

JUVENILE CONTINUITY OF CARE TASK FORCE
FINAL RECOMMENDATION PRESENTED TO THE
COLORADO COMMISSION ON CRIMINAL AND JUVENILE JUSTICE
JULY 14, 2017

FY17-JCC #01. Create a plan to formally recognize and address the needs of *crossover youth*.

Recommendation FY17-JCC #01

Define *crossover youth*¹ and *crossover plan* in statute and require each local Juvenile Services Planning Committee, established in C.R.S. 19-2-211, to devise a crossover plan for the identification and notification of cases involving crossover youth.

- I. Add crossover youth definitions to 19-1-103 C.R.S.
- II. Add a new section to 19-2-211 C.R.S. numbered 19-2-211.5 C.R.S.
 - a. To require the Juvenile Service Planning Committee in each judicial district to adopt a plan for identifying and notifying the human/social services representatives, probation representatives, S.B. 94 coordinators, juvenile court representatives, public defenders, district attorneys, parents and guardians ad litem of a youth 's crossover status.
- III. Add language to 24-1.9-102 (1)(e) C.R.S. (Collaborative Management Statute)
 - a. To explicitly include and permit local Collaborative Management Programs to establish memorandum of understanding with the local Juvenile Services Planning Committees for the coordination of services for crossover youth.
- IV. Add a new section to Title 19 Article 2 C.R.S.
 - a. To require the court to consider a youth's crossover status at all stages of the proceedings (i.e., pre and post adjudication) and not be used against the youth in a manner contrary to the principles informing the crossover youth practice model.

Discussion

Colorado law does not explicitly define crossover youth nor does it require the identification, notification and coordinated case management of crossover youth. This recommendation is a first step to better serving crossover youth in a more effective and efficient manner and in a way that serves the best interests of the youth and the community. The purposes of this recommendation are to:

- Formalize collaboration specific to crossover youth;

¹ Crossover youth, sometimes referred to as "dually involved" or "multisystem" youth, are youth who are involved in both the child welfare and juvenile justice systems. In Colorado, it is estimated that upwards of 80% of the youth committed to the Division of Youth Services have a prior history of child welfare involvement. It is further estimated that 60% have experienced prior out-of-home care placement through the child welfare system. Research has found these youth to be at higher risk for poor developmental outcomes (see Haight, et.al. (2016) for a review) and to have higher recidivism rates compared to those involved only in the juvenile justice system (Huang, et al. (2015). Crossover youth are described as higher risk by juvenile justice decision-makers and receive harsher dispositions than their non-crossover counterparts (Ryan, Hertz, Hernandez, & Marshall, 2017; Morris & Freundlich, 2005; Conger & Ross, 2001; Jonson-Reid & Barth, 2000). Research reflects importance of designing comprehensive, integrated approaches for improving the outcomes of crossover youth (e.g., Cusick, Goerge, & Bell, 2009; Munson & Freundlich, 2005). Such approaches typically involve multisystem collaborations, minimally between child welfare and juvenile justice professionals, but also law enforcement, education, behavioral health, and court personnel (Wiig & Tuell, 2004; Siegel & Lord, 2004; Halemba & Lord 2005; American Bar Association, 2008; Herz & Ryan, 2008; Nash & Bilchik, 2009). Without integrated and comprehensive efforts—including coordinated case assignment, joint assessment processes, coordinated case plans and coordinated supervision--crossover youth are less likely to receive the appropriate services and placements they need to improve their outcomes in both the short- and long-term (Widom & Maxfield, 2001; Cusick, Goerge, & Bell, 2009).

