

Developing a Trauma-Informed Roadmap to Prevent Juvenile Justice Involvement of Child Welfare Youth: *A Moral and Fiscal Imperative*

Introduction

Youth who come into contact with both the child welfare and juvenile justice systems—often referred to as *dual status* or *crossover* youth—are more likely to experience not just the negative effects associated with involvement in one or the other system, but also the poor outcomes that result from being a part of both systems. Dual status youth may also face additional issues as a result of *complex trauma*—exposure to multiple traumatic incidents that are often repeated, prolonged, and extreme, and can affect child physical and mental development.

Addressing the unique needs of these youth is the focus of multiple public systems—child welfare, education, health, behavioral health, probation, the judicial system—as well as many community-based organizations and advocates. The reality, however, is that the public systems are often siloed, and for a variety of reasons, often have the unintended consequence of re-traumatizing the youth they seek to support. The result is that these young people disproportionately populate our adult prison systems, with poor health, low educational achievement, and severely compromised life trajectories.

The good news is that there is a growing knowledge base of promising policies and practices addressing the complex and multifaceted needs of dual status youth. These policies and practices include multisystem collaboration and coordinated trauma-informed youth-serving systems that leverage technology and innovation to overcome barriers, facilitate communication, and increase access and services for dual status youth.

Identifying Dual Status Youth: Terminology Matters

Jurisdictions, and different systems within jurisdictions, use various terms to describe youth who are or have been involved in both the child welfare and juvenile justice systems. For this paper and convening, the term “dual status youth” will refer to any youth who has come into contact with both the child welfare and juvenile justice systems, to any degree, in any order, and at any point in time.¹ The timing and extent of the contact is what distinguishes the following subcategories:

- **Dually-identified youth:** youth who are currently involved with the juvenile justice system and have a history in the child welfare system but no current involvement.
- **Dually-involved youth:** youth who have concurrent involvement (diversionary, informal, formal, or a combination) with both the child welfare and juvenile justice systems.
- **Dually-adjudicated youth:** youth who are concurrently adjudicated in both the child welfare and juvenile justice systems (i.e. both dependent and delinquent).

In addition to the above terms, some jurisdictions use the term “crossover” to refer to youth leaving the child welfare system and entering the juvenile justice system. Ultimately, this “crossover” and multisystem contact is precisely what systems should work to prevent.

In addition to providing an overview of the characteristics, outcomes, and trajectories of dual status youth, this pre-convening concept paper also offers a summary of best practices, models, and initiatives that show promise in helping this population of youth overcome challenges and improve their ability to succeed.

What We Know About Dual Status Youth

Prevalence of Multisystem Contact and Involvement

Research shows that youth who come into contact with the child welfare system—often as a result of abuse and neglect—are at increased risk of future delinquency involvement.² Depending on how broadly the term is defined, the prevalence of dual system involvement among youth referred to juvenile courts can exceed well over 50%.³

Several local and state level studies have also identified the link between child welfare and juvenile justice involvement:

- In King County, Washington, approximately 65% of youth with referrals to the juvenile court were identified as having past or current involvement with the child welfare system.⁴
- In Los Angeles County, California, an estimated 80% of youth exiting from intensive probation involvement had been referred to the child protection services, with many experiencing referrals beginning in early childhood.⁵
- In Massachusetts, almost 75% of youth committed to the state's corrections department had involvement with the child welfare system.⁶
- In Washington, approximately 43.9% of youth referred to the juvenile justice system had a history of involvement with child welfare.⁷

In addition to these prevalence rates, it is important to take into consideration the total population of the respective systems. For example, although the number of youth entering the juvenile justice systems has decreased nationwide, approximately 1 million children still have contact with the delinquency system every year.⁸ And while the number of children in foster care is comparatively smaller, those numbers are on the rise, from 396,000 children in 2012 to more than 437,000 in 2016.⁹

