



**National Resource Center for
Family-Centered Practice and Permanency Planning**
at the Hunter College School of Social Work

Information Packet

Juvenile Justice and Child Welfare

National Resource Center for Family-Centered Practice and Permanency Planning

A Service of Children's Bureau/ACF/DHHS

By Teija Sudol

June 2009

129 East 79th Street • New York, NY 10021
TEL 212/452-7053 • FAX 212/452-7475
www.nrcfcppp.org

**A service of the
Children's Bureau/ACF/DHHS**

Summary

Over 70 million Americans – about 1 in 4 – are younger than 18 and are commonly referred to as juveniles (Office of Juvenile Justice and Delinquency Prevention, 2009). More than 2 million juveniles were arrested in 2007, many of whom entered the juvenile justice and delinquency court systems.

Research for the past few decades has shown an undeniable connection between childhood maltreatment and juvenile delinquency (Bilchik & Nash, 2008). Young people who lack protective factors, such as safe schools, adequate health care, and supportive and continuous relationships, are more likely to cross over from the child welfare system to juvenile justice and other systems of care (and vice versa). It has been recommended that child welfare agencies provide services that appropriately address and meet the needs of developing at-risk youth.

The best outcomes for children and youth in care can be achieved through a strong collaboration between the child welfare and juvenile justice systems. Traditionally, dependency and delinquency cases were handled by separate courts and the collaboration between the child welfare and juvenile justice systems was difficult and practically non-existent. Researchers have suggested that integrated information sharing systems, better cross-system assessment tools, improved case assignment and management, as well as inter-agency planning and supervision practices bolster a better collaboration between different systems of care (Lord & Siegel, 2004).

Federal legislation, such as the Juvenile Justice and Delinquency Prevention Act (JJDP) and the Child Abuse Prevention Treatment Act, recognizes the need for cross-systems work and provides technical assistance and funding for systems collaboration. Recent reform initiatives have called for more funding for preventive care in order to keep young people from ever entering the juvenile justice system.

Facts & Statistics

Research compiled by the Child Welfare League of America's Juvenile Justice Division (2007) emphasizes the clear connection between childhood maltreatment and juvenile delinquency showing that many juvenile offenders are in fact victims themselves.

- About 25% of juveniles who offended at ages 16-17 also offended as adults at ages 18-19.
- Minorities account for 60% of juveniles committed to secure facilities: Although African American youth between ages 10-17 constitute about 16% of the population nationwide, they account for 27% of juveniles detained and 36% of juveniles committed to secure institutions.
- In 2005, there were 3.3 million reports of child abuse & maltreatment, of which nearly 900,000 were substantiated: 62.8% neglect, 16.6% physical abuse, 9.3% sexual abuse, 42.2% attributed to neglect, 76.6% were younger than 4 years old.
- Maltreated children were younger at the time of their first arrest, committed nearly twice as many offenses, and were arrested more frequently.
- Being abused or neglected increased the likelihood of arrest: as a juvenile by 59%, as an adult by 28%, for a violent crime by 30%.
- Family risk factors that apply particularly to very young offenders include: child abuse and neglect, family disruption (especially changes in caretakers), parental antisocial or delinquent behavior, parental substance abuse, maternal depression, and access to weapons (especially guns).

For further statistics, visit the Child Welfare League of America Juvenile Justice Division's Child Maltreatment and Juvenile Delinquency: Facts and Figures (2007) webpage at: <http://www.cwla.org/programs/juvenilejustice/jjfacts.htm>.

In *Juvenile and Family Justice Today*, Bilchik and Nash (2008) reported that children who are placed in out-of-home care are twice as likely to commit delinquent acts than are those receiving in-home services, due to frequent changes in caretakers. Further, the majority of young people who cross over from the child welfare system to the juvenile justice system have substance abuse and/or mental health issues. Very few jurisdictions track the number and outcomes of crossover youth. It is estimated that 9-29% of youth involved in the child welfare system engage in delinquent behavior.

