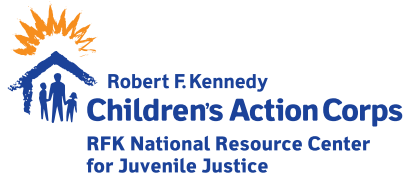
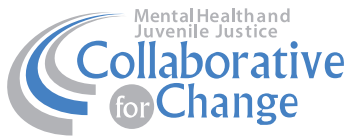


Advancing Juvenile Justice

Recommendations in Three Key Areas



OJJDP is at the brink of tremendous opportunity for improving juvenile justice systems across the country. The National Academy of Sciences' Report, *Reforming Juvenile Justice: A Developmental Approach*, provides an excellent framework, based on the past 15 years of behavioral and neuroscience research on adolescent development, that the Office of Juvenile Justice and Delinquency Prevention can use to help states and local governments realign their systems and respond more effectively to the needs of youth in conflict with the law.

OJJDP's core mission is to promote major reforms that reflect key developmental principles, such as keeping juveniles separated from adult offenders, addressing racial disparities, and avoiding unnecessary detention. Juvenile justice systems, in collaboration with other child-serving systems, must support the positive social development of those they serve, and thereby strengthen and assure the safety of communities. The specific aims of juvenile courts and affiliated agencies are to hold young people accountable for wrongdoing, treat them fairly, and prevent further offending. All of these aims are compatible with—indeed, depend on—a developmentally informed approach to juvenile justice.

As OJJDP considers how best to carry out its mission, three core issues stand out for their intense need, their proven potential for reform, and the opportunities they offer OJJDP to lead significant advances in the field:

1

Implementing appropriate interventions for **youth charged with status offenses** such as truancy and running away from home.

2

Improving the responses to **justice-involved youth with mental health needs**.

3

Better coordinating care for **dual status youth**—those involved with both the child welfare and the juvenile justice systems.

These are among the issues addressed by the *Models for Change* Resource Center Partnership (RCP), an alliance of four resource centers and numerous national experts and leading practitioners in juvenile justice and related fields. The Resource Center Partnership is designed to help policymakers, practitioners, and local juvenile justice systems implement effective, research-based juvenile justice reform. It has already contributed to advances in dozens of jurisdictions across the U.S., by offering a unique wealth of expertise and on-the-ground experience in program development, training, technical assistance, and evidence-based tools.

As the federal agency charged with improving juvenile justice policies and practices, OJJDP carries an additional level of authority, particularly with judges, policymakers, and others at the forefront of implementing system change. OJJDP leadership can seize this opportunity to establish a strong foundation for future improvements, enabling states and local jurisdictions to expand and build on recent advances in juvenile justice.

Three members of the Resource Center Partnership focus specifically on the core issues listed above: the Status Offense Reform Center, the Mental Health and Juvenile Justice Collaborative for Change, and the RFK National Resource Center for Juvenile Justice. These three organizations offer the following recommendations, addressing OJJDP's roles as a policy leader, a supporter of research and evidence-based practice, and a provider of technical assistance. More detailed recommendations and background for each issue are in the accompanying documents.

OJJDP should set high expectations that juvenile justice systems not only comply with the Juvenile Justice and Delinquency Prevention Act (JJDP Act) but meet the established practice standards and integrate the proven best practices in the field. It should develop a strategy for collaborating with states and with other federal agencies to meet those expectations.

- **Promote excellence not compliance.** OJJDP should convene national roundtables or task forces bringing together researchers, practitioners, policymakers, and others to define standards of excellence where needed, to endorse and promote the highest existing standards, and to develop resources for engaging other partners in system improvement. Partners should include judges and court personnel, prosecutors, defense counsel, probation, and law enforcement as well as schools, child welfare agencies, and community-based service providers. OJJDP should use the many mechanisms at its disposal—including policy and practice directives, funding priorities, and incentives—to encourage the use of these standards and resources, and to offer specific practice recommendations to state agencies involved with juvenile corrections, detention, and probation. While compliance is important, OJJDP's focus and resources are better directed at supporting system improvement.
- **Build collaboration among juvenile justice and other child-serving systems at the federal, state, and local levels.** OJJDP has already started this process with its recent issuance of a joint statement with the U.S. Department of Education. We applaud these efforts and encourage OJJDP to shepherd new partnerships and programs to address the needs of youth with mental health issues, dual status youth, and youth charged with status offenses. By leveraging collaborative efforts like the Federal Interagency Working Group on Youth Programs, OJJDP can support not only existing and emerging collaborations but also new partnerships. OJJDP should work closely with agencies such as the Substance Abuse and Mental Health Services Administration (SAMHSA) and the Administration for Children and Families (ACF) to respond more comprehensively to justice-involved youth with mental health needs,

and should seek opportunities to meet those needs using the Affordable Care Act. OJJDP should also sustain partnerships with the Department of Education to address the “school-to-prison pipeline.”

For states and localities, OJJDP should institute cross-system planning requirements; issue joint funding initiatives that require the participation of multiple systems; and expand cross-training efforts like the recent Mental Health Training Curriculum for Juvenile Justice. OJJDP should also disseminate information about successful collaborations, promote established information-sharing tools to support systems integration, and make interagency coordination an integral part of its standards of excellence.

- **Support the elimination of the Valid Court Order (VCO) exception.** OJJDP should take a firm stance against VCO exceptions as contrary to the intent of the core requirement to avoid locking up status offenders. To back up that stance OJJDP should educate stakeholders by funding and disseminating research on the effects of court-based responses to status offenses. It should develop materials that describe how jurisdictions have stopped using the VCO exception through legislation and local practice-based initiatives and maintained or improved outcomes. And it should help raise awareness of recommendations that have already been developed by the field.

OJJDP should support research and evaluation that directly promote better policy and practice.

