

Youth Involvement in the Child Welfare and Juvenile Justice Systems: A Case of “Double Jeopardy”?

Scope of the Study:

This study provides an account of the experiences of young people in foster care who became involved with the juvenile justice system as a result of a delinquent act; the views of foster parents concerning their role when youth in their care are arrested; the perspectives of juvenile court judges regarding these youth; and the perceptions of child welfare agencies concerning their roles when children in foster care face delinquency charges. Additionally, this study identifies innovative programs that have been developed to address the issues affecting children and youth in the overlap of the child welfare and juvenile justice systems, and examines the extent to which law, policy and practice support appropriate outcomes for young people in foster care with subsequent involvement in delinquency. Further, it explores the extent to which child welfare agencies and foster parents are able to and actually do advocate on behalf of these young people. Based on the results of our research, we recommend improvements in both child welfare and juvenile justice practice and policy, with the goal of improving the response of both systems to youth in foster care who commit delinquent acts.

Methodology:

This study involved three methodologies:

- (1) Qualitative research utilizing in-depth individual and focus group interviews (with young adults, foster parents, judges, child welfare and juvenile justice administrators, and other child welfare professionals).
- (2) Research into programmatic approaches that meet the needs of youth involved in both the child welfare and juvenile justice systems.
- (3) Legal research regarding the rights of foster parents and other interested parties when youth in foster care appear in delinquency court.

Key Findings and Recommendations:

As more is understood about the experiences of and outcomes for youth involved in both the child welfare and juvenile justice systems, it is evident that significant efforts are needed to prevent children in the foster care system from entering the juvenile justice system. Efforts are needed to ensure that youth in foster care are well-served by foster families who care for them, receive the mental health, educational, and other services they need, and have safe, permanent families – whether through reunification, long-term placement with relatives, or adoption. This report focuses on youth in foster care whose stays in care, often already troubled, have been made more complex by the fact that they commit delinquent acts while in care. The study's findings demonstrate that for many youth, it is the foster care system itself that precipitates their involvement in the juvenile justice system. Once they enter this system, it is clear that they face numerous obstacles. Some of the issues that this study identifies are many adults' perceptions of youth in foster care as future criminals, the likelihood that youth in care will appear in court without an adult to advocate for them (other than a lawyer), and the lack of communication and collaboration between the child welfare and juvenile justice systems when a youth is involved in both systems. Based on the findings of this report, the following recommendations are offered to help promote the best outcomes for these youth.

Recommendation 1: Police departments and delinquency court officials in a jurisdiction should develop a system to identify detained youth who are in the custody of the child welfare system.

Recommendation 2: Foster parents and group home staff should receive sufficient training and support so they can intervene effectively with youth and avoid police involvement unless absolutely necessary.

Recommendation 3: Notice of delinquency proceedings should automatically extend to the adults who are legally responsible for the youth. Those adults should be required parties to delinquency proceedings and should be informed about their responsibilities regarding the youth.

Recommendation 4: In addition to mandating the attendance of adults who are legally required to attend delinquency proceedings, the delinquency court should ensure that adults who are familiar with the youth are invited to court proceedings and should solicit information from them.

Recommendation 5: A corps of attorneys who have a knowledge base in both child welfare law and juvenile delinquency law should be available to this group of youth.

Recommendation 6: Child welfare and juvenile justice systems should increase communication and collaboration across the two systems.

Recommendation 7: Interdisciplinary training should be conducted to ensure a unified and coherent response to youth who simultaneously are involved in both the child welfare and juvenile justice systems.