Legislation & Policies

The major laws that direct the work of the Juvenile Justice System are the Juvenile Justice and Delinquency Prevention Act (JJDP) and the Child Abuse Prevention and Treatment Act (CAPTA). The **JJDP** was originally enacted in 1974, reauthorized in 2002, and is currently due for reauthorization. Though passed by the Senate Judiciary Committee with bipartisan support, it has yet to be voted on in the Senate. The highlights of the current law are that:

- Juveniles are protected against being held in adult jails;
- Juveniles are held separately from adult inmates if space isn't available in juvenile facilities and a juvenile is placed in an adult jail;
- Juveniles should not be detained for age-specific crimes, e.g. skipping school, running away, or possessing/using alcohol; and
- Minority groups should be protected from overrepresentation in high-security facilities.

The reauthorization would change the current law in some significant ways, e.g.:

- Requirements for new procedures prior to detaining a status offender, and strict limits to the time they can be detained;
- Priority and funds are given for mental health and drug treatment programs;
- Staff who work with young people in the juvenile system must receive effective training;
- Incentives are provided for the use of evidence-based programs and best practices; and
- Shifting focus to prevention programs that would keep children from entering the criminal justice system.

To learn more about the Juvenile Justice and Delinquency Prevention Act, visit the Office of Juvenile Justice and Delinquency Prevention website at:

<http://ojjdp.ncjrs.org/about/legislation.html> and <http://ojjdp.ncjrs.org/about/jjdp2002titlev.pdf>.

Section 106(a)(13) of the **CAPTA** (amended in 2003) puts emphasis on interagency collaboration between child welfare agencies and the juvenile justice system, with one of its stated purposes being:

“Supporting and enhancing interagency collaboration between the child protection system and the juvenile justice system for improved delivery of services and treatment, including methods for continuity of treatment plan and services as children transition between systems” (U.S. Department of Health and Human Services, 2003).

To learn more about the modifications to CAPTA, visit the U.S. Department of Health and Human Services website at: http://www.acf.hhs.gov/programs/cb/laws_policies/policy/im/2003/im0304.htm.

In April 2009, the Juvenile Justice Improvement Act of 2009, H.R. 1873, was introduced in the House of Representatives. According to the American Bar Association (2008) and others, it would modify the JJDP Act by:

- Ending the practice of locking up status offenders;
- Keeping pre-trial youth under the age of 18 out of adult jails and lock-ups and in more humane juvenile justice facilities, regardless of whether they are tried in adult or juvenile court;
- Continuing to allow states to keep youth convicted of adult crimes in juvenile facilities without facing a federal penalty; and
- Improving conditions of confinement for youth in juvenile detention and corrections facilities.

To learn more about the Juvenile Justice Improvement Act, visit the Library of Congress website at: <http://thomas.loc.gov/cgi-bin/bdquery/z?d111:h.r.01873>.

Best Practices and Model Programs

National Center for Juvenile Justice (NCJJ), Child Welfare League of America (CWLA), and other groups have put significant effort into researching and developing suitable collaboration frameworks for juvenile justice and child welfare systems. NCJJ (2004) suggested the following five steps that can improve the collaboration between the two systems in “When Systems Collide: Improving Court Practices and Programs in Dual Jurisdiction Cases”.

1. **Screening and assessment** (i.e., multisystem screening for dual involvement, protocols for notifying agencies of dual involvement, structured decision-making tools, one-stop interagency intake assessment and screening centers);
2. **Case assignment** (i.e., one judge/one family, dedicated time dockets for dual system cases, attorney qualifications, attorney recruitment);
3. **Case flow management** (i.e., joint pre-hearing conferences, combining of dependency and delinquency hearings, time certain scheduling, court control of continuances, joint court orders and/or court reports, mandatory inter-agency court presence);
4. **Case planning and supervision** (i.e., joint case plans submitted to the court in advance of hearings, specialized case management and supervision units, interagency liaisons, multidisciplinary teams that are actively involved in case planning, special qualifications and/or training for case managers, reduced caseloads, family-centered interventions, gender-specific programming, programs targeting very young offenders); and
5. **Interagency collaboration** (i.e., broad statutory authority, court-facilitated interagency planning meetings that address dual jurisdictional issues, formal written agreements, collaborative funding arrangements, integrated or shared information systems or databases).

CWLA recently published a revised version of “Guidebook for Juvenile Justice and Child Welfare System Coordination and Integration: Framework for Improved Outcomes” (2004; rev. 2008). It provides an integrated approach to program development and service delivery that can further improve collaboration between the child welfare and juvenile justice systems. The 4-phase framework outlining the steps for systems collaboration builds on the suggestions by NCJJ and can be found in the guidebook and shorter

progress report at: <http://www.cwla.org/programs/juvenilejustice/>. The progress report includes samples of CWLA's work in jurisdictions around the country.