Disparities and Disproportionality of Dual Status Youth

Youth of color and girls are overrepresented in both the child welfare and juvenile justice systems. Youth of color, in particular, are overrepresented at every stage of the delinquency process—from arrest to secure detention, confinement, and transfer to the adult system. According to the Department of Justice, African American youth are five times more likely to be detained than their white peers and make up 44% of youth residing in juvenile facilities. A similar pattern is prevalent in the child welfare system, where children and youth of color are more likely to be victims of child abuse and neglect. In 2016, African American children had the highest rates of victimization; 20.7% of the victims of child abuse and neglect were African American while African American children only comprise 13.8% of the general child population.¹⁰

The prevalence of racial and ethnic disparities and overrepresentation of youth in public systems, like the child welfare and juvenile justice systems, is an increasingly pressing problem. States and local jurisdictions' demographics, of both child welfare and juvenile justice systems, align with federal findings: youth of color are more likely to have contact with both systems and experience disparate treatment.¹¹ Given the overrepresentation of African-American youth in each system, it is not surprising that African-American youth in foster care are at greater risk for juvenile justice involvement than their peers.¹²

In addition, girls in the child welfare system are also at increased risk of becoming justice-involved. Girls represent one-third to one-half of the dually-involved population but only represent 20 to 25 percent of the general delinquency population.¹³ Vulnerable youth with multisystem contact are at disproportionate risk for future justice-involvement and victimization. Research has consistently shown that increased contact with multiple systems can be detrimental for youth, particularly youth of color and girls.

Exposure to Adversity & Trauma

Exposure to traumatic events is a common experience for youth in both child welfare and juvenile justice systems. Studies show that approximately 70% of children in the child welfare system and 80% of youth in the juvenile justice system have experienced trauma.¹⁴ As noted earlier, dual status youth are also more likely than their peers to have experienced *complex trauma*—repetitive, prolonged, or cumulative

traumatic events that are often interpersonal by nature, invasive, wide-ranging, and potentially long-term.¹⁵ Youth who have contact with public systems such as child welfare and juvenile justice are also more than often victims of *intergenerational trauma*, a cumulative and collective trauma over multiple generations.¹⁶

The prevalence of exposure to traumatizing events results in adverse effects compromising the social and emotional development of youth and increasing their engagement in risky or self-injurious behavior.¹⁷ Behavioral symptoms of trauma—aggression, impulsivity, absenteeism, self-harm, risk taking/seeking, among others—are in turn heightened by a more punitive juvenile justice system response with higher rates of detention and out-of-home placement for dually-involved youth.¹⁸

Outcomes for Dual Status Youth

Dual status youth are more likely to experience poor outcomes across a number of domains.¹⁹ Outcomes include:

- *Health.* Youth who are part of the child welfare and/or juvenile justice systems typically experience mental health and behavioral health issues at higher rates than other youth.²⁰ One 2008 study of dually involved youth in Los Angeles County found that 83% experienced at least one behavioral health problem; an estimated 28% were found to have experienced a mental health problem without a substance use problem; and 17% had experienced a substance use problem without a co-occurring mental health issue.²¹
- *Juvenile Justice.* Dual status youth are more likely to be detained; experience longer stays in detention; are more likely to recidivate; and are more likely to experience negative outcomes related to permanency, with significant numbers of placement changes.²²
- *Education.* Studies show a strong relationship between maltreatment and a wide range of negative school outcomes, such as poor grades, high rates of absenteeism, retention in grade, misbehavior (especially in elementary school), and involvement in special education programs.²³ Additional research has shown that youth in contact with both systems experience even worse educational outcomes. One Arizona-based study found that more than 50% of dual status youth were more than one year behind in school, and at least 44 percent required special education services. School attendance was also affected, with 67% of dual status youth identified as chronically truant.²⁴
- *Employment.* Linked to poor education outcomes are occupational issues experienced by youth who have been a part of either the child welfare or juvenile justice systems, with the poorest outcomes demonstrated by dual status youth.²⁵ A study in LA County of 222 foster youth exiting from probation-supervised foster care found that less than half had a high school diploma or equivalency, and only 34 percent had either full-time or part-time employment.²⁶

