Supporting the successful development of young people who are or have been involved with both the child welfare and juvenile justice systems—also known as crossover youth—is the focus of multiple public systems, including health, behavioral health, and education alongside community-based organizations and advocates.

Young people who come into contact with both the child welfare and juvenile justice systems are among the most vulnerable of California’s children. These young people are more likely to be separated from their families, experience frequent placement changes, suffer behavioral health problems, and have poor educational outcomes when compared with children not in contact with both systems.¹

We owe it to the children in our care to focus on policies and programs that are truly trauma-informed and that seek to curb the risks of delinquency.

Will Lightbourne, California Department of Social Services

This issue of insights offers an overview of the data, studies, and policy and practice reform efforts responding to the needs of these crossover youth. The objective of this issue of insights is to move beyond blaming systems, and instead address our shared responsibility to prevent crossover for the most vulnerable of our youth.

¹ “Young Adult Outcomes of Youth Exiting Dependent or Delinquent Care in Los Angeles County,” November 2011. http://rhfdn.org/PDF/Young_Adult_Outcomes_of_Youth_Exiting_Dependent_or_Delinquent_Care_in_LA_County_Report.pdf
Data: What We Know

California Child Welfare

There were 496,972 reports of neglect and abuse in 2014, with 81,391 substantiated. Approximately 67,000 children and youth (age 20 and under) have open child welfare cases in California.²

A deeper dive into this data reveals racial and ethnic disparities. For example, while African American children make up just 5.6 percent of the population of California, they make up 21 percent of the state’s child welfare population.³

California Juvenile Justice

There were 101,531 young people referred to juvenile probation in 2014. Of those, 52 percent had petitions filed, and 40,322 became either wards of the state, or went into a mix of diversion programs or informal probation.⁴

Similar to child welfare data, these numbers reflect disproportionality:

- Youth of color are significantly more likely to be incarcerated than white youth. In 2013, African Americans were 4.6 times as likely to be involved in the juvenile justice system.⁵

- Lesbian, gay, bisexual, transgender, and queer (LGBTQ) youth are estimated to represent just 5 to 7 percent of the nation’s overall youth population, but 13 to 15 percent of young people currently in the juvenile justice system. Additionally, 60 percent of LGBTQ youth in the juvenile justice system are African American or Latino.⁶

- Once young people are in the juvenile justice system, they are likely to move to more restrictive placements. The Los Angeles Juvenile Probation Outcomes Study found that 75 percent of the youth involved in the study had moved from probation supervision at home to an unsecured group home or secured probation camp.

- Immigrant foster youth with involvement in the juvenile justice system experience additional collateral consequences, affecting their ability to access immigration relief options, like Special Immigrant Juvenile Status (SIJS).⁷

“...In our field work, we consistently find that as many as 2/3 of juvenile justice involved youth have had some experience in the child welfare system. This is a significant population that cannot be ignored."

Jessica K. Heldman, Robert F. Kennedy National Resource Center

<table>
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<th>Ethnicity</th>
<th>In Care (%)</th>
<th>Child Population</th>
<th>Disproportionality Metric</th>
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Data Source: CWS/CMS 2015 Quarter 3 Extract. 2014 - CA Dept. of Finance: 2010-2060 - Pop. Projections by Race/Ethnicity, Detailed Age, & Gender

Youth in Juvenile Probation with petitions filed

2 California Child Welfare Indicators Project
http://cssr.berkeley.edu/ucb_childwelfare/
3 id.
5 http://data.burnsinstitute.org/about
When it comes to dealing with crossover youth, there is so much yet to be done. It’s one thing to have adequate protocols developed and agreed to at the high levels of administration. It’s another thing to adequately train judicial officers, attorneys, social workers, probation officers and others on proper implementation, and yet another thing to get the players in both systems to understand the importance of the need for consistent communication and collaboration at every stage of the proceedings with respect to each and every crossover youth.”

Honorable Michael Nash, Los Angeles County Judge

Estimating California Crossover Youth Population

Of the approximately 40,000 young people in the juvenile justice system in California, a subset has had prior involvement in the child welfare system. The exact numbers are difficult to determine because either the child welfare case is not currently open, or the prior history in child welfare has not been shared with probation. Some studies have estimated that between 50 and 65 percent have had some contact with child welfare through either reported or substantiated neglect or abuse. The only definitive statewide number, according to the Department of Social Services, are the approximately 4,000 youth in probation-supervised child welfare.

