

# THE LINK

CONNECTING JUVENILE JUSTICE AND CHILD WELFARE

## Legal Analysis in Systems Integration

By Jessica Heldman

Research has recently confirmed what practitioners have known for years: There is a link between child maltreatment and delinquency, and the systems created to address these issues are undeniably related. The child welfare and juvenile justice systems often serve the same clients, attempt to address the same issues, and share many of the same goals. These systems, however, have traditionally operated independent of one another.

Communities nationwide are acknowledging this link and responding by bringing agencies together to consider how they can best serve their common clients—often referred to as dually involved youth. Such collaborations focus on reducing the time spent in detention by these youth, eliminating the duplication of assessments and services, providing seamless processes that are easily navigable by families, strengthening families and stabilizing home environments, reducing recidivism, and improving overall outcomes. To reach these goals, communities are developing interagency strategies, such as pooling resources, increasing information sharing, formalizing interagency case coordination, and establishing cross-systems training of staff.

Those working in child-serving systems consistently identify legal issues as some of the most common and concerning barriers to developing and implementing interagency strategies. Strong, long-standing beliefs exist about what kind of interagency communication is legally allowable, what is restricted, how law and policy define the roles and responsibilities of each agency, and how agency mandates can best be met. When these questions are put on the table, creative and collaborative conversations often come to a halt, and participants retreat to their corners, unable or unwilling to consider abandoning their traditional assumptions.

It is essential, therefore, that any effort to create systemic change include a legal and policy analysis to

address these issues. Including such a component ensures the tough questions will be asked and grappled with throughout the effort, rather than emerging at the end of a process to stifle progress that has been made. A legal and policy analysis reveals that the legal framework in any community can provide both support for systems integration as well as barriers to such efforts.

Support may be in the form of a statutory purpose or policy that articulates the intent of the legislature to support the goals at the heart of the systems integration effort. Barriers may be in the form of statutory language restricting the sharing of information essential to case coordination, or that is unclear in its requirements of specific child-serving entities and how to meet such requirements. Identifying where support and challenges exist can help guide the development of strategies that will help ensure the success of any interagency effort.

King County, Washington, which includes the city of Seattle, undertook an ambitious systems integration project by bringing together leaders from child welfare, juvenile justice, community services, education, and other child-serving entities to consider how to better serve the children who are their common clients. The participants in this initiative were committed to taking a candid look at their current prac-

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# DIRECTOR'S MESSAGE

Another new year has arrived, but in many ways January 1, 2006, feels just like any other day. They roll by one after the other. Same story. Different day. But all you have to do is watch television or pick up a newspaper to know that New Year's Day is different than all other days. For one thing, Dick Clark does not sit in Times Square until midnight every day. No, he gets all decked out on this night only to help millions usher in the New Year. Every year, I know where I will be at 11:59 p.m. on December 31—watching Dick Clark lead us through the big countdown, "5, 4, 3, 2, 1. HAPPY NEW YEAR!"

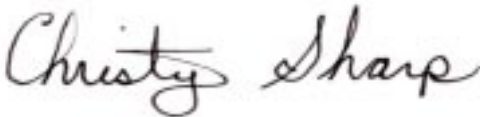
January 1 may be just a day like any other, but we have the chance to embrace January 1 for what it can be: a new beginning and an opportunity to make changes and do things differently. We can examine our past year and choose to keep the attitudes, beliefs, and behaviors we like and discard the rest.

If you think about it, every day offers this opportunity to move forward in a different way, the opportunity to choose to take the best information we have and move forward with that knowledge. Many of us in the child welfare and juvenile justice fields are doing just that. I hope the information presented in this issue of *The Link* will help build your knowledge base and prompt positive change.

For example, recent research has examined the effect of placement instability in child welfare on future delinquency. This research helps to support the trend toward better coordination and integration of child-serving systems to improve outcomes for families and youth. Often, this means examining legal, policy, and procedural mandates to determine what is possible. A comprehensive analysis, as detailed in this issue, can provide valuable insight and clarification.

In 2006, I hope you choose to embrace the clean, fresh slate that a new year presents to us. Take this opportunity to do an inventory of your work. Find the latest and best information and use it to make positive changes for the children, families, and communities you serve.

Happy New Year!



