



Foster Youth Who Crossover to Juvenile Justice

Adopted October 2015

Overview

The National Foster Care Youth & Alumni Council members have been exploring the experiences of crossover youth and how policies impact the experiences and outcomes of crossover youth. Council members believe that the barriers faced by crossover youth are compounded by the barriers they faced while in the foster care system, making this population especially at-risk for falling through the cracks. These barriers stem from the lack of data shared between systems and the lack of data informing research and literature on the experiences and outcomes of crossover youth.

Council members created a poll for crossover youth to explore the circumstances leading to a foster youth's involvement in the Juvenile Justice system, services available to foster youth after they crossover, and the support they receive during and after their crossover experience. Findings from this poll include:

- Crossover youth want, and need, a supportive adult to help them throughout their crossover experience. Two thirds of the respondents indicated that a consistent, supportive adult would have had the largest impact on their crossover experience. Respondents who had a supportive adult who they could reach at any time were less likely to report feeling unsafe in their placements, less likely to indicate experiencing abuse, and more likely to report receiving helpful services.
- Over 50 percent of youth reported that they felt unsafe in their Juvenile Justice placement. Further, of those youth, 61 percent indicate experiencing abuse in their placement.
- Crossover youth are confused and unaware about their own circumstances and case. Of the respondents, 78 percent were unsure if they were adjudicated or why, and two thirds were unsure if they were able to expunge their record.

These findings reveal the immediate needs relating to prevention, stability, and safety and support. We believe there is a pressing need to conduct further research on this population. The Council's priorities are informed by poll responses, personal experiences of Council members, and research on policy and practice.

PREVENTION

We struggle with a variety of known risk factors that increase our likelihood of crossing over into the Juvenile Justice system. Instead of incarceration, we need access to diversion services that address our past trauma. Some estimates indicate that up to 83 percent of crossover youth have at least one behavioral health concern— necessitating a proactive approach that ensures timely access to trauma-informed services and treatment that may prevent delinquent activity¹.

- **Provide us with trauma-informed interventions from the time we enter foster care, and regularly thereafter.** We face a considerable amount of trauma stemming from the circumstances that brought us into foster care, as well as the separation from our families and communities. When we don't receive trauma-informed services, we are more likely to become frustrated and act out—resulting in delinquent behaviors that lead to our involvement in the Juvenile Justice system. As a preventative measure, the Child Welfare system can provide us with trauma-informed services by:
 - Ensuring caregivers and caseworkers receive training to recognize our grief and trauma symptoms.
 - Screen, assess, and offer services with every placement change we experience.
 - Ensure that trauma-informed services are offered early and regularly through an accountability mechanism.

Trauma-informed care is a recurring priority among Council members. Other interventions Council members support include:

- Personalized services to address the trauma, rather than punitive actions that focus solely on our behavior or acting out.
 - Addressing the underlying trauma and helping us understand the thoughts or emotions that might be causing our behaviors (i.e. Cognitive Behavioral Therapy).
 - Youth empowerment strategies that provide us with more control over our living arrangement or educational setting, to help us overcome the profound disempowerment we've experienced.
 - Peer to peer support that wraps us with support circles comprised of people who understand what we are going through.
- **Don't place us in Juvenile Justice placements merely because we need foster care.** Foster youth who are not mandated to complete a Juvenile Justice intervention should not be placed in Juvenile Justice facilities. Foster youth should never be placed in a lock-down or level-system environment without sufficient evidence to warrant that placement. Lack of other placement options is not a basis for placing a foster youth in a Juvenile Justice facility.

¹ Abbot, Samuel; Barnett, Elizabeth. The Crossover Youth Practice Model. Center for Juvenile Justice Reform, McCourt School of Public Policy, Georgetown University, 2015.