Deepening Involvement in the Systems

Outcomes for Crossover Youth

Several recent studies provide some insights into the outcomes of crossover youth:

- In November 2011, a study funded by the Conrad N. Hilton Foundation and completed through a collaborative effort by researchers at the University of Pennsylvania and the Los Angeles County Office of Research and Evaluation Services entitled “Young Adult Outcomes of Youth Exiting Dependent or Delinquent Care in Los Angeles County,” and a follow up study in 2013, highlighted some rather sobering findings, including:
  » Membership in the crossover group is a strong and consistent predictor of less desirable outcomes, including, jail time, a lower likelihood of high educational attainment, and a lower likelihood of being consistently employed.

- On a statewide basis, the California Department of Social Services recently began publishing the “Outcomes for Non-Minor Dependents Probation Foster Youth Exiting Foster Care Quarterly Statistical Report.” Early data shows that of 222 foster youth exiting from probation-supervised foster care, less than half had a high school diploma or equivalency and only 34 percent had either full-time or part-time employment. These quarterly reports provide information on young people exiting probation-supervised care, including their parental status, educational attainment, financial resources, housing arrangements, Medi-Cal health care insurance totals, and existing connections with a caring adult.
Data: What We Need to Know

The accessibility of accurate data is critical to developing effective policies and programs. While there are many anecdotes on precipitating factors for young people who cross over from child welfare to juvenile justice, there is very little data on their demographics, their health and mental health needs, and outcomes.

Several factors account for this “data desert” including:

- In California, child-welfare and juvenile justice agencies use different data systems and their systems are not coordinated.
- Many probation-supervised youth are placed out-of-state, which further compounds the difficulty in identifying, tracking, and serving these young people.
- There is a lack of a universal definition for crossover that is consistently used by the child welfare and probation department.

Research shows that the number and type of placements foster youth experience are the most important risk factors for entry into the delinquency system. In fact, research has found that living in a congregate care placement and running away from a placement are the two greatest risk factors for subsequent foster youth delinquency involvement, and that foster youth with at least one congregate care placement were more than twice as likely to be arrested than youth living with a foster family.

“ It is critical to know who we’re talking about with some agreement for research. It is impossible to develop good programs without knowing who, specifically, you’re trying to reach.”

Denise Herz, California State University, Los Angeles

“ We are beginning to understand the complex factors that result in so many youth from the child welfare system ending up in the juvenile justice system. These factors include underlying, unprocessed trauma, lack of consistent adult support, as well as unintended consequences of system involvement. Deepening our understanding of these issues will enable us to both more effectively disrupt the path from child welfare to juvenile justice as well as better respond to youth who do end up crossing over.

Neha Desai, National Center for Youth Law

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Policies and Programs Focused on Shared Responsibility

There are several policies and programs that strive to improve collaboration between the various entities that play a critical role in addressing the complex needs of all of children and youth in the state’s care, including crossover youth.

- **Title IV-E Waiver Child Welfare Demonstration Project** brings increased focus to effective partnerships between probation and child welfare to better meet the safety, permanency, and well-being of these youth.

- The soon-to-be-implemented **Continuum of Care Reform (CCR)** seeks to “phase out” congregate or group-home facilities for young people in foster care, a frequently used placement type for youth in probation-supervised foster care. As 35 percent of the youth in group homes are probation-supervised, CCR implementation will require a new approach to their care.

- New research on the basic characteristics of youth who become commercially sexually exploited has found that a predictor is experience with the foster care and juvenile justice systems. A report by the West Coast Children’s Clinic on sexually exploited minors found that 48 percent had been in out-of-home foster care placements. Other reports have estimated this rate to be as high as 85 percent. There are many evolving state and county level policies and protocols to respond to the new legislation addressing Commercial Sexual Exploitation of Children (CSEC). At the state level, the CSEC Action Team, which originated through the Child Welfare Council, is coordinating research and helping to develop responses. With funding from Zellerbach and the Walter S. Johnson Foundation, as well as others, WestCoast Children’s Clinic recently developed the **Commercial Sexual Exploitation – Identification Tool** (CSE-IT – pronounced “see it”) to provide a validated screening tool for commercial sexual exploitation. This tool is currently being tested in 20 California counties.

- The California Judicial Council’s **Task Force for Criminal Justice Collaboration on Mental Health Issues** called for connecting juveniles to appropriate services and resources while under the jurisdiction of the court and reentering the community; establishing infrastructure to address needs of juveniles who may be incompetent to stand trial; providing stakeholders with sufficient education about juvenile mental health issues; and utilization of evidence-based practices.

