

**Healthy Families and Communities Subcommittee,
U.S. House of Representatives Education and Labor Committee**

**The Juvenile Justice and Delinquency Prevention Act (JJDP)
Reauthorization:**

Link between Child Welfare and Juvenile Justice

2175 Rayburn H.O.B.

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INTRODUCTION

Good afternoon. I am honored to have been asked by Chairwoman McCarthy to speak on behalf of the Juvenile Justice and Delinquency Prevention Act, better known as the JJDP, and specifically, to speak on the link between child welfare and juvenile justice.

My name is Janet Garcia and I am the Deputy Director of The Arizona Governor Janet Napolitano's Office for Children, Youth and Families (GOCYF) and the Director of the Division for Children (DFC). The overall mission of GOCYF is to keep Arizona's Families Safe, Strong and Prosperous. In addition to the Division for Children our office includes the Division for School Readiness, the Division for Substance Abuse Policy, the Division for Women and the Division of Community and Youth Development. The Division for Children's purpose is to work to promote a coordinated and integrated system of care that responds quickly and comprehensively to the needs of children, youth and families with focus on children, youth and families with involvement in state services. One of the duties of the Division for Children is to staff the Arizona Juvenile Justice Commission, which is Arizona's State Advisory Group (SAG) on Juvenile Justice as required by the JJDP. This Commission is comprised of 24 members appointed by the Governor, each of whom has training, experience and special knowledge concerning the prevention and treatment of juvenile delinquency and the administration of juvenile justice. Our membership includes representation from juvenile justice

agencies, other child- and family-serving agencies, private nonprofit organizations, locally elected officials, citizen-volunteers and youth. For the six years prior to joining the Governor's Office, I served as a member of Arizona's SAG representing community-based agencies.

Prior to joining the Governor's Office, I was the Executive Director of Tumbleweed Center for Youth Development (Tumbleweed). Tumbleweed is a community-based, non-profit agency located in central Phoenix and serving runaway, homeless, abused and delinquent youth and their families. I spent 20 years at Tumbleweed, first as a direct service provider, then as a program manager and, for 15 years as the Executive Director of the agency. My experience at Tumbleweed allowed me to see first hand the devastation caused to young people by abuse, abandonment and family disruption. I also was privileged to witness the incredible strength and resilience as well as the tenacity of hope in many of youth and families who passed through our doors. Many of the youth and families served had multiple challenges that required assistance from multiple systems. A frequent frustration for youth, families and the staff members supporting them was the often siloed systems that provided piece-meal assistance and sometimes set forth contradictory expectations that made success elusive. This experience of a fragmented system represents a microcosm of the experience of children, youth and families in need and those who assist them throughout the United States.

INCLUSION OF COORDINATION REQUIREMENTS IN 2002 REAUTHORIZATION OF THE JJDP

One of the most consistent programs in my years in the community and before was the Juvenile Justice Delinquency Prevention Program, both the Title II program and the Runaway and Homeless Youth Program. I was delighted to see that in the most recent reauthorization of the act in 2002 this body recognizes the link between child maltreatment and the juvenile justice system, recognizes the need for systems to coordinate to address the complex needs of our most at-risk children and families and

articulates requirements that promote the interaction and coordination of these systems including that:

- States, to the maximum extent possible, must establish policies and systems to incorporate relevant child protective services records into juvenile justice records for the purpose of establishing and implementing treatment plans for juvenile offenders.
- States must ensure that juvenile offenders whose placement is funded by Title IV-E Foster Care receive all the protections included the foster care system, including a case plan and a case plan review.
- The federal government will study juveniles who were under the care or custody of the child welfare system or who are unable to return to their family after completing their disposition in the juvenile justice system. The study shall include an examination of the extent to which state juvenile justice systems and child welfare systems coordinate services and treatment, the federal and local sources of funds for placements and services, and local sources of funds for placements and services, and the barriers faced by states in providing services to these juveniles.

In addition to these provisions, the 2002 JJDP A reauthorization broadens the categories available to states to fund juvenile delinquency prevention and treatment.