Christy Sharp

## THE LINK CONNECTING JUVENILE JUSTICE AND CHILD WELFARE

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The Child Welfare League of America is the nation's oldest and largest membership-based child welfare organization. We are committed to engaging people everywhere in promoting the well-being of children, youth, and their families, and protecting every child from harm.

A list of staff in CWLA service areas is available online at [www.cwla.org/whowhat/serviceareas.asp](http://www.cwla.org/whowhat/serviceareas.asp).

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tices and developing a creative vision for reform. CWLA helped guide the local participants to develop a process and, because the participants knew a legal and policy analysis would be an essential component in the process, they created a subcommittee to do the work.

The Legal Analysis Subcommittee comprised attorneys in juvenile law, including defenders representing juveniles in dependency and delinquency proceedings, attorneys representing social workers and the county, and other local attorneys with expertise in the policy and practice of juvenile law. The subcommittee's goal was to thoroughly examine the legal landscape in King County and how it affects the ability of the child welfare and juvenile justice systems to collaborate on behalf of their common clients. Furthermore, the subcommittee planned to craft recommendations, based on a complete understanding of the relevant laws, for improving and encouraging systems collaboration.

The role of legal analysis evolved throughout the process. First, it became clear that all efforts for restructuring and reform relied upon a clear understanding of the limitations and allowances under the

law, and it was the responsibility of the Legal Analysis Subcommittee to provide this understanding. In addition, other various subcommittees used the expertise of the Legal Analysis Subcommittee as they encountered legal issues in their own work. Finally, as new protocols, policies, and structures emerged throughout the project, the subcommittee was able to consider the need for steps to support these developments, such as proposing statutory reform.

After more than a year and a half of hard work, the King County Systems Integration Initiative has produced some remarkable results. It has developed cross-system training, produced a field guide to information sharing, and is developing an exciting and cutting-edge interagency information system. Early in the project, the Legal Analysis Subcommittee was able to support and encourage the collaborative and creative thinking that led to the development of such strategies by concluding that laws and policies did not have to be barriers to such efforts. The subcommittee worked to bust the legal myths and replace them with thoughtful, well-researched conclusions. To accomplish this, the participants in King County, and now several other communities, followed the steps

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**CHILD WELFARE LEAGUE OF AMERICA**

**JUVENILE JUSTICE DIVISION**  
**2006 Juvenile Justice**  
**National Symposium**

MAY 31–JUNE 2, 2006  
HYATT REGENCY  
SAN FRANCISCO AIRPORT

**BUILDING SUCCESSFUL ALLIANCES  
TO IMPROVE OUTCOMES**

The Child Welfare League of America invites you to attend its 2006 Juvenile Justice National Symposium, *Building Successful Alliances to Improve Outcomes*. The symposium will focus on multisystem alliances between juvenile justice and child welfare as a crucial piece of working to better serve our nation's children. Through the combined efforts of direct service practitioners, supervisors, senior management, executive leadership, board leaders, parents, and people like you, we can ensure that America's children have the opportunity to succeed.

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below. This is an abbreviated version of a process explained in further detail in the forthcoming *Guide to Legal Analysis in Systems Integration*, available on the CWLA website this spring.

### Step One: Creating a Committee

The first issue is determining who will conduct the legal analysis. Ideally, the group should identify and bring together professionals knowledgeable and experienced in local law and procedure to approach this work. It can also help to engage the support and guidance of one person who is able to commit extensive time to the project, whether it be a local participant or an outside consultant.

The importance of a committee cannot be overemphasized. Diverse professionals have access to and knowledge of various laws and practices. Each professional also offers access to his or her own network of coworkers with valuable knowledge and experience. Not only does a committee provide a wide array of resources essential to a thorough understanding of the law, but it also legitimizes the work of the entire project. When local legal professionals such as defenders, prosecutors, attorneys general, agency counsel, judges, and legislators demonstrate their commitment to an integration project by being part of a committee, it encourages others to support or even join the effort.

Furthermore, the fact that legal professionals are associated with the initiative lends credibility to the conclusions and action strategies that arise from the work. This credibility is important to those working on the initiative—giving them confidence that their work is legally valid—and to those outside the initiative who may need reassurance that the work of the initiative can be implemented legally.

