to age 18 had much higher rates of both physical and mental health problems. These traumatic experiences, called Adverse Childhood Experiences (ACEs), reliably predicted poor health outcomes for the adults in the study.[3]

The Adverse Childhood Experiences measured in the study were:

- Recurrent physical abuse
- Emotional abuse
- Sexual abuse
- An alcohol and/or drug abuser in the household
- An incarcerated household member
- A household member who was chronically depressed, mentally ill, institutionalized, or suicidal
- Parental separation or divorce

In 2010, the Children's Trust Fund and the Children's Hospital and Health System Child Abuse Prevention Fund replicated the ACE study, surveying more than 4,000 adults in Wisconsin. The findings strongly supported the original study. A large proportion of the population experienced at least one ACE, but a significant number had two or more adverse experiences.[4]

Findings included:

- 56% of the population had at least 1 ACE
- 22% had only 1ACE
- 20% had 2-3 ACEs
- 14% had 4 or more ACEs
- Physical and sexual abuse-related ACEs dramatically increase the risk of poor mental health outcomes
- Health risk behaviors increase as the number of ACEs increases

Seeing how traumatic childhood experiences affected adults, Pierce County, Washington studied their juvenile justice population to better understand the relationship between adverse experiences and juvenile court involvement. In Pierce County, the vast majority of juvenile offenders had at least one Adverse Childhood Experience. Of the 100 youth in the study, 83 had two or more ACEs, a much higher percentage than found in the general population. One-third of the juvenile court involved youth had four or more adverse childhood experiences.[5]

As the ACEs studies showed, there is a high prevalence of adverse experiences in the general population, and ACEs are even more prevalent among youth in the juvenile justice system. Adverse experiences that come to the attention of the child welfare system are often severe enough to warrant intervention, which in itself can be a traumatizing experience for children.

How Maltreatment and Brain Development Influence Delinquency

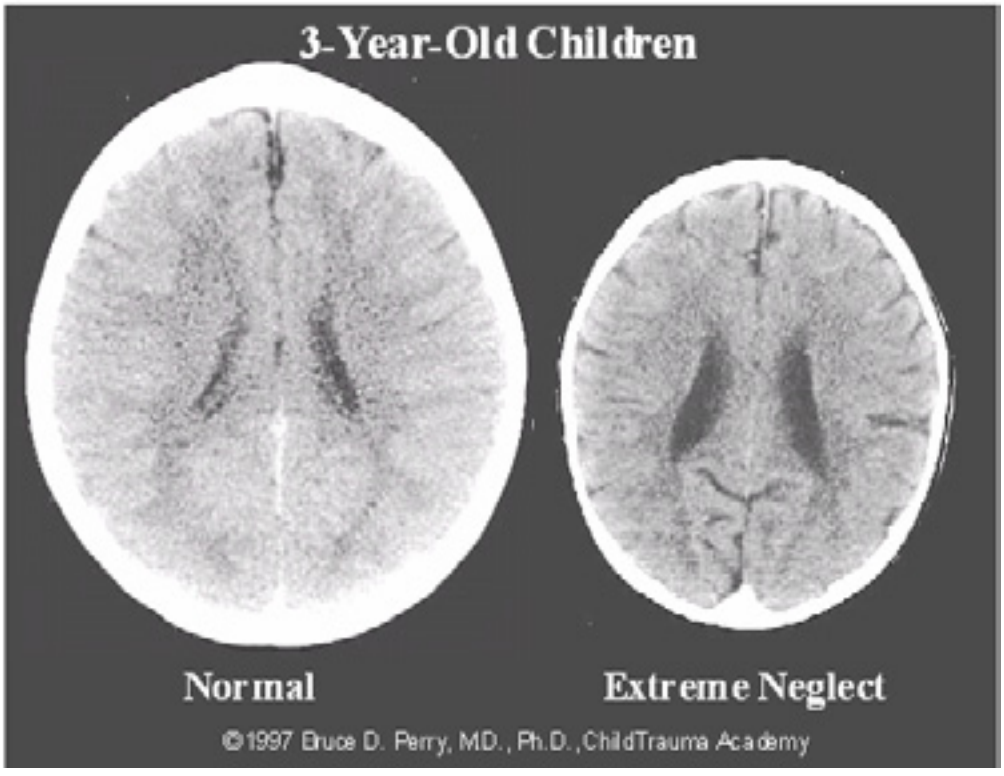
A growing body of research demonstrates that children who experience traumatic or chronic stress early in life not only bear emotional scars, but also become neurologically wired to experience events differently. A child who experiences chronic or traumatic stress develops different neurological responses to stress than children whose needs are met and are able to trust their environment and surroundings. Children with trauma histories frequently live in "fight or flight" mode with high levels of stress hormones consistently pumping through their bodies. The effects of the stress and trauma affect each child differently neurologically, psychologically, and physiologically.