Unfortunately, the additional priorities coupled with the 55% decrease over the last five years in federal funding to the states for improvement of their juvenile justice systems funding has led to states being forced to choose between important funding priorities. Progress in reforming state systems to better integrate and coordinate systems has undoubtedly been hindered by the presence of fewer resources to not only maintain compliance with ongoing mandates but to address additional requirements.

WHAT IS THE LINK BETWEEN CHILD WELFARE AND JUVENILE JUSTICE?

The Child Welfare League of America (CWLA) has recognized the undeniable link between child maltreatment and juvenile delinquency and has accepted the mantle of leadership in addressing the need for improved cooperation between systems for the achievement of better outcomes for youth and families involved in multiple systems. A survey of the research conducted by CWLA documents the long-term consequences of child abuse and neglect including the increased likelihood of abused and neglected youth being involved in the juvenile justice system.

In 2005, there were just less than 900,000 substantiated cases of abuse and neglect in the United States. As disturbing as these official figures are in describing the human tragedy, they mask the real toll of child abuse and neglect in the country. The research presented in CWLA's work, *Understanding Child Maltreatment and Juvenile Delinquency: From Research to Effective Program, Practice, and Systemic Solutions* provides undeniable evidence that victims of childhood maltreatment often enter the juvenile justice system and become tomorrow's serious and violent offenders. Our nation's maltreated children are not only more likely than other children to commit delinquent acts as adolescents and crimes as adults, but they are also more likely to experience a range of mental health, substance abuse, occupational, and educational deficiencies during adolescence and adulthood. Though many of these children demonstrate a remarkable resiliency and can grow up to be productive adults, credible research reflects that abused and neglected children are nearly one-third more likely to be arrested for violent crimes later in life. These youth are 59% more likely to commit delinquent acts than non-maltreated youth.

Arizona is fortunate to have been the site of one of the only comprehensive efforts to drill down further on this issue by studying dual jurisdiction youth. That is, youth who have been declared dependent due to abuse, neglect or abandonment and who have also been found delinquent by the juvenile court. ***The Arizona Dual Jurisdiction Study*** (Executive Summary Attached) was conducted by the National Center for Juvenile Justice for the Arizona Supreme Court, Administrative Office of the Courts, Dependent Services Division.

For the study, summary information on each child's involvement with the court was extracted from the Juvenile On-line Tracking System for all juveniles with active dependency, delinquency or status referral/petition in state FY2002 (7/1/01 through 6/30/02) for four of Arizona's fifteen Counties, two urban and two rural, representing over 80% of the states population. Data was available on each case through August 2003. Some of the findings of the study include:

1. Youth with histories of court involvement on dependency matters are **twice** as likely to recidivate if referred on a delinquency offense as juveniles with no history of dependency court involvement (62% vs. 30%)
2. In contrast to general population juveniles where girls are less likely to recidivate than males, girls with dependency court involvement are as likely as their male counterparts to re-offend.
3. Seventy-three percent of youth ages 14 – 17 with an active dependency had at least one delinquency referral, 49% were on probation and 51% were detained at some point.
4. Dual jurisdiction youth tend to start their delinquency careers earlier and have a more extensive and serious delinquency history than court youth without dependency court involvement.

This study of Dual Jurisdiction youth did not specifically address differential impact by race and ethnicity; however, it is clear that youth of color are over-represented in the child welfare system and the juvenile justice system. It is also clear that this over-representation increases at the deep end of the juvenile justice system just as it does for youth with involvement in the dependency system. NCJJ has proposed to OJJDP a follow up study that would include a closer analysis of race and ethnicity of dually adjudicated youth.

Clearly, children who suffer maltreatment are more likely to become involved with the juvenile justice system. They are also more likely to need support services from other child serving agencies that provide mental health and supported education services.

We must take ownership of this problem, fully acknowledge the consequences, and develop collaborative, multi-system solutions to prevent child abuse and neglect and interrupt the costly trajectory—in human and financial terms—of these children as they digress toward a lifetime of delinquency and adult criminality.