Once the committee is formed, it will undertake steps that will help identify the important legal issues in their community and begin the process of developing strategies to address them.

### Step Two: Identify the Legal Issues

Once the scope of the project is reviewed, the group can begin an open discussion to identify and prioritize the pertinent legal issues. It is important to allow discussion to flow and permit “thinking big.” The legal group, however, must also keep in mind the overall goals of the agencies or entities that have brought them together to do this work and consider how best to support those goals. These common themes regarding legal issues will arise:

- information sharing and confidentiality concerns that can affect coordinated case management;
- whether agency mandates are clear, communicated to staff, and met by the agencies, including whether it is clear which system is responsible for the legal and physical custody of a child involved in both child welfare and juvenile justice;
- the impact of specific state statutes that define the goals, practices, and procedures of the state's child-serving systems;
- how court practices affect the ability of agencies to effectively serve clients, and what changes might be suggested regarding how the agencies work with the court;
- how resources are allocated between child welfare and juvenile justice systems, and the extent to which resource allocations affect systems integration; and
- legal issues surrounding the development of information management systems.

Not every issue will be present in each community, but it is important to discuss each topic on this list and prioritize those that are most relevant to the efforts within their community. Choosing the area(s) of focus will guide the scope of the research and analysis the committee will undertake. In every community in which CWLA has facilitated the systems integration efforts, the ability of agencies to share client information to provide seamless and appropriate services has been identified as the highest priority. Because of this consensus, many of the steps that follow highlight how information sharing and confidentiality concerns can be addressed in that phase of the process.

### Step Three: Research the Law

A central goal of the Legal Analysis Committee is to gain an understanding of how federal and state laws shape collaborative and coordinated efforts between child-serving entities. This requires an understanding of not only the rules set out by these laws, but also the underlying purposes and goals of pertinent legislative and administrative mandates.

The purpose of this initial period of research is to obtain a general overview of the law to develop a meaningful protocol for participant interviews and to begin thinking about legal issues that may arise for the system integration effort as a whole. Further research will take place later in the process, but the initial steps are:

- **Consult secondary sources.** Books, articles, and reports can be helpful in the initial research stage. Reviewing these publications can help define the scope of the group's research, prepare the group for confronting the challenges other researchers have encountered, and provide the group with lists and summaries of laws and resources relevant to your work. Finding secondary sources is as easy as conducting an Internet or library database search, using keywords such as *child welfare, juvenile justice, mental health, information sharing, confidentiality, systems integration*, and other terms.
- **Research federal law.** The group should identify those provisions of federal law that support coordination, collaboration, and integration. Some provisions articulate findings by the U.S. Congress that support the concept of systems integration. Some provisions create new requirements for coordination and collaboration for states receiving federal funding. Any of these provisions can provide the impetus for the community's overall integration effort. In addition, several federal provisions specifically address the use and keeping of information relevant to the child welfare and juvenile justice systems.

Once the law has been surveyed, it will become apparent that federal law does not create absolute barriers for communities undertaking information sharing and collaborative efforts. Instead, the protections provided by federal law often will allow disclosure in certain circumstances, requiring that reason be shown for disclosure of personal information and that specific measures be taken to protect the privacy of protected information. It is the Legal Analysis Committee's responsibility to outline these limitations, exceptions, and procedures so everyone involved in the larger project has clear guidance.

- **Research state law.** Most states will have specific sections of its code devoted to juvenile courts, child welfare, juvenile justice, education, and health care. Within these sections, provisions may require multidisciplinary or interagency efforts on behalf of children and families within the child welfare and juvenile justice systems. In addition state codes will likely contain provisions addressing how information is to be kept, what kind of information is confidential, and when information can be disclosed. State law will also offer directives on specific topics such as health care and education for minors. The committee should determine whether the state or federal law is more restrictive, as federal law will preempt a less-restrictive state statute.

#### Step Four: Conduct Qualitative Research

One of the more enlightening steps in this process is participant interviews. This step has several goals:

- identifying the ways in which laws and policies are interpreted in the community to either support or impede coordinated and collaborative efforts,
- identifying the information needs of those working directly with clients every day, and
- inviting participants to share their ideas of how laws and policies can better support their efforts to work collaboratively.