- **Support specific research aimed at filling current gaps in our knowledge and identifying the most effective innovations.** New practices have emerged to identify youth involved with both the juvenile justice and the child welfare system and to better address their needs. Similarly, the field knows more than it ever has about developmentally appropriate interventions for youth, the unique mental health issues youth in juvenile justice face, and the critical importance of family-based and community-based programs. OJJDP should advance its long-standing commitment to evidence-based practices by supporting the evaluation of these interventions with financial resources and technical assistance on research design and analysis.

OJJDP should ask hard, targeted questions about effectiveness: Which diversion strategies best address mental health needs and keep youth out of the juvenile justice system? What early intervention strategies strengthen families and support youth so that their contact with formal child welfare and juvenile justice is minimized? What kinds of staff training in juvenile settings work best to promote positive youth behavior? What are the most effective treatments for justice-involved youth who have serious mental illnesses or co-occurring mental health and substance use disorders?

- **Focus more research specifically on interventions for youth charged with status offenses.** Despite growing national interest in non-delinquent youth and the vast number of programs addressing their behaviors, few interventions have

been rigorously evaluated. OJJDP should support the study of which interventions and program models are effective and why. Furthermore, existing court-based interventions, which lead to detention of youth charged with status offenses and unmet needs, should be studied to understand the impact on youth and families, how these children and families perceive their experiences with the court, and the role of demographic factors such as race and gender.

OJJDP should focus resources on a small cadre of high-quality, outcomes-driven technical assistance providers and target technical assistance toward local implementation and management.

- **Support a single resource center in each of the core issue areas.** Currently, technical assistance providers are scattered throughout the country, are not well-coordinated, and have overlapping content areas not necessarily aligned with the prevailing issues in the field. Issue-based resource centers should be charged with identifying top experts, with attention to geographic and systemic diversity across the country. They should ensure that policymakers and practitioners receive the most current material, and that it is framed and organized in ways that are most helpful to the different audiences.
- **Provide hands-on guidance and coaching.** In addition to annual conferences, OJJDP should convene multi-site, regional working meetings to provide hands-on guidance and coaching on specific topics within each of the core issue areas.
- **Pilot several intensive, on-the-ground technical assistance initiatives to support reform.** These initiatives would develop practical implementation resources to the field, including toolkits, templates, protocols, and other materials.

A word on racial and ethnic disparities in the juvenile justice system is appropriate here. As a previous paper presented to OJJDP made clear, these disparities are still very much with us, and reducing them remains one of OJJDP's most urgent responsibilities. Because disparities tend to increase at each key decision point in the juvenile justice continuum, the recommendations made in this group of papers—such as objective screening and assessment in mental health, diversion for youth who commit status offenses, and early identification and preventive services for dual-status youth—offer critical opportunities for reducing disparities, or at the very least reducing harm, by preventing youth from falling deeper into the system.

The following papers reach more deeply into the core issues of youth charged with status offenses, youth with mental health needs, and youth involved with both the juvenile justice and child welfare systems. Like the recommendations above, they are based in a developmental framework that acknowledges both the strengths and the needs of individuals as they grow and change over time. They suggest ways that OJJDP can apply current and emerging knowledge to help justice-involved youth while keeping communities safe for everyone. ■

Keeping Youth Charged with Status Offenses Out of Court: Opportunities for OJJDP Leadership and Action

RECOMMENDATIONS FOR OJJDP

1. Support the elimination of the Valid Court Order exception.
2. Calculate the costs of using the courts versus community-based interventions to serve youth who commit status offenses.
3. Convene a national roundtable to elevate the importance of status offense reform and define a national agenda for system improvement.
4. Establish an intensive technical assistance initiative to support status offense reform in a select group of sites nationwide.
5. Promote research to better understand the causes and prevalence of status offense behaviors, and to identify the most effective interventions.

Locking up youth for status offenses violates one of the four core requirements of the Juvenile Justice and Delinquency Prevention Act (JJDP): the Deinstitutionalization of Status Offenders (DSO). At the foundation of this provision is a recognition that youth charged with acts like truancy or breaking curfew should not be treated with the same interventions, or even with the same system, as those who commit crimes. In the spirit of the DSO core requirement, a number of states and localities have begun to rethink their approach to status offenses—not only to refrain from using detention, but, when possible, to avoid the court system entirely. Instead, when possible, they refer at-risk youth and their families to local community-based services. The results have been impressive: reduced court caseloads, lower system costs, and, most important, meaningful and lasting support for children and families. These actions and outcomes align with juvenile justice delivered in the context of a development framework, as described in the National Academy of Sciences' *Reforming Juvenile Justice: A Development Approach*.

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) has broad responsibility to be responsive to adolescent development and the changing needs of children and youth. As the federal entity charged with improving national juvenile justice policies and practices, OJJDP can help other states and localities replace court-based approaches to status offenses with more meaningful and lasting support for children and families. By leveraging its position as the monitor for state compliance with the core requirement, and as a funding source for research and technical assistance in the field, OJJDP can help stem the flow of youth charged with status offenses into the court system. [The Status Offense Reform Center at the Vera Institute of Justice](#) is pleased to offer this brief with recommendations for action.

BACKGROUND

WHAT'S WRONG WITH CRIMINALIZING STATUS OFFENSES

Youth charged with status offenses are charged not with crimes but with certain behaviors—such as running away from home, skipping school, or violating curfew—which are prohibited under law only because of an individual's status as a minor. These behaviors often stem from issues such as problems at home or unidentified mental health conditions of the youth or family members—issues that are best resolved not in court but in schools, in the community, and with families. Nonetheless, in 2010 alone, 137,000 status offense cases were processed in court.