In order to reduce risk factors and improve outcomes in these areas for dual status youth, systems must deliberately work to strengthen and build youth's protective factors such as school engagement, educational attainment, positive relationships, and community ties.²⁷ Positive youth development, an intentional, prosocial approach, helps build protective factors or positive influences for youth eventually reducing engagement in risky behavior.²⁸ Integrating positive youth development that helps build resilience and strengthens protective factors can be achieved through a trauma-informed approach.

Cost of Dual Involvement

The occurrence of child neglect, abuse, and recidivism impose an economic expense to youth and families directly as well as to youth- and family-serving systems. For systems, the number and range of associated services and processes rendered to dual status youth—such as detention, court processing, out-of-home placement, and other services—are resource intensive and come at a significant cost. Dual status youth are also more likely than youth in one system to come into contact with multiple public systems more than once; in essence, they become “heavy service users” that require specialized services and interventions.²⁹ Research has shown that dual status youth are twice as likely as youth involved in only one system to become chronic users of public systems; three times more likely to have contact with the criminal justice system and have longer stays in jail; one and a half times more likely to receive public

assistance in the form of General Relief; and twice as likely to be unemployed.³⁰ These results strain what are often already overburdened and underfunded federal and state supported systems.

Quantifying the costs associated with dual status youth is a challenge. A 2011 study following a cohort of dual status youth in Los Angeles over the course of four years following their release from detention found that the four-year public service cost resulting from each dually involved youth was \$35,17—far higher than that of child welfare or probation-only cohorts, which were \$12,532 and \$15,985, respectively.³¹

Aside from the fiscal impact to the systems, dual system involvement can have a significant impact on a young person's life trajectory. It is already known that children and youth who are victims of child abuse and neglect are more likely to have lower levels of education, employment, earnings, and assets in adulthood.³² Add to this the potential negative impact on life outcomes related to juvenile justice involvement, and what results is a high degree of concern about the impact on individuals and society as a whole. The overall cost of maltreatment and recidivism, in both economic and human terms, is not only a threat to the health and well-being of youth involved in both the child welfare and juvenile justice systems but can also have a long-term economic impact perpetuating a cycle of financial hardship and poverty.

Opportunities: Promising Policies and Practices

Prioritizing the reform of dual status policies and practices at a systems level is critical to addressing these challenges. At the federal, state, and local levels, there have been a number of promising activities aimed at enhancing outcomes for dual status youth by improving collaboration, coordination, communication, and data and information sharing between the child welfare and juvenile justice systems.

Current Reform Initiatives

Dual Status Youth Initiative

The Robert F. Kennedy National Resource Center for Juvenile Justice, led by Robert F. Kennedy Children's Action Corps, provides guidance and intensive technical assistance for state and local jurisdictions in their endeavor to improve the outcomes for dual status youth and families and to enhance system performance among critical youth- and family-serving agency partners. Since the original framework for dual status youth reform was developed in 2002, the work has been advanced by several publications that delve into research, best practice, and frameworks, including:

- [Guidebook for Juvenile Justice and Child Welfare System Coordination and Integration: A Framework for Improved Outcomes, 3rd Edition](#)
By Janet K. Wiig and John A. Tuell, with Jessica K. Heldman (Robert F. Kennedy Children's Actions Corps, 2013)
- [Dual Status Youth – Technical Assistance Workbook](#)
By John A. Tuell, Jessica K. Heldman, and Janet K. Wiig (Robert F. Kennedy Children's Actions Corps, 2013)
- [A Guide to Legal and Policy Analysis for Systems Integration](#)
By Jessica Heldman (Child Welfare League of America, 2006)

The RFK National Resource Center staff and consultant teams have historical and ongoing experience in facilitating the technical assistance experience in local and state jurisdictions, addressing core components of multi-system collaboration, data, resource, and legal matters as well as planning, managing, and sustaining change. The RFK National Resource Center's training and technical assistance framework has been used to support system reform on behalf of dual status youth in eighteen states and numerous local jurisdictions representing a wide variance of size, demographics, and organizational structures.