This information helps define the scope of the legal analysis. Ideally, the interviewee list should encompass professionals from all relevant fields and entities and should represent the various levels of employees, from front-line workers to high-level administrators. Interviews are most productive when an outline or protocol is followed. This ensures the conversation will remain focused and that important questions will not be overlooked. The goals above can guide the development of a protocol. Furthermore, the legal research done thus far has undoubtedly raised questions that will provide excellent interview topics.

In several communities, it has been more efficient to conduct the qualitative research through the development and distribution of a survey instrument or by convening focus groups. What is important is that those working within the systems become aware of the system integration effort and are given the opportunity to contribute to the development of its scope and outcomes.

#### Step Five: Conduct Further Research

At this point, the committee must return to the task of researching the law. The initial stage of research and participant interviews will provide a clearer idea of which laws and other resources are relevant to the systems integration effort and the Legal Analysis Committee can therefore begin an in-depth analysis.

By now the committee has likely acquired a collection of resources requiring review. Interviewees may have provided policies, manuals, and written protocols; additional relevant laws may have been suggested or discovered; case law might have developed or legislation might have been passed; questions may have arisen from the work of other committees; and interviewees may have referred to other programs or reform efforts that warrant examination.

It is important to identify the possible relevance of any sources that have not yet been considered. Case law, court rules, professional codes of ethics, and attorney general opinions are all possibly relevant to your analysis. The committee should approach these sources as it did the federal and state laws, using key-words to identify relevant information.

Once the committee has identified and compiled the resources analysis can begin. This stage requires the committee to consider its findings within the context of the goals of the systems integration initiative. The following objectives can guide the analysis:

- Identify strengths and weaknesses of the legal framework and current information sharing practices. Consider how laws and policies (federal, state, and agency-specific) support or hinder coordination and collaboration and information sharing. Also examine what important interests the laws and policies protect.
- Identify the areas of disconnect between what the law really says and what those working within the systems think it says. It may be clear from the research that something can be easily clarified or it may be that a legal authority, such as an attorney general, must make a legal determination. Common areas of misunderstanding include:
  - whether the federal or state law restricts the use of funds to certain activities or whether there is flexibility to share or pool funds;
  - whether agency mandates or federal or state eligibility requirements preclude agencies from developing shared policies or procedures;
  - whether front-line workers such as social workers and probation officers can share with each other information they have generated about joint clients;
  - whether front-line workers can share with each other client information they have been provided by third parties, such as mental health records provided by a therapist;
  - whether physical and mental health care providers can share information with social workers, probation officers, and attorneys;
  - whether information can be disclosed to researchers or agencies for data analysis;
  - when there are consequences in the law for improper disclosure, whether there is a “good

faith” exception to liability, what the consequences are and how frequently they are imposed; and

- whether information disclosed to certain parties becomes part of a juvenile's record, and whether this record can ever be permanently sealed;
- Distinguish areas of the law that create absolute barriers to information sharing, that require consent of other procedures to be followed for information to be shared, and that allow information to be shared without consent.

Also beneficial at this stage is to extend your research beyond your own jurisdiction. Considering the statutes, programs, and initiatives of other communities can enrich your understanding of issues and help to shape action strategies.

### **Step Six: Articulate Findings and Goals**

After compiling and analyzing the products of the legal and qualitative research, the committee must come to consensus regarding the findings. It is important that the group work together to ensure that the stated findings clearly articulate what have been identified as the strengths and challenges regarding the law, policies, and procedures affecting the goals of the project. The findings are most useful when they identify the issue that was revealed as well as the reason the issue exists. For example, the committee may have determined that necessary information is not shared between agencies even when the law allows such sharing.

When stating the conclusion, it is important to articulate the reason; perhaps that federal regulations are misinterpreted or because there is no state law addressing information sharing between agencies.

These findings will form the basis for defining the goals the group determines need to be met. Ideally, a well-crafted finding can simply be inverted to provide a specific goal. Using the above example, the goal based on the finding can be that legislation be developed and introduced to address the ability of state agencies to share necessary client information. How the goal will be met is the work of developing action strategies, as outlined in the next step.