Using courts for these cases can have negative consequences. The system can be slow to respond, and a delay of even a few days can cause a minor crisis to escalate. Courts are ill-equipped to assess the underlying circumstances that could be driving a youth's behavior. While they may have more serious issues, justice-involved youth are also adolescents in the midst of developing socially and emotionally, forming their identities, and seeking independence and autonomy, factors that play heavily in status offenses. But judges often feel stymied by their limited options when faced with a youth who is acting out and parents who feel they cannot handle and safeguard their child. As a result, many young people charged only with status offenses end up in locked facilities: in 2010, for example, youth in 10,400 cases spent time in detention before adjudication, and more than 6,000 youth were given a longer-term placement in a residential facility. In these placements they encounter youth who have committed more serious offenses—exposure that can negatively affect their own behavior.

In an era when states and Congress are finding bipartisan legislative support for criminal justice system reform, there is reason to be optimistic about juvenile justice as well. Realigning system responses to youth who have not committed crimes can be a step toward a less intrusive and more effective juvenile justice system.

SOME PROMISING REFORMS, BUT THEIR REACH IS LIMITED

Over the past decade, several initiatives have been working to raise awareness about status offenses and to help policymakers and practitioners rethink how systems handle such cases.

- The MacArthur Foundation’s *Models for Change* initiative bolstered local status offense reform projects in Louisiana and Washington State with a focus on community-based responses, family engagement, and alternatives to formal court processing.
- More recently, the Foundation has created the Resource Center Partnership (RCP) to provide administrators, practitioners, and policymakers with technical assistance, training, and proven tools and resources to advance reform in key areas. The Status Offense Reform Center is one of the four key partners in the RCP and serves as an online resource to guide and inform policymakers and practitioners interested in learning more about how to serve these youth outside of court.
- The Coalition for Juvenile Justice (CJJ) recently convened a national group of leaders and practitioners who developed the *National Standards for the Care of Youth Charged with Status Offenses*, defining high standards of practice grounded in research on what is effective for families and communities.

While these steps are promising, reforms in the approach to young people charged with status offenses have not yet been widely adopted. Many policymakers and practitioners remain unaware of this population or the implications of using courts to address their needs. Others may be interested in developing community-based approaches, but have no idea how to begin the process. OJJDP can play a major role in reform by eliminating the use of detention for youth charged with status offenses, providing technical assistance to practitioners and policymakers, and addressing gaps in status offense research.

RECOMMENDATIONS FOR OJJDP

1. SUPPORT THE ELIMINATION OF THE VALID COURT ORDER (VCO) EXCEPTION.

Federal policymakers are taking steps to eliminate the VCO exception through legislation. In March 2014, Representative Tony Cardenas introduced H.R. 4123, which again seeks to eliminate the VCO exception.

Still, many states continue to use the exception to securely confine youth for running away, skipping school, and other status offenses. OJJDP received reports of over 7,400 such cases in fiscal year 2014—more than 4,400 of them in just three “outlier” states: Washington, Kentucky, and Arkansas. To help lawmakers who want to address the

issue legislatively, OJJDP should provide guidance on why and how to stop using the VCO exception. These are some steps we recommend OJJDP take:

- **Publish state-by-state information on the use of the VCO exception.** Currently, OJJDP provides this information to organizations that request it; those organizations then publish it in their own materials for their particular audiences. Publication by OJJDP would garner much wider attention, especially in the outlier states.
- **Support new research regarding youth who are confined under the VCO exception, and publicize it with policymakers in mind.** Most research on the dangers of detention and the cost to communities has focused on youth who have committed delinquent offenses, rather than status offenses. OJJDP should conduct or fund research into the impact of secure confinement on this group, and should translate it for policymakers and others, to help them understand the scope of the problem and the real potential for harm.
- **Promote promising practices that are helping states eliminate the VCO exception.** OJJDP should develop materials that describe how jurisdictions have stopped using the VCO exception in favor of less restrictive and more effective interventions. These materials should highlight both legislative changes and local practice-based initiatives that divert youth charged with status offenses away from court involvement or secure detention. OJJDP's authority behind the information will carry weight with judges, policymakers, and others at the forefront of implementing system change. OJJDP should also support and help raise awareness of recommendations already developed by the field, such as those in *National Standards for the Care of Youth Charged with Status Offenses* and those noted by the Status Offense Reform Center.

2. CALCULATE THE COSTS OF USING THE COURTS VERSUS COMMUNITY-BASED INTERVENTIONS TO SERVE YOUTH WHO COMMIT STATUS OFFENSES.

Arguments against using the courts for status offenses often cite the high cost. In reality, jurisdictions rarely know the true cost of this approach, or how it compares with serving youth in the community. Access to this information, especially in jurisdictions where status offense reform may be an uphill battle, would be a useful tool in building momentum to keep young people in their communities. In recent years, a number of organizations have successfully documented costs for juvenile justice and corrections systems that could provide instructive templates. One is the Pew-MacArthur Results First Initiative, which has brought Washington State's highly successful cost-benefit model to other states and offered them technical assistance. Another is the Vera Institute of Justice's methodology for calculating the taxpayer cost of prisons, including costs outside states' corrections budgets. OJJDP should build on this knowledge to support the development of a similar methodology for estimating the costs of addressing status offenses in court versus in the community.

3. CONVENE A NATIONAL ROUNDTABLE TO ELEVATE THE IMPORTANCE OF STATUS OFFENSE REFORM AND DEFINE A NATIONAL AGENDA FOR SYSTEM IMPROVEMENT.

The challenge of meeting the needs of youth charged with status offenses remains largely absent from the national discussion about juvenile justice. Even within our own systems, the role of stakeholders such as law enforcement and school personnel—who account for over 80 percent of all status offense court petitions—is often overlooked. OJJDP is in a unique position to convene a national roundtable of juvenile justice leaders and practitioners—including high-level law enforcement and school officials, along with researchers and other experts—to shine a spotlight on status offenses. The roundtable should focus on adopting standards of excellence and setting a clear agenda for system change aimed at improving outcomes. Its work should set a high bar for systems and for the technical assistance provided by OJJDP, and should elevate the importance of the issue in the national dialogue about juvenile justice. Furthermore, by building multi-disciplinary, multi-site professional communities, the roundtable provides a forum for sharing experiences and expertise and for brainstorming new approaches that illustrate and support these standards.