Another major research project that is supported by OJJDP funding, *Pathways to Desistance for Serious and Violent Offenders* is looking at factors that contribute to the trajectory of offending in a cohort of 1,200 youth (now young adults) from Maricopa County, Arizona and Philadelphia, Pennsylvania. Principle investigator Dr. Edward Mulvey and his research team are currently gathering data from the child welfare system at both sites with the intent to analyze the effect of child welfare involvement on delinquency and criminal behavior of individuals in the study. This effort will provide additional valuable information on the effect of maltreatment on delinquency and on adult criminal behavior.

National Efforts to Address the Link between Child Welfare and Juvenile Justice

Based on the research, including the findings of the Arizona Dual Jurisdiction Study, the National Center for Juvenile Justice (NCJJ) has published a Special Project Bulletin, *When Systems Collide: Improving Court Practices and Programs in Dual Jurisdiction Cases*, (attached) that makes a compelling case for coordinated multi-system interventions that interrupt this remarkably costly trajectory for our nation's most disadvantaged youth. In the bulletin, the authors outline five areas in which child welfare and juvenile justice agencies can work to coordinate and improve their services for dual jurisdiction youth. These include:

- Screening and assessment
- Case assignment
- Case flow management
- Case planning and supervision, and
- Interagency collaboration

CWLA, through the support of the John D. and Catherine T. MacArthur Foundation, has developed the Child Welfare and Juvenile Justice Systems Integration Initiative (summary attached). The initiative provides consultation and technical assistance to juvenile justice, child welfare, and other relevant youth-serving organizations and agencies regarding the connection between child maltreatment and juvenile delinquency, and the need for an integrated approach to programs and services. The initiative uses a four-phase framework for strategic planning that is designed to improve outcomes for dual jurisdiction youth and families or those who populate multiple youth systems. The effort is designed to develop reformed statutes, policies, procedures, protocols, and practices that will lead to improved outcomes. The CWLA framework, articulates the many issues in which CWLA focuses its consultation, training and technical assistance. These include:

- Mobilization & Advocacy
- Establishment of Governance & Structure
- Multi-system Data Collection & Management
- Information Sharing & Confidentiality
- Coordination of Funding Resources
- Multi-system Screening and Assessment
- Legal & Policy Analysis (federal, state, and local)

ARIZONA'S EFFORTS AT INTEGRATION AND COORDINATION BETWEEN CHILD SERVICES SYSTEMS

In December 2004, in response to the NCJJ report on Arizona's Dually Jurisdiction Study, the Governor's Division for Children took the lead in organizing an interagency task to develop an agreement and framework for working together to provide coordinated, integrated services to youth and families involved in multiple systems. The group included representatives for child welfare, mental health, the courts probation, parole and family members. Policy makers and practitioners as well as state and local representation were sought. The Division for Children, Youth and Families within the Arizona Department of Economic Security provided ongoing staffing and leadership to

bring this diverse group of individuals together to develop ***the Letter of Agreement Supporting Dually Adjudicated Youth*** and the accompanying ***Framework for Interagency Practice Protocol***. (A copy is included in the appendix.) In January 2007, the Directors of the Departments of Health Services, Economic Security and Juvenile Corrections signed the agreement as did the Chair of the Committee on Juvenile Courts. This landmark document sets out an agreement between Arizona's primary child serving agencies to increase integration and collaboration and sets out a framework by which this system improvement will occur.

Another major effort to better integrate and coordinate our child serving system was launched in May 2006 when the Arizona SAG and the Governor's Division for Children jointly held a ***Child Welfare Juvenile Justice Summit***. At our invitation, multidisciplinary teams from each Arizona county and a state-level team—totaling nearly 250 attendees—gathered together to participate in a learning and planning Summit to help promote greater integration in the provision of services to children and families in their communities. The Child Welfare League of America provided training in their planning Framework at the Summit and has continued to provide invaluable technical assistance as we have moved forward with the planning and implementation of Arizona's model. The Summit, supported by funds administered by the Arizona SAG, led to the official establishment of the ***Interagency Coordination and Integration Initiative***, which is currently working to (1) identify youth and families at-risk for multiple systems involvement earlier, (2) provide more comprehensive and effective services, and (3) cultivate improved outcomes for children and youth who are at-risk for, or who have experienced maltreatment. A set of outcomes and strategies (copy attached) have been developed from which a blueprint for action is being completed. Parallel to the completion of the blueprint, multiple committees are moving forward to take action on some of the priority items.