- The California Chief Justice’s **Keeping Kids in School and out of Court Initiative** brings together judicial officers, educators, juvenile justice and child welfare professionals, and community leaders in a systematic effort to address the problem of truancy and school discipline policies that put California’s children at greater risk of juvenile and criminal justice system involvement.

“Real change will come when we recognize that these youth belong to a community, not a system, and when we share accountability for their outcomes.”

**Amy Price, Zellerbach Family Foundation**

“We know that young people rehabilitate and heal in families. They don’t do that in institutions. When we put children in this situation, it becomes impossible to expect that their behavior is going to do anything but get worse.”

**Jennifer Rodriguez, Youth Law Center**
Overview of State Policy Responses

Over the last three decades, California has sought to improve the outcomes of young adults who come into contact with the child welfare and/or juvenile justice systems.

• In 1988, the California Child Victim Witness Judicial Advisory Committee released a report that stated, “There were numerous children who could be classified either as dependents or wards, but because there was no specified procedure mandating coordination between the responsible county departments, many of them did not receive services appropriate to their individual situations.”

• As a response, in 1989, the California legislature passed Welfare and Institutions Code section 241.1 mandating that county probation department and child protective services develop protocols to assess a minor who could fall under both jurisdictions. Both departments are to submit the recommendation to the juvenile court, and “the court shall determine which status is appropriate for the minor.” The decision options are: informal probation, keeping youth in child welfare, or moving youth to the delinquency system and terminating all child welfare support and involvement.

• In 2004, AB 129 gave counties the discretion to exercise dual or exclusive jurisdiction in order to continue to provide child welfare services to youth who cross over. Seventeen counties in California have adopted protocols in response to AB 129. The Judicial Council provided courts with resources for developing protocols for dual-status children, including: convening a statewide transfer of knowledge symposium, conducting AB 129 workshops at statewide conferences, and providing technical assistance and regular conference calls focused on developing and implementing dual status protocols.

• In 2013, SB 855 established the Commercially Sexually Exploited Children Program, administered by the State Department of Social Services, to serve children who have been sexually exploited, a majority of whom have involvement with the child welfare and juvenile justice systems. The program was funded with $5 million in the 2014-15 budget and $14 million annually beginning in fiscal year 2015-16 to fund prevention, intervention, and other services for children who are sexually trafficked and to provide training to child welfare and foster caregivers.

• SB 12 (Beall), currently in Assembly Appropriations and sponsored by the Youth Law Center, seeks to ensure that highly vulnerable youth in foster care who cross over to the juvenile justice system are not denied access to the support available through AB 12 extended foster care to assist in their transition to a healthy and productive adulthood.

These outcomes affect all of us. Involvement in juvenile court contributes to a horrible cycle of poverty and involvement in the criminal justice system. By perpetuating a system in which youth are unable to succeed, we deprive our community of the energy, skills and creativity that young people would contribute if they were not so hobbled by their juvenile pasts.

Sue Burrell, Pacific Juvenile Defender Center

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10 Butte, Colusa, Del Norte, Inyo, Los Angeles, Modoc, Orange, Placer, Riverside, San Bernardino, San Diego, San Joaquin, San Mateo, Santa Clara, Siskiyou, Sonoma, Stanislaus
Highlights of County Responses

Several reform efforts in California counties are building collaborative approaches to prevent, intervene and more holistically address the needs of youth who are in contact with both the child welfare and juvenile justice systems.\(^\text{11}\)

Positive Youth Justice Initiative

The Sierra Health Foundation’s Positive Youth Justice Initiative (PYJI), is managed by the Center for Health Program Management, with additional funding from The California Endowment and The California Wellness Foundation. PYJI is testing a series of reforms in Alameda, San Diego, San Joaquin, and Solano counties designed to transform juvenile justice into a more just, effective system and improve the lives of the youth they engage.

PYJI’s ultimate goal is to encourage system transformation that is focused on the development of healthy youth rather than punitive sanctions and confinement. The Initiative is documenting progress within the four counties currently engaged, including:

- More than 2,000 juvenile justice professionals have been trained in trauma-informed care or positive youth development.


PYJI Highlight: Solano County

The Vallejo City Unified School District, in partnership with its Solano county partners, is leading an effort to better integrate the County educational system with the county’s juvenile justice system to better support students’ success and transition to a healthy adulthood. As a grantee of the Positive Youth Justice Initiative, county partners work closely together to share information and address the intensive social-emotional, health, and educational needs of crossover youth.