4. ESTABLISH AN INTENSIVE TECHNICAL ASSISTANCE INITIATIVE TO SUPPORT STATUS OFFENSE REFORM IN A SELECT GROUP OF SITES NATIONWIDE.

We know from past experience that transforming a status offense system from juvenile justice-oriented to community-based requires intensive and personalized support. Policymakers and practitioners inevitably have many questions about how to structure and sustain their reforms. To meet these needs, OJJDP should create an intensive technical assistance program providing on-the-ground support to implement comprehensive status offense reform. Initially, this initiative could focus on a select number of jurisdictions nationwide that vary both in their composition (e.g., rural, suburban, and urban) and in their areas of focus (e.g., truancy or running away). The technical assistance should be developmental, building a long-term strategy for system improvement that draws upon existing and emerging knowledge. The TA should also field test innovation and refine policies and programs based on outcomes.

OJJDP does provide some resources through the State Training and Technical Assistance Center, the DSO Best Practices database, and the National Training and Technical Assistance Center. The Status Offense Reform Center and CJJ have amplified those efforts by developing online resources to help policymakers and practitioners change their systems and by defining a standard of practice that moves from compliance to excellence. These efforts have involved not only national experts but experienced peer practitioners. To date, direct technical assistance to support sites interested in reform has been limited, yet such an investment could yield real benefits to the field.

5. PROMOTE RESEARCH TO BETTER UNDERSTAND THE CAUSES AND PREVALENCE OF STATUS OFFENSE BEHAVIORS, AND TO IDENTIFY THE MOST EFFECTIVE INTERVENTIONS.

Although there has been some research on certain status offense behaviors, most of these studies are focused on the behavior itself, not on how it is understood and dealt with by the status offense system. Consequently, we know a lot about risk factors and reasons why youth engage in these behaviors—knowledge that is essential for developing interventions—but little about what happens to the children and families who come in contact with the system and how best to respond to them.

OJJDP should create funding opportunities to support new research, using a range of methodologies, to examine questions such as these: What demographic, familial, and social factors contribute to status offense behaviors? What happens during youths' contact with the juvenile court system, how do they and their families perceive it, and how does that affect outcomes? How are these youths' long-term trajectories changed by court involvement for status offenses? What community-based interventions work best, for whom, and why?

Research of this kind will facilitate the development of evidence-based programs that intervene at key points in these youths' lives to keep them out of court and prevent deeper involvement in the juvenile justice system. Below are three specific areas in which OJJDP should set priorities:

- **Research on youth of color, girls, and young people who identify as LGBTQ.** We have much to learn about the pathways of these groups into the status offense system, their experience in it, and whether they are treated disparately based on their race, sex, gender identity, or sexual orientation.
- **Evaluation of interventions targeting status offense behaviors.** Despite the vast number of programs addressing status offense behaviors, few have been rigorously evaluated. Evaluations using strong research designs should explore the relationships between interventions and youths' successes. For example, how do curricula, staffing, incentive structures, and settings in schools or communities impact young people's outcomes? Answering such questions could go a long way towards understanding what works best to help youth charged with status offenses stay out of court.
- **Research on juvenile court practices and decision-making.** Understanding how juvenile courts function is essential to improving how status offense systems serve youth and families that are referred to court. OJJDP should support research that looks at how prosecutors and judges use their discretion to decide which dispositions are appropriate for youth, including the use of the VCO exception. OJJDP should also support research that explores children's and families' perceptions of their experiences in juvenile court, which could be useful for fostering a more supportive court environment.

RESOURCES

Vera Institute's Status Offense Reform Center: <http://www.statusoffensereform.org>

The Center's Notes from the Field, with promising examples of local reform:
<http://www.statusoffensereform.org/library-tabs/notes-from-the-field>.

The Price of Prisons: What Incarceration Costs Taxpayers, by Christian Henrichson and Ruth Delaney at the Vera Institute of Justice: <http://www.vera.org/sites/default/files/resources/downloads/price-of-prisons-updated-version-021914.pdf>.

Models for Change Resource Center Partnership: <http://www.modelsforchange.net/about/resource-centers.html>

Pew-MacArthur Results First Initiative: <http://www.pewtrusts.org/en/projects/pew-macarthur-results-first-initiative>

Coalition for Juvenile Justice's *National Standards for the Care of Youth Charged with Status Offenses*: <http://www.juvjustice.org/our-work/safety-opportunity-and-success-project/national-standards-care-youth-charged-status>

Juvenile Court Statistics, 2010, by Charles Puzzanchera and Sarah Hockenberry at the National Center for Juvenile Justice: <http://www.ncjj.org/Publication/Juvenile-Court-Statistics-2010.aspx>

State Use of the Valid Court Order Exception, Office of Juvenile Justice and Delinquency Prevention: <http://ojjdp.gov/compliance/FY2013-FY%202014VCO-state.pdf>

Meeting the Mental Health Needs of Youth in the Juvenile Justice System: Opportunities for OJJDP Leadership and Action

RECOMMENDATIONS FOR OJJDP

1. Issue and promote research-based practice recommendations and guidelines, and provide states with the tools to implement them.
2. Create a mental health and juvenile justice training and technical assistance center to help states and localities implement the practice recommendations.
3. Use funding incentives and training programs to promote collaboration between the juvenile justice and other child-serving systems at the state and local levels.
4. Increase collaboration among federal child-serving agencies with the goal of improving the identification and treatment of youth's mental health needs.
5. Ensure that youth involved with the juvenile justice system benefit from the expanded health care available to them through the Affordable Care Act.
6. Support research and evaluation to determine the effectiveness of the most promising mental health innovations of the last decade.