Crossover Youth Practice Model

The Center for Juvenile Justice Reform at Georgetown University developed the Crossover Youth Practice Model (CYPM) in 2010 to strengthen collaboration—specifically between child welfare system, juvenile justice system, and related systems—and incorporate an integrated approach to reduce the number of youth that crossover from the child welfare system to the juvenile justice system.³³ This strength-based approach combines both research and best practices to improve outcomes for dual status youth. The model includes the following key components:

- A process for identifying youth at the point of crossing over from one system to the other;
- Social workers, probation officers, and other key staff that not only share information about youth in a timely manner, but also collaborate on assessment, development of case plans and case management;
- Family engagement in the decision-making process in the case; and
- Elimination of bias against foster care system youth when detained or when the court is disposed in delinquency court.

Anticipated outcomes for the CYPM model include:

- A reduction in the number of youth re-entering child welfare from juvenile justice placements;
- A reduction in the level of penetration into the juvenile justice system by foster youth;
- A reduction in the use of pre-adjudication detention;
- A reduction in the rate of recidivism;
- An increase in the use of diversion in the juvenile justice system;
- An increase in interagency information sharing;
- An increase in the inclusion of family voice in decision-making; and
- An increase in youth and parent satisfaction with the process.

State and Local Efforts

States and municipalities have adopted a variety of strategies to improve outcomes for dual status youth. State and local efforts include: enhancement of database infrastructures; data and information sharing; centralized administration and intake systems; memorandums of understanding; evidence-based programs and promising practices; intensive case management; multi-disciplinary team meetings; and specialized problem-solving courts. See *Appendix A* for an overview of jurisdictions.

Leveraging Technology to Improve the Health and Well-being of Dual Status Youth

Innovation and technology can help bridge the gap amongst the public sector, service providers, and court systems. Leveraging technology and innovation, with caution, can help deconstruct silos by facilitating reporting, increasing access to information, improving communication, and enhancing service delivery.

The adoption and integration of innovative technology-based strategies and solutions can help address infrastructure issues faced by overburdened youth- and family-serving systems and has the potential to meet the unique needs of dual status youth. Innovative solutions can take the form of applications, algorithms, databases, virtual high-tech high-touch trainings, information portals, or service referral systems. Solutions include:

- Computers and broadband internet access for youth;
- Family matching and finding database systems for child welfare workers;
- Virtual recruitment and training of resource families;
- High-tech, high-touch training for child welfare staff, probation officers, and service providers;
- Telehealth access for youth;
- Information platforms for youth and families;
- Virtual coaches for youth;

- Electronic health passports for youth and families;
- Mental and behavioral health assessment and referral systems for service providers;
- Case management systems for social workers, probation officers, courts, and service providers;
- High-tech, high-touch vocational training for youth; and
- Instructional technology for youth.

Moving Forward

This convening is designed to bring together advocates, thought leaders, and other partners from across the country representing the child welfare, probation, juvenile justice, health, behavioral health, and education systems to lay the foundation for the development of an effective and implementable roadmap that addresses the unique needs of dual status youth. Participants will contribute to a solutions-oriented dialogue with policymakers, as well as federal, state, and local program leaders, advocates, youth leaders, and researchers from across the country representing youth- and family-serving systems.

The agenda includes an opportunity to learn from experienced leaders, youth, practitioners, and advocates about emerging research, promising trauma-informed policies and practices, and innovative approaches that leverage technology to improve the health and wellbeing of dual status youth. Findings and recommendations will be integrated into a policy roadmap aimed at helping to ensure that dual status youth are safe, healthy, and thriving.