- **Meet our status offenses with trauma-informed interventions and diversion², not incarceration.** Intervention should take place at the first sign of minor status offenses, such as school truancy, running away, or alcohol consumption. Don't punish us at a more severe rate than our peers. Placement changes or incarceration are not appropriate responses to our trauma. Behaviors leading to status offenses are often linked to trauma we have experienced or are currently dealing with. Interventions should be informed by a positive youth development lens, taking into account healthy adolescent risk-taking. Diversion should be the priority tool used by law enforcement, courts, and schools. Providing us with needed services and maintaining these services will prevent us from entering the Juvenile Justice system and keep us on the right track.

STABILITY

The lack of stability we face in the Child Welfare system is a contributing factor to our involvement in the Juvenile Justice system. Crossing over into Juvenile Justice exacerbates the instability we already face. If we have more stability, we will be less likely to enter the Juvenile Justice system, and we will be more likely to have a positive crossover experience.

- **Place us in the least restrictive environment, and reduce our number of placements.** When we are placed in highly restrictive placements—like group homes—the likelihood of us entering the juvenile justice system increases. If we enter the Juvenile Justice system, we should be placed in the least restrictive placement possible. A caregiver's response to our behaviors in a restrictive placement tends to be escalated beyond that of a response in a family setting. Every placement change causes a break in our connection with positive community supports and chips away at our access to normalcy. This prevents us from participating in supportive activities (i.e. family functions, school clubs, faith-based events) and increases our involvement with unhealthy communities and environments (i.e. gangs).

Youth voice: "My Social Worker wanted me to be in therapy but I didn't need therapy - I needed a stable placement. Because I became so defiant and became dependent on substances, I had a very difficult time connecting to anyone."

- **Don't allow child welfare to 'let go' of us.** Child Welfare should not 'release' us to the Juvenile Justice system. When our non-crossover peers enter the Juvenile Justice system, their family supports remain intact. These relationships support them throughout their system experience. Foster youth should receive the same support from Child Welfare. For example:

² It's important to note - Council members recognize diversion as a tool used by courts, but also recognize there are decision-makers that can divert a youth from court interaction in the first place, including law enforcement officers, caseworkers, and school officials.

- Case management should remain open for any of us who enter the Juvenile Justice system from foster care. The anticipation should be that we will return to foster care and continue to need the same supports we needed previously, if not more.
- Caseworkers should attend all our court hearings. Their attendance will keep them fully informed of our case proceedings, so that they have all of the information they need to continue to support us.
- Our caseworkers in Child Welfare and Juvenile Justice need to collaborate with each other as long as we are involved in both systems.
- When possible, the same court (preferably, Judge) which presided over our Child Welfare case should maintain oversight of our Juvenile Justice case.

Youth voice: "Once I entered the Juvenile Justice system, I had an entirely new team of adults working with me. They didn't know anything about me and it was a huge interruption to try and adjust to the new system. It would have helped to have the same judge, lawyer, advocate, and adults throughout my crossover experience."

- **Pursue permanency planning when we enter the Juvenile Justice system.** There is no wrong door to access permanency. Both Juvenile Justice and Child Welfare are to be held accountable for ensuring permanency for foster youth who are in the Juvenile Justice system. Our need for a family is not decreased when we enter the Juvenile Justice system; our behavior likely only highlights how we are suffering from a lack of stability and family connections.

SAFETY & SUPPORT

More of us feel unsafe in our Juvenile Justice placements compared to our Child Welfare placements, and this is largely due to the abuse we are exposed to and the environments we are abruptly placed in when we enter the Juvenile Justice system. Furthermore, we lack the family support system most non-crossover youth have, such as a parent, to serve as our advocate.

- **Provide us with access to reporting abuse.** We often lack supportive adults to reach out to when we feel unsafe in our placement. Traumatic childhood experiences increase our vulnerability to predators. Our ability to reach out for help must be available and vigorously protected. We need to have a mechanism to report abuse, neglect, and maltreatment.
 - Many states have a State Foster Care Ombudsman. The Ombudsman creates an avenue for foster children and youth to file complaints regarding their placement, care and services without fear of retribution from those who provide care and services to them. Youth should have input on who is chosen to be their State Foster Care Ombudsman.