The widespread and significant mental health needs of youth in contact with the juvenile justice system present a major challenge to systems across the country. Juvenile justice administrators are very aware of the problem and are clamoring for help to address it—and effective help is possible, thanks to an array of new knowledge and tools developed over the last decade. We now have validated mental health screening and assessment tools, along with protocols to guide their use; interventions and treatment programs that have been shown to be effective in addressing symptoms and behavior; and new laws and policies informed by behavioral and neuroscience research on adolescent development.

These advances present an opportunity for the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to assert its leadership to make real progress in

addressing the mental health needs of system-involved youth. OJJDP can direct the attention of states and localities to the special needs of these youth and the developmental framework that informs the most effective responses; it can provide comprehensive direction on how jurisdictions should respond; and it can provide meaningful support to those efforts.

The Collaborative for Change at the National Center for Mental Health and Juvenile Justice (NCMHJJ) is pleased to offer this brief with recommendations for action.

BACKGROUND

THE VAST MAJORITY OF YOUTH IN THE JUVENILE JUSTICE SYSTEM HAVE MENTAL HEALTH NEEDS.

Many studies have confirmed that the vast majority of youth in contact with the juvenile justice system have mental health needs.

- Close to 70 percent have a diagnosable mental health disorder.
- Over 60 percent of those with a mental health disorder also have a substance use disorder.
- Almost 30 percent have disorders severe enough to require immediate treatment.
- At least 75 percent have experienced traumatic victimization.
- Youth in juvenile justice placement have nearly three times the rate of suicide compared with youth in the general population.

As the juvenile justice system comes into contact with these youth, it must ensure that appropriate mechanisms are in place to identify and treat them as appropriate, and must make certain that staff at correctional facilities and throughout the system are trained to manage and supervise them. In addition, as juvenile justice systems move increasingly to community-based interventions, juvenile probation departments will need improved access to community-based mental health treatment for their clients.

A PIONEERING STUDY COMMISSIONED BY OJJDP HAS IDENTIFIED FOUR MAJOR AREAS OF NEED.

In 2006, the National Center for Mental Health and Juvenile Justice, working with a group of national experts, released *The Blueprint for Change: A Comprehensive Model for the Identification and Treatment of Youth with Mental Health Needs in Contact with the Juvenile Justice System*. The report provided a framework for policies and practices aimed at improving mental health service delivery to youth in the juvenile justice system. It identified four key areas of need that remain prime targets today: mental health screening and assessment, diversion, treatment, and collaboration.

Screening and Assessment. Mental health screening is a brief process using a standardized, research-based instrument to flag youth who may have a mental health

disorder that requires follow-up assessment. Assessment is a more comprehensive evaluation for those who are flagged, and is used to plan treatment and disposition. While screening has gained some traction in many jurisdictions, we are far from the goal of applying these tools in all components of the juvenile justice system.

Diversion. There is a growing recognition that community-based treatment programs are generally a more effective option than incarceration or residential placement in reducing recidivism. Still, many youth become enmeshed in the juvenile justice system, often for relatively minor and nonviolent offenses, because community-based services are not available. This was a key area of reform not only for the MacArthur Foundation's *Models for Change* and its Mental Health Action Network, but for other efforts by states and local jurisdictions. This work has created a wealth of tested diversion models and resources that can guide other diversion efforts.

Treatment. Justice-involved youth who need mental health services should receive effective treatment regardless of where they are served in the system: in short-term detention, in correctional or residential facilities, or in the community. There has been tremendous growth in the area of evidence-based practices, and a growing body of evidence that confirms their effectiveness in addressing psychiatric symptoms and delinquent behavior. Unfortunately, only a fraction of the youth who could benefit from these interventions currently have access to them, and most existing services are not research-based.

Collaboration. Meeting the complex needs of justice-involved youth with mental health issues is a multi-faceted problem that requires the close collaboration of many partners: systems such as juvenile justice, children's mental health, substance abuse, and child welfare; private providers who contract with public systems; and the children's families. There are successful models for this kind of collaborative action:

- **Bureau of Justice Assistance's Justice and Mental Health Collaborative Program.** This program facilitates collaboration among the criminal justice, juvenile justice, and behavioral health systems to increase access to treatment for offenders with mental health needs.
- **OJJDP-MacArthur Foundation Juvenile Justice Partnership.** This collaboration offers comprehensive mental health training to juvenile corrections and detention staff, as well as technical assistance on the use of mental health screening and risk/needs assessment and other support.
- **SAMHSA Policy Academies.** This collaborative effort by the MacArthur Foundation and the Substance Abuse and Mental Health Services Administration (SAMHSA) convenes state leadership teams to develop and implement diversion strategies for juveniles with co-occurring disorders.

Even with these programs in place, there is a great need for collaborative strategies at the state and local levels.

RECOMMENDATIONS FOR OJJDP

1. Issue and promote research-based practice recommendations and guidelines, and provide states with the tools to implement them.

The recommendations and guidelines should be developed by a Mental Health and Juvenile Justice task force, convened by OJJDP, and should set a high bar in at least three major areas:

- **States should consistently use validated and standardized screenings and assessments at key decision points.** OJJDP should strongly encourage the use of mental health screenings for all youth at first contact with the system and at entry to detention, correction, and probation, with more intensive assessments where indicated.
- **States should use prevention strategies and diversion programs in order to address youth's needs outside the juvenile justice system wherever possible.** OJJDP's vision statement calls for young people's contact with the system to be "rare, fair, and beneficial to them." To that end, OJJDP should strongly encourage the use of early diversion strategies that link youth with needed treatment services, and should recommend that diversion mechanisms be implemented at key decision-making points along the continuum—at intake, detention, and juvenile court—in an effort to prevent placement and keep youth in the community with appropriate supervision and services.
- **States should build and enhance evidence-based mental health treatment capacity in all components of the juvenile justice system, with an emphasis on community-based programs.** To meet the growing need for community-based treatment, OJJDP should support the expansion of such programs by states—for example, by encouraging states to reinvest money saved by reducing placements. OJJDP should consider developing model legislation or principles to help states do this. OJJDP should also provide incentives for juvenile justice systems to form partnerships with the children's mental health system and with private providers who contract with child welfare and juvenile justice agencies.