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- Facilitate early identification and information sharing between agencies;
- Ensure communication and collaboration with existing initiatives including the Collaborative Management Program;
- Facilitate consideration of least restrictive placement based on individual needs and protection of the public;
- Facilitate the successful discharge from the juvenile justice system as early as possible;
- Reduce recidivism or re-entry;
- Encourage a coordinated plan with engagement from the youth and family or natural supports;
- Contribute the maximum use of community resources; and
- National studies have shown that dual status youth, or those who have come into contact with both the child welfare and juvenile justice systems, have higher rates of complex trauma histories than the general youth population resulting in behavior problems which lead to juvenile justice system involvement. They are also more likely to be detained, detained for longer periods of time, and have histories of out-of-home placements with the child welfare system. The level of services required to address their complex trauma needs as well as the behavior which has led to juvenile justice system involvement is costly and disruptive and results in further traumatic experiences due to multiple changes in educational settings, placements and services. In Colorado, it has been estimated that upwards of 80% of the youth committed to the Division of Youth Services have a prior history of child welfare involvement. It is further estimated that 60% have experienced prior out-of-home care placement through the child welfare system.

In order to address the complex needs of dual status youth, national experts identified four key components which must be in place for effective reform: 1) Routine identification of Dual Status Youth; 2) Using validated screening and assessment tools; 3) Coordination in case planning and management; and 4) Engaging youth and families in decision-making processes that impact them.²

Proposed Statutory Language (ALL CAPS DENOTES NEW LANGUAGE)

- **19-1-103 C.R.S. - Definitions:**
 - **DUALLY IDENTIFIED CROSSOVER YOUTH:** YOUTH WHO ARE CURRENTLY INVOLVED WITH THE JUVENILE JUSTICE SYSTEM AND THE CHILD WELFARE SYSTEM OR HAVE A HISTORY IN THE CHILD WELFARE SYSTEM.
 - **CROSSOVER YOUTH PLAN:** THE PORTION OF THE ANNUAL PLAN AS SET FORTH IN
 - 19-2-211 C.R.S. DEVISED IN EACH JUDICIAL DISTRICT BY THE JUVENILE SERVICES PLANNING COMMITTEE THAT OUTLINES IDENTIFICATION AND NOTIFICATION OF CROSSOVER YOUTH AS DESCRIBED IN 19-2-211.5 C.R.S.
- **19-2-211 C.R.S. – Local juvenile services planning committee – creation – duties:**

² See the report at the Robert F. Kennedy Children's Action Corps: rfknrcjj.org/wp-content/uploads/2014/04/Dual-Status-Youth-Initiative-Report-First-Edition-Early-Gains-and-Lessons-Learned.pdf.

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NO CHANGES... If all of the boards of commissioners of each county or the city council of each city and county in a judicial district agree, there shall be created in the judicial district a local juvenile services planning committee that shall be appointed by the chief judge of the judicial district or, for the second judicial district, the presiding judge of the Denver juvenile court from persons recommended by the boards of commissioners of each county or the city council of each city and county within the judicial district. The committee, if practicable, shall include, but need not be limited to, a representative from the county department of social services, a local school district, a local law enforcement agency, a local probation department, the division of youth corrections, private citizens, the district attorney's office, and the public defender's office and a community mental health representative and a representative of the concerns of municipalities. The committee, if created, shall meet as necessary to develop a plan for the allocation of resources for local juvenile services within the judicial district for the fiscal year. The committee is strongly encouraged to consider programs with restorative justice components when developing the plan. The plan shall be approved by the department of human services. A local juvenile services planning committee may be consolidated with other local advisory boards pursuant to section 24-1.7-103 C.R.S.