The age at which maltreatment occurs, the biological sex of the child, and the type of abuse or neglect all influence brain development differently. Different parts of the brain are more vulnerable at different stages of development. Neglect activates different processes in the brain than sexual abuse.[6] Sexual abuse has a more dramatic effect on the brain development of girls while neglect has a stronger effect on boys. Trauma affects every child differently, and many variables can affect its impact. However, there are some common consequences of trauma that can be observed.

The neurobiological development of children who have been maltreated impacts many aspects of development and function.[7] Children who experience maltreatment are more likely to have impaired cognitive functioning, such as speech delay, poor memory and recall, and attention problems. Their ability to function socially is impacted as well. Children with maltreatment histories are more prone to aggressive behavior, violent outbursts, poor emotional regulation, an inability to adapt behaviors to social cues, and social isolation.[8] These maladaptive behaviors can result in delinquent or criminal behavior later in life.

The risk of committing violent offenses is higher for youth with a history of maltreatment. A study examining the relationship between maltreatment, gender, and violent offending in adolescence and adulthood found that maltreatment victims were more than twice as likely to have a recorded violent offense as peers with no history of abuse or neglect. The study also found that placement instability was strongly associated with deviant or violent criminal behavior for males.[9] Instability is all too common an experience for children and adolescents in the child welfare systems, as foster care placements are often frequently changed or disrupted, exacerbating the effects of trauma.

Figure 3



Early childhood neglect can have an extreme impact on brain development. The brain of the child who experienced extreme neglect is significantly smaller and less developed than the brain of a non-maltreated child (Perry & Pollard, 1997). *From: Understanding the Effects of Maltreatment on Brain Development, 2009, Child Welfare Information Gateway.*

Disproportionate Representation

As involvement with both systems increases, disproportionate representation of minority populations also increases. When children and families involved in both systems become more deeply involved, disproportionality grows to a point where children of color are represented at rates much higher than in the general population. A study in Illinois found that African American children were greatly overrepresented in the child welfare system, and that these youth were at higher risk of involvement with the juvenile justice system. The disparities were amplified as African American children in the child welfare system became involved in the juvenile justice system.[10]

Other jurisdictions have had similar and even more profound findings. King County, Washington found that the proportion of African American youth was nearly three times their representation in the general population when they had a high level of involvement in both systems. Dual-status Native American youth were represented at a rate nearly four times that of their representation in the general population.[11]

Another troubling trend is the higher number of females with multi-system involvement. Females make up one-fifth to one-quarter of the general juvenile justice population, but increase from one-third to just under one-half of the dual-status youth.[12] The disproportionate representation of females and minority populations further highlights the vulnerability and unique needs of dual-status youth.