Once the recommendations are developed, OJJDP should hold a national conference to focus on them, followed by wide distribution through conventional and social media. OJJDP should also produce and disseminate case studies of systems that have successfully used such practices, and provide "incentive funds" for states to implement them.

- ### 2. Create a mental health and juvenile justice training and technical assistance center to help states and localities implement the practice recommendations.
- Many states and localities would like to implement reforms, but do not know where to begin. This center would act as a central clearinghouse for the latest research and best practices in the field. It would offer training and various levels of technical assistance to help states and localities implement changes

in mental health screening and assessment, diversion, and treatment. And it would provide basic adolescent mental health training to staff working in juvenile justice settings. The Collaborative for Change, one of four major resource centers launched under *Models for Change*, is a model for such a resource.

3. Use funding incentives and training programs to promote collaboration between the juvenile justice and other child-serving systems at the state and local levels.

- **Build incentives for collaboration into funding mechanisms.** Institute joint planning requirements that call for systems to work together. Issue joint funding initiatives and announcements that require the sign-off and participation of multiple systems
- **Expand cross-training efforts.** Many juvenile detention and correctional staff have received little formal training in adolescent mental health and lack the skills to respond effectively to these youth. To address this need, the Mental Health Training Curriculum for Juvenile Justice was developed and tested by the *Models for Change* Mental Health/Juvenile Justice Action Network, which is coordinated by the NCMHJJ. The Curriculum is an 8-hour training on adolescent development, mental health disorders and treatment, the important role of families, and practical strategies for engaging and interacting with youth. Ten training sessions have already been conducted through a partnership between OJJDP and the MacArthur Foundation, reaching more than 2,400 individuals in 18 months. OJJDP should expand this successful program to additional sites.

4. Increase collaboration among federal child-serving agencies with the goal of improving the identification and treatment of youth's mental health needs. OJJDP should further develop collaborative relationships with SAMHSA, the Administration for Children and Families, and other relevant federal agencies to improve the ability of the juvenile justice system to comprehensively respond to youth with mental health needs.

5. Ensure that youth involved with the juvenile justice system benefit from the expanded health care available to them through the Affordable Care Act (ACA). It is critical that the juvenile justice population be sufficiently represented in federal conversations and decisions about health care coverage under the ACA, and that state juvenile justice systems take full advantage of the available coverage. OJJDP should work with the Department of Health and Human Services (e.g., SAMHSA, Centers for Medicare and Medicaid Services, and the Office of Adolescent Health) to provide state systems with guidance on how to increase enrollment of juveniles in health care, and to identify opportunities under the ACA to expand or maximize funds for mental health screening, assessment, and

treatment services for youth. The agencies should also work together to identify ways to use Medicaid eligibility to ease transitions in and out of the juvenile justice system.

- 6. Support research and evaluation to determine the effectiveness of the most promising mental health innovations of the last decade.** The very high prevalence of mental health disorders among youth in the juvenile justice system is now well established. Less well documented is the effectiveness of some of the new response strategies that have emerged in the field: Do diversion strategies effectively address mental health needs and keep youth out of the juvenile justice system over the long term? Does providing adolescent mental health training to staff working in juvenile settings impact youth behavior? What are the most effective treatment strategies and models to use with seriously disordered youth in correctional facilities? What approaches work best for youth with co-occurring mental health and substance use disorders? Many questions remain, presenting abundant opportunities for new research. OJJDP should capitalize on these opportunities and support new research and evaluation projects on mental health and juvenile justice.

RESOURCES

Mental Health and Juvenile Justice Collaborative for Change: Resources for Implementing Evidence-Based Practices: <http://cfc.ncmhjj.com/resources/implementing-evidence-based-practices/all-resources/>

Developing Mental Health Screening in Juvenile Justice, by Gina Vincent and Thomas Grisso at the National Youth Screening and Assessment Project: <http://www.modelsforchange.net/publications/220>

Mental Health Screening within Juvenile Justice: The Next Frontier, the National Center for Mental Health and Juvenile Justice: <http://www.modelsforchange.net/publications/198>

Blueprint for Change: A Comprehensive Model for the Identification and Treatment of Youth with Mental Health Needs in Contact with the Juvenile Justice System, by Kathleen R. Skowyra and Joseph J. Cocozza at NCMHJJ: <http://www.ncmhjj.com/wp-content/uploads/2013/07/2007-Blueprint-for-Change-Full-Report.pdf>

Implementing Proven Programs for Juvenile Offenders, by Peter W. Greenwood, Brandon C. Welsh, and Michael Rocque: <http://www.advancingebp.org/wp-content/uploads/2012/01/AEBP-assessment.pdf>

Juvenile Diversion Guidebook, Models for Change Juvenile Diversion Workgroup: <http://www.modelsforchange.net/publications/301>

Building Coordinated Systems for Dual Status Youth: Opportunities for OJJDP Leadership and Action

RECOMMENDATIONS FOR OJJDP

1. Strengthen support for dual status youth initiatives.
 - Continue funding demonstration projects aimed at improving outcomes for dual status youth through coordination and collaboration.
 - Support the established principles of effective technical assistance.
 - Support “Practice Networks” to develop state and local reform leadership and accelerate systems improvement.
 - Continue existing partnerships with philanthropic organizations and develop new ones.
2. Develop a campaign to educate the field on dual status youth.
3. Promote established information-sharing tools to support systems integration.