Key questions include:

- What preexisting infrastructure already in place can facilitate data and information sharing?
- How could federal initiatives support the coordination of mental health and behavioral health services needed to support dual status youth?
- How are trauma-informed systems-of-care integrated in your local youth- and family-servings systems?
- How can youth-serving systems and programs strengthen protective factors and help build resilience amongst dual status youth?
- How can states and local jurisdictions develop an infrastructure of trauma-informed service providers?
- What opportunities exist to leverage technology in youth-serving systems to reduce barriers, enhance service delivery, and facilitate information dissemination amongst systems?

Participants will be invited to exchange best practices and lessons learned, and to provide input on the Policy Roadmap that will outline useful tools and resources for states and communities seeking to support dual status youth in order to prevent justice involvement and support the transition into healthy adulthood. Your input into the discussion and sharing of materials will be critical in making this project successful.

Appendix A

Dual Status Youth Reform Jurisdictions

Hampden County, MA

The target population for the Hampden County initiative was defined as youth already involved with the Department of Children and Families (DCF) on any open matter (including current investigation, open Child in Need of Services, voluntary applications, or Care and Protection cases) who are arraigned on a delinquent offense. The first practice instituted as part of the initiative was the use of a pre-trial multidisciplinary team meeting (MDT). The goal of the MDT is to collaboratively design strategies for preventing youth from moving deeper into the delinquency system. The meeting is facilitated by the court clinic director (mental health professional) and includes the Probation Officer, DCF Social Worker, DCF Diversion Workers, youth when appropriate, Parent Advocate, Family Resource Center, defense attorney, and Assistant District Attorney. Following the launch of this practice in April 2013, leaders recognized the value of pairing this practice with the development of a dedicated court docket. In October of 2013, parent peer advocates were hired to support families by providing information and guidance on accessing mental health and education services and advocating for their children, in other ways.

Early outcome tracking indicates that youth experiencing the full array of practice reforms were less likely to commit a new offense or violate terms of probation. The number of children held in detention or committed to the Department of Youth Services was greatly reduced and there were gains in the area of increasing permanency for dual status youth.

Outagamie County, WI and the State of Wisconsin

The target population in Outagamie County is youth of any age referred to Juvenile Intake for Delinquency or Juvenile in Need of Protection or Services (JIPS) who have been screened in Child Protective/Child Welfare involvement in Wisconsin. After finding that many of the target population youth had a history of trauma exposure, the guiding approach to reform was defined as ensuring the delivery of trauma-informed care with a coordinated and evidence-based approach. Protocols were designed to ensure coordinated assessment and case planning, including an intra-familial sexual abuse response, coordinated case planning, and dual court. While these practices were put into place with staff investment, work progressed on becoming a trauma informed responsive system.

Outagamie County committed to focusing on organizational culture change as a primary activity, and has made significant gains in bridging the gap between child welfare and juvenile justice among supervisors and workers. In addition, steps were taken to increase trauma informed practitioners in the community by partnering with the Department of Children and Families to bring in Trauma-Focused Cognitive Behavioral Therapy (TF-CBT) certification to 30 clinicians from 11 agencies. The staff from both the Youth Justice Division and the Child Protective Services Division have been trained in a 16-hour curriculum from the National Child Traumatic Stress Network (NCTSN) on "How to Care for Children Who have Experienced Trauma" and given toolkits on how to help children regulate and educate their caregivers in trauma and regulation. This course is now offered two times a year to biological parents and foster/kin caregivers. In the last year the agency began to pilot two trauma screening tools (SDQ and the SCARED). The state of Wisconsin has developed additional programs and efforts that are more preventative in nature, such as creating trauma informed systems and increasing access to mental health services.