- The Letter of Agreement is being disseminated and discussed across the state to staff at all levels. A training curriculum is being developed combining in person and web-based approaches.

- An information sharing guide patterned on the guide produced in King County, Washington is being developed to clarify the guidelines for sharing information between systems that both protects confidentiality and dispels common myths that restrict the flow of important information.
- Methods are being developed to find and organize data across systems so that direct service workers have the information necessary to appropriately serve youth and families and so that we have the information necessary to evaluate the effectiveness of our efforts on behalf of these youth and families.
- We are looking at ways to prevent penetration of youth deeper into the child welfare, mental health and juvenile justice systems including:

- *Identification and support of younger siblings of our highest risk youth to prevent the trajectory of these younger siblings into the system.

- *Joint training of agency and community provider staff on adolescent development and principles of positive youth development.

- *Updating of licensing and contract regulations to reflect current best practice approaches including strength-based service and positive youth development approaches.

While the state team has gone about identifying and addressing barriers to integration and, we have remained aware that the actual activities of integration and coordination happen at the local service level. Therefore, it is most encouraging that in many areas of our state, local teams are moving forward with specific changes in policy, procedure and practice to better serve youth involved in multiple systems. Ten of Arizona's fifteen Counties have interagency teams that continue to meet to address issues and develop processes to work together for better outcomes for youth and families. Some of the activities of the County Teams include:

- Maricopa County now has co-located staff from Probation, Child Welfare and Mental Health at each of the two juvenile detention centers. These teams

- work together to develop case plans to divert status offending and incorrigible youth out of the delinquency court.
- Pima County now holds Child and Family Team meetings in the detention centers to move low and medium risk youth out of detention with support systems in place to lower the risk of return.
 - Cochise, Graham and Greenlee Counties, three contiguous rural counties in southeast Arizona, have developed a formal agreement regarding how staff from different child serving agencies and across county boundaries will interact with one another to present a seamless system of care to youth and families.
 - Pinal County has partnered with the Governor's Division for Children to obtain a pilot grant from the federal Shared Vision for Youth Partnership to implement a pilot program called Partners Assuring Youth Success (PAYS) providing peer mentoring and work force skill development to youth aging out of the child welfare and/or juvenile justice system to improve employment outcomes for enrolled youth.

The Arizona SAG has continued their commitment to this effort and to the engagement of local communities through committing funding for 'mini-summits' planned by interested local teams to assist them in moving forward local initiatives to better integrate and coordinate services. Casey Family Programs has agreed to match SAG funding to allow more Counties this opportunity.

Challenges

- While the work of this Initiative has been extremely rewarding and valuable, long term change involves changing organizational cultures around sharing of information and collaboration of effort. It has been important to look for and celebrate short-term wins on what must be a sustained journey.
- Categorical funding requirements create barriers to coordination and integration of services and can create competition between agencies for use of limited resources.

- Decentralized systems including Arizona mental health system and education system require the engagement of multiple entities with sometimes diverse opinions and approaches.

Recommendations

1. Congress should expedite reauthorization of the Juvenile Justice Delinquency Act incorporating language being proposed by the Child Welfare League of America and their colleagues to further strengthen and define the expectations for states to address the link between child welfare and juvenile justice.
2. Congress should restore and increase funding of the JJDPA so that states have the resources necessary for studying, planning and implementing and evaluating coordinated and integrated approaches to service.
3. OJJDP should work together with national leaders addressing the link between child welfare and juvenile justice including CWLA and NCJJ to capture and disseminate effective strategies from the field for collaboration and integration.