Practitioners and policymakers often recognize the overlap in children and families involved with the child welfare and juvenile justice systems. These “dual status” youth represent many of the most traumatized, challenging, and resource-intensive cases in state and local systems. However, it is difficult for the systems to identify these youth and to coordinate efforts, resources, and desired outcomes for them and their families.

Dual status youth have often spent a significant amount of time in the care of state and local systems, entering child welfare as young children and juvenile justice as adolescents. It is imperative that the two systems consider the changing needs of the developing youth, including the impact of traumatic experiences outside of as well as within the system. It can be difficult to coordinate and support youth with changing needs, but without coordinated efforts among systems, it is even harder to interrupt the trajectories of youth into and through the juvenile and criminal justice systems—

a costly consequence in both human and fiscal terms. To secure the best outcomes for these young people, the two systems need to work together on developmentally appropriate, multi-system responses.

The current leadership of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) and past amendments to the Juvenile Justice and Delinquency Prevention Act (JJDPA), captured in §223(a)(26-28), support the Office's unique position to promote and lead system improvements aimed at dual status youth. OJJDP can promote positive change by elevating the best frameworks for system coordination, integration, and information sharing; by educating policymakers, practitioners, and the wider public about dual status youth; and by continuing to fund demonstration projects and initiatives using these proven frameworks. [The Robert F. Kennedy National Resource Center for Juvenile Justice \(RFK\)](#), led by the Robert F. Kennedy Children's Action Corps, is pleased to offer this brief with recommendations for action.

WHY DUAL STATUS YOUTH MUST BE A PRIORITY

THE PREVALENCE AND COSTS ARE SIGNIFICANT.

It is well established that child maltreatment increases the likelihood of future delinquency and criminality, resulting in a juvenile justice population with significant histories of abuse, neglect, and trauma. Research confirms that compared to youth involved in only one system, dual status youth experience far worse outcomes: they have higher rates of recidivism, are detained more often and for longer periods of time, experience more frequent placement changes, and are more likely to experience adjudication and formal supervision, which lead to deeper involvement into the justice system. Furthermore, research suggests that because foster youth are disproportionately African-American, the dispositional bias toward formal processing of foster youth in the juvenile justice system exacerbates disproportionate minority contact in juvenile justice. The poor outcomes experienced by dual status youth tend to persist into adulthood: compared to youth involved in only one system, dual status youth are more likely to spend time in jail in early adulthood, to be unemployed, and to depend on public systems such as public assistance, housing, and Medicaid. These outcomes translate into tremendous costs for the systems, communities, and the youth themselves.

DESPITE POOR OUTCOMES, CHANGE HAS BEEN SLOW.

The poor individual and collective outcomes cannot be attributed to a single cause and cannot be addressed by one agency alone. However, in many jurisdictions we still see agencies working in silos, a lack of coordination between courts, an unwillingness to share information, and separate funding streams. Outdated practices and philosophies endure, despite the recognition by researchers, advocates, and policymakers—and indeed the JJDPA itself—that collaboration and coordination among systems is critical. Jurisdictions where systems work in isolation are failing to move dual status youth out of the juvenile justice system and are in fact propelling them deeper into it.

A NEW APPROACH TO IMPROVING OUTCOMES EXISTS.

Some states and local jurisdictions across the country are beginning to recognize that there is a better way of addressing the issue of dual status youth—one that reflects the current wave of juvenile justice reform. Significant change has occurred in communities that have implemented collaborative practices, incorporated a developmental approach, and prioritized youth’s treatment needs. These sites follow protocols to ensure that each dual status youth is identified early in the juvenile justice process; they use coordinated case planning meetings to bring together youth, family, and professionals from various systems to develop a workable case plan; and they provide coordinated case management and access to evidence-based programs to steer youth away from deepening juvenile justice involvement.

The framework for systems integration and coordination guides jurisdictions through an established process for developing and implementing such changes. This framework was developed through more than a decade of support from the John D. and Catherine T. MacArthur Foundation’s *Models for Change* initiative and has been successfully applied by RFK in its technical assistance and training offerings throughout the initiative’s work in the field. The current partnership between the MacArthur Foundation and OJJDP also used this framework in four jurisdictions—with transformative results for child-serving systems and dual status youth.

Based on research, evidence-based practice, and on-the-ground experience, this approach has increased opportunities for prevention and improved outcomes for both the systems and clients. The successes have culminated in two guiding publications: the *Guidebook for Juvenile Justice and Child Welfare System Coordination and Integration, 3rd edition* (Guidebook) and the *Dual Status Youth – Technical Assistance Workbook* (Workbook).

OJJDP now has the opportunity to call the country’s child-serving agencies to action around the unique challenges of dual status youth, and to advance proven strategies to help states and localities interrupt the costly trajectory of these youth in the juvenile and criminal justice systems.

RECOMMENDATIONS FOR OJJDP**1. STRENGTHEN SUPPORT FOR DUAL STATUS YOUTH INITIATIVES.**

Collaborative efforts using the framework illustrated in the RFK Guidebook and Workbook, in conjunction with the effective technical assistance provided by RFK, have produced significant and positive changes in child-serving systems across the country. OJJDP should build on these accomplishments by continuing to promote and apply this framework in the following ways.

- **Continue funding demonstration projects aimed at improving outcomes for dual status youth through coordination and collaboration.** Sections 261 and 262 of the JJDPA give OJJDP the authority to develop and fund dual status youth demonstration

or pilot programs in partnership with state, local, and tribal jurisdictions. OJJDP should continue funding competitively-selected jurisdictions that have demonstrated a commitment to the principles and hallmarks of a developmental approach to juvenile justice reform. The achievements of these pilot programs can then be used to guide jurisdictions across the country.