A full-service community school district since 2012, Vallejo offers a full suite of health, mental health, and educational services at each its schools. When a student, who has any history with child welfare, comes into contact with juvenile justice, the ‘Positive Youth Justice Liaison’ at the district receives an alert. Defining success as ensuring all students are college and career-ready, the Liaison’s focus is to work with these young people by immediately connecting with them (some in Juvenile Hall) and working with them to create and enact a plan that can result in student success. Students have a seat at their table and are asked what supports they need. The district has already experienced increases in graduation rates and reductions in their suspension rates. “Students really do welcome the help. They crave a family structure and adult mentors to help them guide their journey to adulthood.” - Dr. Alana J. Shackelford, Vallejo City Unified School District
Robert F. Kennedy National Resource Center for Juvenile Justice: Dual Status Youth

The RFK National Resource Center, with support from the MacArthur Foundation and the Office of Juvenile Justice and Delinquency Prevention, has led dual status youth reform in counties throughout the nation, including several in California. The Center is currently engaged with El Dorado County and recently completed an initiative in Santa Clara County. Using the Center’s Guidebook, Santa Clara set out to reform the way the county works with young people who come into contact with both child welfare and juvenile justice systems. A key step in the process was to secure commitment from the major leaders to meet together every month to conduct a close examination of their existing policies and programs and seek to rehaul the county’s approach. This group included community members who bring the perspective of past involvement with juvenile justice and child welfare systems.

The county utilizes a risk assessment process to look at how to best address the individualized needs of the young person. The leadership team engages with county counsel to grapple with questions including, “what does the safety plan look like?” and, “what protective factors are present to develop an intervention plan that promotes safety and ultimately the prevention of further system involvement?”

“We learned that all too often systems make decisions and the voice of the youth and families are absent. This new process results in increased collaboration between child welfare and juvenile justice systems and shared agreement on the best plan forward for the young person.”

Giap Le, Santa Clara County Probation Department

We know that many of the youth in probation and child welfare are crossover youth who have at one time or another been touched by both systems, sometimes at the same time. We believe that through strong collaboration and blending of our services to meet the unique needs of each individual youth and family, and lifting up the voice of the youth in this process, we will provide better services and improve outcomes for these youth.

Jonathan Weinberg, Department of Family & Children’s Services, Santa Clara County

Crossover Youth Practice Model

Los Angeles and Sacramento are currently implementing the Crossover Youth Practice Model (CYPM). This practice model, developed by the Center for Juvenile Justice Reform at the Georgetown University McCourt School of Public Policy, is designed to improve outcomes for youth who are dually involved in the child welfare and juvenile justice systems. The model is rooted in foundational principles and values:

» Youth and families have strengths and should be treated as unique individuals.
» Systems must utilize data to make all policy and practice decisions.
» Strengthening workforce efficacy.

12 Alameda and San Diego are two other CA counties implementing CYPM
Santa Clara’s approach also includes a Youth & Family Team Meeting where a Youth Advocate, a person from Behavioral Health Department who themselves has personal history with the child welfare and/or probation systems, builds a relationship with the youth and the family/adults identified by the young person.

Los Angeles County

A participant in the Crossover Youth Practice Model, the Los Angeles County approach seeks to offer the same high-quality services and consideration to each young person, whether they are overseen by the child welfare or probation department. “These are youth from our own communities. Whether they are at home, in placement, camp or the Hall, we want to give every young person the opportunity to work with us and improve their outcomes.” - Michael Verner, Los Angeles County Probation. When a youth comes into contact with the juvenile justice system in L.A., the first step is to bring together all of the adults connected to the youth as quickly as possible. In this initial meeting, the adults attempt to put together a full picture of the young person and then identify the most appropriate recourse going forward. With the explicit goal of diverting young people from going further into the juvenile justice system, the team seeks the least restrictive placement. The team then works with the young person to create a plan going forward.

Los Angeles credits the importance of having clear protocols on how various departments operate and make decisions into creating a close partnership between probation and child welfare departments. The county also found that co-locating some members at each department yields greater levels of coordination and cooperation.

Sacramento County

Sacramento County has sought to trace back delinquency to dependency and address the root issues of children who come into contact with the juvenile justice system. The county is currently focusing on dually involved youth - those in the dependency system who are also in the delinquency system on informal probation.

Sacramento is particularly focused on young people who are victims of commercial sexual exploitation. Presiding Judge Stacy Boulware Eurie, a state leader addressing Commercial Sexual Exploitation of Children (CSEC), has created a CSEC specific court which provides consistency and a greater understanding of the issues involved with this population. Additionally, multidisciplinary teams work with each young person to address his or her complex needs and create a plan to move them out of the system.