Los Angeles, CA and the State of California

In 2005, California passed legislation allowing each county's probation department and child welfare department, in consultation with the presiding judge of its juvenile court, to develop a written protocol permitting a child who meets specified criteria to be designated as both a dependent child and a ward of the juvenile court. To this date, 18 out of the 58 counties have developed protocols. In addition, California convened a committee of stakeholders in 2016 to develop recommendations for establishing a comprehensive data and outcomes tracking system for dual status youth.

In 2007, Los Angeles began a 241.1 Multidisciplinary Team (MDT) pilot program, providing enhanced case assessment for dual status youth. The program has since been implemented countywide. It provides for the formation of an MDT comprised of a Department of Children and Family Services (DCFS) Social Worker, a Probation Officer, a Department of Mental Health Psychiatric Social Worker, and an Education consultant. This group meets pre-disposition to develop a recommendation to the court on the most appropriate legal status as well as identify support services for the youth. The MDT then convenes again post-disposition to discuss implementation of the plan for the youth.

Los Angeles has also benefitted from the establishment of the CARE (Crossover Advocacy and Resource Effort) Unit at the Children's Law Center. The Unit utilizes Master of Social Work (MSW) interns who work 16-20 hours per week for 9 months, increasing the face-to-face contact with youth, including frequent phone, text, or email contact; maintaining the contact through changing needs or issues (placement change, school issues, etc.); attending dependency court hearings; and providing updated information to attorneys.

Newton County, GA and the State of Georgia

Newton County, GA, established SYNC – “a multi-system partnership with one vision for youth and families.” Through this partnership, participants discovered that 40% of the County's dual status youth were status offenders, and therefore targeted reforms towards this population of youth. SYNC successfully navigated information and data sharing challenges, resulting in the ability to routinely identify target population youth. In addition, the County continues to collect data on its dual status youth population in order to design new data-driven interventions. As part of its prevention work, Newton County established a Truancy Intervention Board aimed at diverting youth away from the formal court process by addressing problems of truancy and educational neglect outside the courtroom with the support of invested stakeholders.

In 2013, Georgia passed House Bill 242, which addressed the overuse of out of home placement in juvenile justice, particularly for misdemeanants and status offenders. They also increased use of evidence based programs (EBPs) by establishing an incentive grant program with funds to identify, implement, and manage EBPs in 49 counties. Early outcomes show a reduction in the number of youth sent to state custody and out of home placements.

Cook County, IL

The Illinois Department of Children and Family Services (DCFS) and University of Illinois-Chicago, in collaboration with the Circuit Court of Cook County Juvenile Division, developed a pilot project designed to address the issue of dual status youth held in detention. These youth are being referred to a program called the Regenerations Program. It is an intensive wraparound program with up to 30 hours a week of programming, including mentoring through a partnership with the Youth Advocate Program. This program prioritizes finding the youth's strengths and how this impacts the youth's placement and treatment. Juvenile probation officers, DCFS staff, and Regenerations staff along with the youth and family sit together to work on a realistic plan for the youth. This plan is then presented to the Juvenile Court judge. The team is committed to locating a placement in the youth's neighborhood or with family members if possible, and to connecting the youth to mentors, family, and community members who will provide the youth with support and positive activities.

Initial outcomes have been good. There has been a significant drop in the number of dual status youth in Cook County Juvenile Detention and a reduction in the length of time youth spends in custody. The dual status detention population has been reduced by over 50 percent. Average length of stay has decreased from over 70 days to an average of 31 days.

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- ³² Currie, J., & Widom, C. S. (2010). Long-Term Consequences of Child Abuse and Neglect on Adult Economic Well-Being. *Child Maltreatment*, 15(2), 111–120.
- ³³ Center for Juvenile Justice Reform (2018). *Crossover Youth Practice Model*. Retrieved from <http://cjjr.georgetown.edu/our-work/crossover-youth-practice-model/>