Child Welfare and Juvenile Justice Involvement in Wisconsin

Child abuse and neglect continues to be a pervasive problem across the state and nation. In 2012, there were 40,604 maltreatment allegations statewide. Of these allegations, over 5,000 were substantiated, meaning that the court and child welfare agency found sufficient evidence that the child or children had been abused or neglected and warranted intervention. The most common type of substantiated maltreatment was neglect, followed by physical abuse, sexual abuse, and emotional abuse.[13] There is still the potential for significant risk to children whose cases are not substantiated, as they may still be experiencing trauma even though allegations are not substantiated. Further, many families have multiple referrals before maltreatment is substantiated.[14] The experience of being involved with the child welfare system and being placed out of the home is in itself an adverse experience. When combined with the trauma that brought the family to the attention of the child welfare system, a child has already had numerous adverse experiences, each having a unique impact.

Though juvenile arrest rates have fallen in Wisconsin over the past decade, thousands of youth become involved in the juvenile justice system each year. In 2012 there were 68,385 juvenile arrests and 8,469 delinquency petitions filed. On a "census day" in 2010, there were over 1,000 youth residing in correctional institutions, detention centers, or residential facilities.[15] The process of becoming involved in the juvenile justice system can trigger past traumas or be a traumatic experience itself, even for youth without a history of child maltreatment or child welfare involvement.

Though no statewide data is available on dual-status youth, examining the number of children and youth involved in each system is a starting point for understanding the scope of dual-status youth in Wisconsin.

We Can Do Better—the Impetus for Change

There are significant social and monetary costs associated with youth involved in both the child welfare and juvenile justice systems. It costs the juvenile justice system more to serve dual-status youth than to serve youth without a history of involvement in the child welfare system because they often have a higher level of need. Dual-status youth also reoffend at higher rates than youth without a child welfare history.[16] Studies have also found that dual-status youth are more likely to be detained and face harsher sentencing. This can be partially attributed to the fact that they are more likely to commit violent crimes, but also to biases in sentencing youth labeled as "foster kids".[17] They also tend to spend more time in detention and are detained at an earlier age than youth without a history of child welfare involvement.[18]

There are many systemic barriers that impede effective service delivery to dual-status youth, and there are wide variations in the interaction between systems across jurisdictions. Some jurisdictions have mechanisms in place for information sharing and case coordination, while others have little to no recognition of joint cases. Many cases also have little continuity between attorneys and judges, making the legal proceedings disjointed and confusing for families. A frequent lack of coordination between the child welfare and juvenile justice systems also means there is often limited coordination between other child-serving systems, such as education and mental health, which are key factors in the outcomes of dual-status youth.

If we believe that we should "first do no harm," it is critical that we improve systems and service delivery in order to help dual-status youth heal from the adverse effects of childhood trauma and prevent deeper penetration into the juvenile justice system. Reframing the delinquent behavior of dual-status youth through a trauma-informed lens can be accomplished through system reforms that promote greater understanding between workers and systems.

System Reforms

Improved communication and coordination between systems is critical to achieving better outcomes for youth involved in both systems. Coordination improves the process of working with youth and families in each of the systems, allowing both systems to focus on specific decision points to improve how cases are handled. Systems integration is the creation of a new system for youth involved in both the child welfare and juvenile justice systems. An integrated system might include integrated data management systems, blended funding, and shared programming. Coordination efforts are the foundation and building blocks of systems integration. Increased system coordination is an extensive change process that requires buy-in and commitment from child-serving systems in each jurisdiction.

There are several key components of improved system coordination and work with dual-status youth:

- Improving identification of dual-status youth
- Establishing shared outcomes
- Developing coordinated case planning and management protocols
- Improving information sharing and data collection
- Providing trauma-informed care and services

Improved Identification

Timely and consistent identification of dual-status youth is critical for better service delivery and improved outcomes. Creating a system in which workers can identify dual-status youth at first contact with the juvenile justice system leads to more timely and effective coordination with the child welfare system. Improved identification occurs through the creation of protocols outlining a process for flagging previous or current involvement with the child welfare system; the use of assessment tools that detect trauma history; and the development of policies that allow for adequate access to relevant electronic records. An analysis of current information and data sharing processes can reveal opportunities and barriers to identifying dual-status youth. After examining current processes, a legal and policy analysis can help to overcome barriers to ensure that youth are identified.