Models for Change, a national effort to accelerate reform in the juvenile justice system, works in four core states on system-wide change, and in 12 additional states on specific issues. Much of the work in the four core states has focused on expanding alternatives to the confinement and formal processing of juveniles, improving aftercare services and supports, increasing access to evidence-based services, and reducing disproportionate minority contact with the juvenile justice system. Some highlights from the core states are listed below; please see <http://www.modelsforchange.net/> for further details.

- **Pennsylvania:** The state began screening youth for mental health needs and saw a reduction in the detention of minority youth in Berks County. Also, an inter-county collaboration was established to improve education, career and technical training opportunities in residential facilities, and the reintegration of youth returning home.
- **Illinois:** The partners have successfully advocated for legislation that changes the state's upper age of juvenile court jurisdiction to include 17-year-olds charged with misdemeanors. They also promoted "Redeploy Illinois", a state law to change fiscal incentives to encourage communities to treat and rehabilitate their youth in community-based settings, in Cook County.
- **Louisiana:** The focus parishes have adopted new risk and needs assessment tools, developed local Functional Family Therapy teams that can provide alternative evidence-based treatment programs, and developed a "data group" that allows tracking and assessing of results and guides reform planning.
- **Washington:** Work to develop mental health screening tools to reduce unnecessary referrals to juvenile court is on the way. Further, by creating a specialized Functional Family Therapy (FFT) caseload with an African-American FFT provider, the state increased African-American Youth's FFT engagement rates from 45% to 83%.

Online Resources

Center for Juvenile Justice Reform (<http://cjjr.georgetown.edu/>) at Georgetown University supports leaders in the public juvenile justice agencies and related systems of care by providing a multisystem perspective and resources for the reform work that is being done around the country.

Juvenile Justice Division of CWLA (<http://www.cwla.org/programs/juvenilejustice/>) provides technical assistance, consultation and training to implement systems collaboration and reform in juvenile justice. It also disseminates analyses on child welfare and juvenile justice policies and practices that promote positive youth development and advocates for legislation, policies and procedures that contribute to juvenile justice system reform.

Models for Change (<http://www.modelsforchange.net/>) is a national initiative funded by the John D. and Catherine T. MacArthur Foundation to accelerate reform of juvenile justice systems across the country. Working in four selected core states, its aim is to create replicable models for reform.

National Center for Juvenile Justice (<http://www.ncjservehttp.org/NCJJWebsite/>) is a nonprofit organization that provides independent research on variety of topics related to juvenile justice. NCJJ is the research division of the National Council of Juvenile and Family Court Judges.

Office of Juvenile Justice and Delinquency Prevention (<http://www.ojjdp.ncjrs.gov/>) in the U.S. Department of Justice supports states, local communities, and tribal jurisdictions in their efforts to develop and implement effective programs for juveniles. OJJDP sponsors research, program, and training initiatives; develops priorities and goals and sets policies to guide federal juvenile justice work; disseminates information about juvenile justice issues; and awards funds to states to support local programming.