- **Support the established principles of effective technical assistance.** It is essential that technical assistance be led by consultants and providers with expertise in the subject matter and in achieving positive results with a variety of jurisdictions. They should also be adept at two kinds of technical assistance: tactical (short and focused on a single goal) and strategic (longer and designed to address more complex issues).

All technical assistance providers should meet the following minimum standards:

- Take a developmental approach to serving youth, placing particular emphasis on the key decision points, where research-based, developmentally informed strategies will contribute significantly to positive youth outcomes.
 - Use a framework, such as that found in RFK’s Guidebook and Workbook, that outlines the collaborative process while allowing flexibility to address the unique needs of each jurisdiction.
 - Have expert knowledge about and practical experience with effective cross-agency collaboration.
 - Offer levels of technical assistance appropriate to each jurisdiction’s evolving needs.
- **Support “Practice Networks” to develop state and local reform leadership and accelerate systems improvement.** Experienced leaders and practitioners from across the country have championed reform within their local jurisdictions, and RFK has already assembled many of these leaders into a Dual Status Youth Practice Network and Information Sharing Advisory Group. This model provides peer-driven opportunities to develop leadership and additional resources, tools, and guidance to accelerate systems improvement nationwide. In addition to sharing and developing innovative practices to meet the needs of dual status youth, jurisdictions working to improve practice and outcomes for these youth must engage in information and data sharing to achieve their goals. Growing and sustaining these networks, with the support of OJJDP, will elevate the issues, provide national leadership, and build a network of peer mentors for the field.
 - **Continue existing partnerships with philanthropic organizations and develop new ones.** Private foundations and organizations provide a tremendous opportunity to increase the scope of support available to jurisdictions. Partnerships with such organizations will help ensure that effective and developmentally informed methods are employed in projects and technical assistance.

2. DEVELOP A CAMPAIGN TO EDUCATE THE FIELD ON DUAL STATUS YOUTH.

OJJDP is well positioned to help educate state and local administrators, practitioners, policymakers, and interested communities about improving responses to dual status youth. OJJDP should commit to a public education campaign to inform and educate each of these target audiences through these strategies:

- Include the topic of dual status youth in national conference workshops, highlighting this population as a national priority.
- Support regional, state, and local training symposia and forums that provide practical guidance on system integration and coordination.
- Disseminate research briefs, newsletters, and special topic reports produced by experts on dual status youth to all target audiences.
- Host online and in-person meetings and trainings for practitioners and administrators, featuring experts on dual status youth issues and the framework for system coordination and integration.
- Produce or disseminate guiding publications, white papers, toolkits, and fact sheets to inform practitioners and policymakers.

These efforts should build not only upon the National Academy of Sciences' *Reforming Juvenile Justice: A Developmental Approach*, but also the Defending Childhood initiative and its recommendations.

OJJDP should also ensure that its own staff stays up-to-date on emerging research regarding dual status youth and how to improve outcomes for them. To meet the overarching goal of integrating a developmental approach into their work, OJJDP policymakers, staff supporting states, and technical assistance providers must have a deep understanding of critical areas such as the effects of trauma and adverse childhood experiences on child and adolescent development and the importance of systems coordination and integration.

3. PROMOTE ESTABLISHED INFORMATION-SHARING TOOLS TO SUPPORT SYSTEMS INTEGRATION.

When undertaking efforts to coordinate and integrate systems, jurisdictions must grapple with the complex and often contentious topic of information-sharing between systems. They are often unsure about the permissions and prohibitions in federal privacy laws and the parameters for appropriate and ethical information sharing. OJJDP has a history of broadly recognizing this critical issue and now has the opportunity to provide clarity and support for jurisdictions struggling with it.

The Models for Change: Information Sharing Tool Kit and *A Guide to Legal Analysis for Systems Integration* provide jurisdictions with practical guidance in confronting difficult information-sharing issues. Developed through the work of RFK and the Juvenile Law Center (JLC), these publications have been successfully adapted into a curriculum and deployed in an intensive teaching program for leaders and practitioners from across the country. The framework and the teaching program offer a flexible approach that helps each jurisdiction identify and address its own targeted areas of reform, such as data-sharing agreements, consent authorization, amended policy, and new legislation. This is similar to the approach taken with the dual status and collaboration tools discussed earlier.

OJJDP should:

- Promote these tools to its national audience as a proven method and toolkit for facilitating information-sharing.
- Support the participation of leaders and practitioners from across the country in an intensive program to learn about successful information-sharing.
- Support site-based, on-demand tactical and strategic training and technical assistance by RFK and JLC, who have not only developed these resources but have also demonstrated on-the-ground expertise in supporting successful implementation.

RESOURCES

Robert F. Kennedy National Resource Center for Juvenile Justice: Resources on Dual Status Youth and Information Sharing: <http://www.rfknrcjj.org>

Guidebook for Juvenile Justice and Child Welfare System Coordination and Integration: A Framework for Improved Outcomes, 3rd Edition: <http://www.rfknrcjj.org/images/PDFs/Guidebook-for-JJ-and-CW-System-Coordination-and-Integration-Cover.pdf>

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

Models for Change Information Sharing Toolkit: http://www.rfknrcjj.org/images/PDFs/Information_Sharing_Tool_Kit.pdf

A Guide to Legal and Policy Analysis for Systems Integration: http://www.rfknrcjj.org/images/PDFs/A_Guide_to_Legal_and_Policy_Analysis_for_Systems_Integration.pdf

Update on the Cycle of Violence: <https://www.ncjrs.gov/pdffiles1/nij/184894.pdf>

Doorways to Delinquency: Multi-System Involvement of Delinquent Youth in King County: <http://www.modelsforchange.net/publications/304>