Establishing Shared Outcomes

Developing shared outcomes, both short- and long-term outcomes that all parties involved with the youth and family commit to achieving, is a core component of improved system coordination. Shared outcomes help guide intervention and prevention strategies. Examining the goals of the child welfare and juvenile justice systems and understanding the unique needs of dual-status youth inform the development of shared outcomes. To establish shared outcomes, the goals of each system must be discussed and understood to reconcile differences and recognize similarities in missions.

This is often a challenging process, as the child welfare and juvenile justice systems have historically viewed themselves as having distinct and even conflicting roles. Addressing these differences is achieved through changing the way systems approach their work with dual-status youth and their families. Creating culture change involves initiating and sustaining conversations on reform, making a commitment to change, and creating a unified vision of the future. Additionally, providing opportunities for cross-system education and relationship

building and establishing methods to assess progress in the initiative are key ways to create meaningful change. Changing organizational culture sustains coordination permanently.[19]

Examples of outcomes for dual-status youth can include:

- Reductions in delinquent behavior
- Assessment of individual needs and tailoring of programs to those needs
- Success in school
- Increased neighborhood and community support
- Engagement in pro-social activities
- Development of social competence

Improving Information Sharing

Information sharing is key to improving outcomes for dual-status youth. Information sharing not only benefits the youth, but saves time and is more cost-effective. Jurisdictions that do not share information frequently duplicate services for families or provide contradictory orders. Improving communication between decision makers and stakeholders allows for more effective interventions. For youth with previous involvement in the child welfare system, information sharing is critical to understanding their trauma history and previous engagement and services.

Coordination is often hindered by the complex legality of information sharing. Agencies and departments often have different recordkeeping systems and limited access to other electronic records with pertinent information. These challenges are not insurmountable, and numerous counties and states have implemented reform initiatives to improve communication and exchange of information. Jurisdictions must first examine the current state of information sharing, and then work with legal counsel to determine what must be addressed to achieve the desired level of systems coordination.

Improving information sharing also provides an opportunity to improve data collection. There is little data on dual-status youth available, and data management information systems for the juvenile justice and child welfare systems are often separate. Improved information sharing creates new opportunities to collect data on the prevalence of youth involved in both systems and to assess the effectiveness of coordination efforts by evaluating shared outcomes.

Developing Coordinated Case Planning and Management

Coordination between systems requires a thorough examination and understanding of the current systems. Legal mandates, court processes, resource allocation, funding, and laws regarding information sharing must all be well understood in order to move forward successfully. Often, initiatives for collaboration are halted because of perceived legal barriers. Conducting a legal and policy analysis helps systems move forward with the development of coordinated case planning and management protocols by removing perceived or real legal barriers.

Examples of Resources on Information Sharing

"Sharing Information Across Systems"
Wisconsin Department of Public Instruction
- Guide designed for educators, law enforcement, juvenile justice and human service workers, and community leaders on confidentiality laws and information exchanges between community systems and Wisconsin schools

"Information Sharing Guide"
King County, Washington
- Guide for information sharing developed for practitioners in King County

"State of Arizona Systems Integration Initiative: Information Sharing Guide"
The Governor's Office of Children, Youth and Families
- Guide written for practitioners and decision makers in Arizona

Key Resource

"A Guide to Legal and Policy Analysis for Systems Integration and Coordination" *by Jessica K. Heldman*

This guide, published by the Child Welfare League of America, outlines the process of conducting a legal and policy analysis. The guide covers key topics such as:
- Forming a committee
- Identifying legal and policy issues
- Researching laws
- Conducting qualitative research
- Articulating findings
- Creating action strategies

Examples of questions to discuss and consider regarding legal barriers and information sharing:

- What statutes, regulations or policies prevent information gathered by one worker in one program from sharing information with other workers interacting with a youth or family?
- How do management information systems help or hinder communication and service integration?
- What funds are available to support systems and service integration? How can funds be combined to meet a multi-system involved family?