- We need an independent forum for the investigation and resolution of complaints made by or on behalf. Mechanisms for reporting, such as a phone number, complaint form should be available in placements. We should receive confirmation that our complaint is being investigated within 48 hours. Our complaint should be tracked to ensure that our concerns are addressed.
 - Reports should be confidential. We should have a guarantee that the contents of the report will not be used to punish us or in retaliation. Reports should be investigated in a timely manner. Although reporting mechanisms may differ between Child Welfare and Juvenile Justice systems, we should have access to the correct reporting information for each.
 - Because we fear retribution from our placements when we report abuse, give us options for how the updates on investigation are communicated to us, such as: phone call, email, mail, school official, lawyers, etc.

- **Provide us with information about our juvenile records.** Our transition plans should ensure that each of us receives a copy of our juvenile record, if it exists, along with information and instructions about how to seal, expunge, or destroy our records. The presence of a juvenile record can prevent us from gaining employment and securing housing. As part of our transition planning, a supportive adult should explain the potential impact of a juvenile record. Most of us are not sure whether we were adjudicated or whether we have a juvenile record. The poll indicates that most of us are not familiar with record sealing, expungement, and destruction. To ensure we have the relevant information on our juvenile records, we need someone to:
 - Meet with us and explain our rights within the juvenile justice system. Explain our case and tell us what our options are for sealing, expunging, or destroying our records. Help us create a plan to address our case record to ensure that we can access employment, housing, and benefits.
 - Refer us to pro bono legal services where we can receive information on the impact of our juvenile court record and its impact on our future. Legal services are often difficult to locate and to access—we need help to identify legal aid resources.
 - To make a formal inquiry about our juvenile court record on our behalf. Supportive, knowledgeable adults assigned to preparing us for transition should receive training on how to provide us with support and education in this area.

- **Connect us to and maintain our relationships with consistent, supportive adults. Additionally, connect us with adults who can help us navigate the Juvenile Justice system.** Every foster youth should be connected with a supportive adult, mentor, or advocate that will maintain contact with us when we enter the Juvenile Justice system. Most children and youth have parents to look after their best interests. Despite the intent of foster care, foster care caregivers are provided incentives contrary to our best interests (i.e. increased rates based on our documented bad behavior). We must have access to sound, third-party guidance from a supportive adult who

understands the implications to the charges made against us. This supportive adult should be knowledgeable about juvenile court and available to provide guidance to us across our court-involvement.

We also need to maintain our connections with our natural support systems that are providing us with emotional permanency—regardless of knowledge of the Juvenile Justice system. We all have different ways we stay connected with our support systems (i.e. phone calls, email, social media, visits). Help us maintain the contact we already have—give us options. Ask us what our individual preferences are and don't take away our support systems as punishment. Maintaining our support systems should be a right, not a "privilege."

Youth voice: "I think having a supportive adult who checks with youth to make sure they are doing fine and whether they need things weekly would be better than once a month if that. Youth need a support system to allow them to have someone to talk to about the changes occurring and help them adjust."

Acknowledgements: Members of the Crossover Workgroup that led the effort in developing these priorities include: Chelsea Marie, Vivian Dorsett, Crystal O'Grady, Sarah Pauter, Amy Peters, Tamisha Macklin, Carlos Rodriguez, Kintaro Yonekura, and Jarel Melendez. Staff support for the workgroup: Jamie Hinsz (FosterClub), and Celeste Bodner (FosterClub). A special thank-you for providing technical assistance:

- o *Shay Bilchik of Georgetown University*
- o *Angela Irvine and Aisha Canfield of Impact Justice*

About the Council: The National Foster Care Youth and Alumni Policy Council convenes to provide federal stakeholders with relevant and timely information as policies and procedures are created that will affect children and families throughout the country. The Council represents a collective viewpoint of youth and alumni who have personal experience in the child welfare system. The Council is a partnership between Foster Care Alumni of America and FosterClub, with generous support from Casey Family Programs.

Visit us online at www.nationalpolicycouncil.org.