For many youth whose lives have been touched by trauma, the normal paths of age appropriate development have been interrupted due to commercial sexual exploitation. 85% of Sacramento’s CSEC cases have child welfare history and our juvenile system stakeholders have learned that without a multidisciplinary, cross-system approach we are unable to gauge how youth are currently doing or provide tailored court orders that best serve their needs. Our improved practices have resulted in positive outcomes for our dually-involved CSEC with stability, sobriety, improved well-being, higher educational achievement and connection with caring and committed adults.

Honorable Stacy Boulware Eurie, Sacramento Juvenile Court Judge
Moving Forward

Clarify terminology. In order to effectively address the needs of young people in various stages of involvement with child welfare and juvenile justice, it is important to establish a common language, definitions and shared data systems.

Create a fuller picture of crossover youth through better data. Much more needs to be known about what prevention and interventions are effective at changing the trajectory of these young people moving from child welfare to juvenile justice.

Create additional opportunities to move from collaboration to shared ownership. In order to best serve the needs of young people in care, we need a commitment beyond collaborating to one that truly involves shared accountability, including shared successes and failures.

Recognize the power differential and unintended outcomes of system-involvement. To effectively partner with communities and families, systems must be aware of the unequal power dynamic that exists between the youth and families and the systems designed to support them.

Truly integrate cultural and gender-specific, trauma-informed practices and direct contact with these youth and families. While we are now equipped with a great deal of research on the effects of abuse and neglect on young people, our practices and policies have not caught up with the knowledge.

Bring all necessary parties to the table. In addition to child welfare and probation, behavioral health, education, and law enforcement play a critical role in the equation and need to be brought into discussion and interventions to curb the movement from dependency to delinquency.

Provide additional training to judges and counsel. Judges and court-appointed counsel play a significant role in ensuring that children and youth who come before the court receive the necessary supports and services for promoting their healthy development and well-being.

Recognize the legal and policy concerns. Increased data-sharing and involvement of youth are critical, and inherently raise legal considerations. Questions around protecting incriminating statements of youth and legal requirements around sharing information across departments also must be addressed.

“In order for the system to work out for the better, every party involved needs to really analyze what they’re doing and make some changes — the parents, the kids, the counselors, the politician, the people doing the funding, everyone.

Terrence, 19
He spent his adolescence moving between group homes and Juvenile Hall

“At a minimum, we must fully acknowledge that system-induced trauma, past and present, shape the way youth and families respond to system involvement. We must shift our paradigm and consider the issues we discuss through a broader, more holistic lens.

Laura Garnette, Santa Clara County Probation Department

13 “A Rage To Do Better: Listening to Young People from the Foster Care System,” Nell Bernstein, May 2000
Resources

Reports Issued by the State


“Juvenile Justice in California,” 2014

“Outcomes for Nonminor Dependents Probation Foster Youth Exiting Foster Care,” Quarterly Statistical Report, CDSS, 2015

“DualStatus Children: Protocols for Implementing Assembly Bill 129,” A Report to the California Legislature, November 2017

County Level Research/Reports

“A Profile of Youth in the Los Angeles County Delinquency Prevention Pilot,” 2015

“Los Angeles County Juvenile Probation Outcomes Study,” Denise Herz, April 2015


“Young Adult Outcomes Of Youth Exiting Dependent Or Delinquent Care In Los Angeles County,” Dennis Culhane, 2011 and Following up reports, 2013

Youth Studies


“Findings from the California Youth Transitions to Adulthood Study (CalYOUTH),” 2015

“Lesbian, Gay, Bisexual and Transgender Youth in the Juvenile Justice System,” 2015

“Research to Action: Sexually Exploited Minors (SEM) Needs and Strengths,” West Coast Children’s Clinic, 2012

“The Unfair Criminalization of Gay and Transgender Youth, Center for American Progress, 2012

Resources and Reform Models

Center for Juvenile Justice Reform

Crossover Youth Practice Model, CYPM

Crossover Youth Resources, Publications of the Administrative Office of the Courts, Center for Families, Children & the Courts

Dual Status Youth – Technical Assistance Workbook

Guidebook for Juvenile Justice and Child Welfare System Coordination and Integration

Juvenile Justice Information Exchange (JJIE)

Dual Status Youth Hub

Models for Change

National Juvenile Justice Network

Noncitizen Youth in the Juvenile Justice – A Guide to Juvenile Detention Reform

RFK National Resource Center for Juvenile Justice
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