Providing Trauma-Informed Care

As research and practice have shown, many dual-status youth have experienced trauma that has had a significant impact on their development and world view. Developing responses that are sensitive to trauma and help youth cope with past traumatic experiences is critical. Assessing the resources that are available for children and youth can begin the process of becoming a trauma-informed system.

System Reform Case Study: Outagamie County, Wisconsin

In August of 2012, the Outagamie County Department of Health and Human Services began participating in the Multi-System Reform Initiative for Dual-Status Youth. Sponsored by the Office of Juvenile Justice and Delinquency Prevention and the John D. and Catherine T. MacArthur Foundation, the initiative provides sites across the country with technical assistance from expert consultants from the Robert F. Kennedy Children's Action Corps. The initiative seeks to help project sites improve outcomes for youth in the juvenile justice system with previous or current involvement in the child welfare system.

Working through a four-phase framework for integration and coordination detailed in the Guidebook for Juvenile Justice and Child Welfare System Coordination and Integration, the county identified a target population, created an identification protocol, and established outcome goals for both the systems and for dual-status youth and their families. The target population identified by Outagamie County consisted of youth who had previous contact with the child welfare system and youth who were currently involved with the child welfare system at the time of their juvenile justice referral.

Goals:

- Improved collaboration and intergration between child welfare and juvenile justice services
- Improved outcomes beyond safety and permanence
  - Increased protective factors
  - Increased community support
  - Decreaed risk of delinquency
- Decrease in subsequent referrals for abuse andnegelect
- Decrease in out-of home placements

Key Resource

"Outagamie County Multi-System Reform Initiative for Dual-Status Youth Site Manual"

Provides information and details on the initiative including:
- Stages of Implementation
- Practice Reforms
- Lessons Learned

Key Resource

"Crossover Youth and Trauma-Informed Practice Speaker Series"
The National Child Traumatic Stress Network

The NCTSN has a three-part webinar series available on youth involved in both the child welfare and juvenile justice systems. Speakers discuss the impact that trauma has on these youth and the implications for policy and practice.

Prioritized Strategies:

Assessing for Trauma and Providing Trauma-Informed Care: Outagamie County recognized the effects of trauma exposure across agencies and sought to create a shared understanding of the symptoms of trauma. They recognized that creating a coordinated approach using evidence-based practices of trauma-informed care across systems was integral to improving outcomes for dual-status youth. The county worked extensively with the Wisconsin Trauma Project, a program of the Wisconsin Department of Children and Families, to provide trauma-focused cognitive behavioral therapy.

Practice Reform: Coordinated Case Planning Protocol- The county also sought to efficiently and effectively share the knowledge and expertise of the multiple workers who have come into contact with youth. Sharing information and blending decision making, case planning, and progress monitoring were essential aspects of this practice reform. The county also developed a specific protocol to work with cases of intra-family sexual abuse.

Building a Brighter Future for Dual-Status Youth in Wisconsin

Though there are many necessary steps to improving systems coordination, there are three that need particular attention and for which agencies, workers, and other stakeholders should advocate:

1. *Improve the State of Information Sharing in Wisconsin* - It is important to balance the need to safeguard personal information with decision-makers' need to access that information. Social workers, schools, mental health providers, attorneys, and judges are all integral to improved outcomes for dual-status youth. At both the state and local level, we need to assess the current state of information sharing, compliance with federal regulations for information sharing, and ways to integrate current information management systems like e-WISACWIS. Some of this work is underway, and we believe it is an important step in improving outcomes for youth, families, and communities