Bibliography

- American Bar Association. (2008). *February 2008 ABA policy and report on crossover and dual jurisdiction youth*. Retrieved June 29, 2009 from: <http://www.abanet.org/youthatrisk/crossoveryouthpolicy.html>
- Altschuler, D., Berkley, K., Burton, L., & Stangler, G. (2009). *Supporting youth in transition to adulthood: Lessons learned from child welfare and juvenile justice*. Georgetown University Center for Juvenile Justice Reform and the Jim Casey Youth Opportunities Initiative. Retrieved June 29, 2009 from: http://www.jimcaseyyouth.org/docs/cjir_transition_apr09.pdf
- Bilchik, S. & Nash, M. (2008). *Child welfare and juvenile justice: Two sides of the same coin*. Juvenile and Family Justice Today, Fall 2008. Retrieved June 29, 2009 from: <http://cjir.georgetown.edu/pdfs/Fall%2008%20NCJFCJ%20Today%20feature.pdf>
- Bilchik, S. & Nash, M. (2009). *Child welfare and juvenile justice: Two sides of the same coin, Part II*. Juvenile and Family Justice Today, Winter 2009. Retrieved June 29, 2009 from: http://cjir.georgetown.edu/pdfs/Winter09_CrossoverPartII.pdf
- Center for Juvenile Justice Reform and American Public Human Services Association. (2008). *Bridging two worlds: Youth involved in the child welfare and juvenile justice systems: A policy guide for improving outcomes*. National Association of Public Child Welfare Administrators. Retrieved June 29, 2009 from: <http://cjir.georgetown.edu/resources.html>
- Chapin Hall Center for Children at the University of Chicago and Center for Juvenile Justice Reform at Georgetown University. (2007). *Racial and ethnic disparity and disproportionality in child welfare and juvenile justice: A compendium*. Retrieved June 29, 2009 from: http://cjir.georgetown.edu/pdfs/cjir_ch_final.pdf
- Child Welfare League of America, Juvenile Justice Division (2007). *Child maltreatment & juvenile delinquency: Facts and figures*. Retrieved June 29, 2009 from: <http://www.cwla.org/programs/juvenilejustice/jjfacts.htm>
- Conger, D. & Ross, T. (2009). Bridging child welfare and juvenile justice: Preventing the unnecessary detention of foster children. In *Child Welfare: The Challenges of collaboration*, Chapter 8. The Urban Institute Press.
- Hernandez, P.M., Herz, D., Ryan, J.P., & Marshall, J.M. (2008). *Juvenile delinquency in child welfare: Investigating group home effects*. Children and Family Research Center. Retrieved June 29, 2009 from: http://www.acy.org/upimages/Group_Home_Study.pdf
- Herz, D.C. & Ryan, J.P. (2008). *Building multisystem approaches in child welfare and juvenile justice*. Center for Juvenile Justice Reform, American Public Human Services Association and California State University, Los Angeles. Full guide retrieved June 29, 2009 from: <http://cjir.georgetown.edu/resources.html>
- Lord, R. & Siegel, G. (2004). *When systems collide: Improving court practices and programs in dual jurisdiction cases*. National Center for Juvenile Justice. Abstract retrieved June 29, 2009 from: <http://www.ncjrs.gov/App/Publications/abstract.aspx?ID=235383>

- Mankey, J., Baca, P., Rondenell, S., Webb, M., & McHugh, D. (2006). *Guidelines for juvenile information sharing*. Office of Juvenile Justice and Delinquency Prevention (USDOJ). Retrieved June 29, 2009 from: <http://www.ncjrs.gov/pdffiles1/ojjdp/215786.pdf>
- Office of Juvenile Justice and Delinquency Prevention (USDOJ). (2009). *Statistical briefing book: Juvenile population characteristics*. Retrieved June 29, 2009 from: <http://ojjdp.ncjrs.gov/ojstatbb/population/index.html>
- Pendleton, R. & Green, A. (2008). *Permanency through collaboration between delinquency and dependency courts*. Child CourtWorks, 10(2) p. 1-2. National Child Welfare Resource Center on Legal and Judicial Issues at ABA Center on Children and the Law. Retrieved June 29, 2009 from: http://www.abanet.org/child/08_05_Vol10Iss2.pdf
- Tuell, J.A. (2008). *Child welfare & juvenile justice systems integration initiative: A promising progress report*. CWLA Press. Retrieved June 29, 2009 from: <http://www.cwla.org/programs/juvenilejustice/jjprogressreport.pdf>
- Tuell, J.A., Widom, C.S., & Wiig, J. (2004; revised 2008). *Guidebook for juvenile justice and child welfare system coordination and integration: framework for improved outcomes*. CWLA Press. Retrieved June 29, 2009 from: <http://www.cwla.org/programs/juvenilejustice/jjguidebook08.pdf>
- Tuell, J.A., Widom, C.S., & Wiig, J. (2003). *Understanding child maltreatment and juvenile delinquency. From research to effective program, practice and systemic solutions*. CWLA Press. Retrieved June 29, 2009 from: <http://www.cwla.org/programs/juvenilejustice/ucmjd.htm>
- U.S. Department of Health and Human Services, Administration for Children, Youth and Families. (2003). *Information memorandum: Modifications to the CAPTA state grant program by the Keeping Children and Families Safe Act of 2003 (Public Law 108-36)*. Retrieved June 29, 2009 from: http://www.acf.hhs.gov/programs/cb/laws_policies/policy/im/2003/im0304.htm