- **19-2-211.5 C.R.S. – IDENTIFICATION AND NOTIFICATION OF CROSSOVER YOUTH (ADD .5 to Section 19-2-211 C.R.S. – Local Juvenile Services Planning Committee – creation – duties)**
 - AS SET FORTH IN 19-2-211 C.R.S., THE PLAN SHALL INCLUDE THE MANAGEMENT OF CROSSOVER YOUTH, AS DEFINED IN 19-1-103 C.R.S. THE PLAN SHALL OUTLINE A PROCESS FOR THE IDENTIFICATION AND THE NOTIFICATION OF THE YOUTH'S CROSSOVER STATUS TO THE CHILD WELFARE SYSTEM AND OTHER PARTIES NOTED BELOW. THE PLAN SHALL INCLUDE THE EFFECTIVE COORDINATION OF CASE MANAGEMENT AND SERVICES, AND THE ENGAGEMENT OF CROSSOVER YOUTH AND THEIR CAREGIVERS. THE PLAN SHALL CONSIDER OTHER COLLABORATIVE INITIATIVES, INCLUDING BUT NOT LIMITED TO THE COLLABORATIVE MANAGEMENT PROGRAM, PER SECTION 24-1.9-102. THE PLAN SHALL CONTAIN A DESCRIPTION AND PROCESS TO INCLUDE THE FOLLOWING:
 - IDENTIFICATION: A PROCESS FOR THE IDENTIFICATION OF CROSSOVER YOUTH, AS DEFINED IN 19-1-103, AT THE EARLIEST REASONABLE POINT OF CONTACT
 - A METHOD FOR COLLABORATING AND EXCHANGING INFORMATION WITH OTHER JUDICIAL DISTRICTS
 - NOTIFICATION: A PROCESS FOR PROMPTLY COMMUNICATING INFORMATION ABOUT THE YOUTH'S CROSSOVER STATUS BETWEEN THE CHILD WELFARE AND JUVENILE JUSTICE SYSTEMS AND TO NOTIFY EACH OTHER OF NEW INVOLVEMENT IN RESPECTIVE SYSTEMS OR INFORMATION THAT MAY AID IN THE IDENTIFICATION OF DUAL STATUS YOUTH. WITHIN THE PLAN THE FOLLOWING SHOULD BE NOTIFIED IF APPLICABLE: PUBLIC DEFENDERS, DISTRICT ATTORNEYS, S.B.94 COORDINATORS, HUMAN SERVICES REPRESENTATIVES, PROBATION REPRESENTATIVES, JUVENILE COURT REPRESENTATIVES, PARENTS AND GUARDIANS AD LITEM.
 - APPROPRIATE PLACEMENT: A PROCESS FOR IDENTIFYING THE LEAST RESTRICTIVE APPROPRIATE PLACEMENT.
 - SHARING AND GATHERING INFORMATION: A PROCESS FOR SHARING AND GATHERING INFORMATION IN ACCORDANCE WITH ALL APPLICABLE LAW AND RULES.

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- COORDINATION OF CASE MANAGEMENT: A PROCESS FOR THE DEVELOPMENT OF A SINGLE CASE MANAGEMENT PLAN AND IDENTIFYING THE LEAD AGENCY FOR CASE MANAGEMENT PURPOSES.
 - ASSESSMENTS: A PROCESS THAT FACILITATES THE SHARING OF ASSESSMENTS AND CASE PLANNING INFORMATION.
 - MULTI- DISCIPLINARY STAFFING: A PROCESS FOR MULTI- DISCIPLINARY GROUP OF PROFESSIONALS TO CONSIDER DECISIONS THAT INCLUDES BUT IS NOT LIMITED TO: YOUTH AND COMMUNITY SAFETY, PLACEMENT, PROVISION OF NEEDED SERVICES, ALTERNATIVE TO DETENTION AND COMMITMENT, PROBATION, PAROLE, PERMANENCY, EDUCATION STABILITY AND CASE CLOSURE.
 - SECURE DETENTION: CROSSOVER YOUTH IN SECURE DETENTION WHO ARE DEEMED ELIGIBLE FOR RELEASE BY THE COURT SHALL BE PLACED IN A LESS RESTRICTIVE SETTING WHENEVER POSSIBLE TO REDUCE DISPARITY BETWEEN CROSSOVER AND NON-CROSSOVER YOUTH IN DETENTION.
- **24-1.9-102 (1) (e) C.R.S. – Memorandum of understanding – local-level interagency oversight groups – individualized service and support teams – coordination of services for children and families – requirement – waiver.**
 - Nothing shall preclude the agencies specified in paragraph (a) of this subsection (1) from including parties in addition to the agencies specified in paragraph (a) of this subsection (1) in the memorandum of understanding developed for purposes of this section AND MAY INCLUDE THE JUVENILE SERVICES PLANNING COMMITTEE AS DEFINED IN SECTION 19-2-211 AND SECTION 19-2-211.5.