2. *Improve Trauma-Informed Care* - Wisconsin should increase funding for initiatives that address trauma histories of youth involved in the child welfare and/or juvenile justice systems. We should expand programs like the Wisconsin Trauma Project statewide. In addition, we need to invest in building the capacity and skills of professionals working with youth/families to provide effective, proven services and supports. We support increased investments and attention to a number of initiatives that are already working in Wisconsin, including an initiative led by First Lady Tonette Walker in partnership with the Department of Children and Families; efforts by the Department of Corrections to improve treatment of youth involved with Juvenile Corrections; and efforts by the Department of Public Instruction to improve schools' responses to youth with trauma histories.

3. *Improve Family and Youth Engagement Strategies* – No matter how deeply youth with trauma histories penetrate our systems, meaningful family and youth engagement is critical to achieving successful outcomes. We cannot afford to treat parents/caretakers as if they have only a marginal role to play in the life of their child.[20] We also cannot fail to listen directly to the youth involved in the systems. Their voices should be heard throughout the process. We support increased investments in programs like the Coordinated Service Team (CST), in which family involvement as a partner in the process is a core value; in the use of parent peer supports; and in building the skills of those working with youth and families to partner with families to achieve positive outcomes for their children.

Summary

Dual-status youth are a vulnerable population that deserves a united front from the many adults and systems that are involved in their lives. Their trauma histories have often led to the development of maladaptive responses to stress and adversity that warrant treatment, along with appropriate accountability rather than harsh punishments devoid of rehabilitative measures. By adopting a trauma-informed approach to working with dual-status youth, the juvenile justice system can help promote the development of more productive responses and behaviors. To accomplish this, child welfare and juvenile justice systems should coordinate on case planning and service delivery. Identifying dual-status youth in a timely manner, promoting information sharing and data collection, removing legal and policy barriers to coordination, and establishing shared outcomes are the foundation of integrated systems that efficiently create the strongest foundation for success.

This is Only the Beginning

The system reforms discussed in this brief are only a part of the process of systems coordination. The resource list that follows provides links to guides and resources that outline the process in depth and provide practical steps and guidelines for implementing reforms. This brief is meant to serve as an introduction and to highlight the need for system coordination and integration for dual-status youth. These youth deserve a chance at a bright future; collaborative systems working towards common goals can help them move forward.

Additional Resources on Systems Coordination and Integration

Publications:

Addressing the Needs of Multi-System Youth: Strengthening the Connection between Child Welfare and Juvenile Justice
http://cjjr.georgetown.edu/pdfs/msy/AddressingtheNeedsofMultiSystemYouth.pdf

Dual-Status Youth Technical Assistance Workbook
http://www.rfknrcjj.org/images/PDFs/Dual-Status-Youth-TA-Workbook-Cover.pdf

Guidebook for juvenile justice & child welfare system coordination and integration: A framework for improved outcomes, 3rd edition
http://www.modelsforchange.net/publications/514

Safety, Fairness, Stability: Repositioning Juvenile Justice and Child Welfare to Engage Families and Communities
http://cjjr.georgetown.edu/pdfs/famengagement/FamilyEngagementPaper.pdf

Understanding Child Maltreatment and Juvenile Delinquency: From Research to Effective Program, Practice, and Systemic Solutions
http://www.rfknrcjj.org/images/PDFs/Understanding_Child_Maltreatment_and_Juvenile_Delinquency_From_Research_to_Effective_Program_Practice_and_Systemic_Solutions.pdf

Washington State Integrated Case Management: A Replication Toolkit
http://www.modelsforchange.net/publications/470

Websites:

Center for Juvenile Justice Reform at Georgetown University
http://cjjr.georgetown.edu/pm/practicemodel.html

Models for Change
http://www.modelsforchange.net/index.html

Robert F. Kennedy National Resource Center for Juvenile Justice
http://www.rfknrcjj.org

Endnotes

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