### **Step Seven: Create an Action Strategy**

Many of the goals developed from the committee's findings may appear general and idealistic. The committee's work is to recommend the steps that must be taken to meet the goals. This is best accom-

plished through crafting very specific action strategies. This is an area in which the local expertise of the committee participants is invaluable. Having an understanding of how the local agencies and entities work, and knowing what has succeeded and failed in the past, can ensure that strategies are developed that are realistic and likely to be accomplished.

As more communities have undertaken this work, a collection of established strategies has developed. Introducing this list of strategies adopted in other communities can serve to spark discussion among the group as the development of action steps begins.

- Establish an interagency advisory group on information sharing. (Pittsburgh)
- Draft a proposed memorandum of understanding for information sharing. (Kentucky; King County, Washington; Pittsburgh)
- Develop manuals/field guides that clarify state and federal laws governing confidentiality. (King County; Virginia)
- Specifically address whose consent is needed for information to be shared and what must be done to obtain this consent.
- Develop policies and procedures to ensure that youth understand their rights and their ability to provide consent.
- Develop multiagency releases/universal consent form. (California, Connecticut, Iowa)
- Provide formal training for agency staff addressing confidentiality laws.
- Provide formal training for all agencies in the purposes and activities of the other agencies.
- Co-locate agency staff. (New Mexico)
- Designate one employee in each agency as the single point of contact for interagency information requests.
- Create shared databases. (King County)
- Institute quality assurance procedures for records before they are transferred to another agency so that only reliable information is passed on.
- Use one family/one judge models. (Minneapolis; Kansas City, Missouri)
- Promote statutory change to support multiple agency communication (serious habitual offenders). (California, Illinois)

- Revise codes governing juvenile records to ensure consistency of management and dissemination.
- Revise code provisions to standardize penalties for breach of confidentiality regulations.
- Develop a partnership between state medical and behavioral health departments and juvenile justice agencies to determine their responsibilities under the Health Insurance Portability and Accountability Act.
- Suggest that the juvenile court issue orders to guide interagency information.
- Require confidentiality oaths to be taken among agency staff.
- Give parents complete details about the process and purpose of information sharing, their right to have copies of records before they are released, and their right to refuse to release records.

## Conclusion

The Legal Analysis Committee's continued consultation regarding the legality of action strategies developed by other committee. It is advisable, however, to make clear that the committee's findings and recommendations are just suggestions. It is important to clarify that you are not in a position to dispense legal advice. It can be extremely beneficial to engage a local legal authority, such as the attorney general's office, in providing legal consultation to the participating entities and in continuing the legal analysis necessary for implementation of action strategies.

In the end, the Legal Analysis Committee can contribute greatly to not only the legal, policy, and practice changes that occur as a result of a systems integration effort, but also to the arguably more important cultural change that must occur to ensure true systemic reform. Letting administrators, workers, families, and children know that barriers between agencies can be broken down, and providing the tools for accomplishing this, can go a long way in changing attitudes to benefit the children and families the agencies are committed to serving.

*Jessica Heldman, JD, is a legal and policy consultant.*

# African American Males in Foster Care and the Risk of Delinquency: *The Value of Social Bonds and Permanence*

By Joseph P. Ryan

## Introduction

Juvenile delinquency remains a significant problem for child welfare systems throughout the United States. Victims of child abuse and neglect are more likely to engage in delinquency compared with children in the general population (Ryan & Testa, 2005; Widom, 2003). Although the magnitude of this relationship is not fully understood (Zingraff et al., 1993), the risk of delinquency is particularly high for African American males and for children in substitute care settings (Ryan & Testa, 2005; Jonson-Reid & Barth, 2000a, 2000b). Yet debate continues regarding the factors that connect these two phenomena. To improve understanding of juvenile delinquency in the child welfare system, researchers in Illinois investigated the importance of social bonds. Specifically, the importance of attachment, commitment, and perceptions of permanence for African American males in foster care. This study is forthcoming in the journal *Child Welfare*. The following is a summary of the rationale and several key findings.

## Why Focus on Social Bonds?

Healthy development depends on parents and other socializing agents making consistent investments in the care, education, and supervision of children. Such investments help instill a sense of attachment, commitment, and obligation that tie children to family and conventional role models. Such investments and social bonds are believed to prevent children from engaging in delinquency. Difficulties arise when children experience low levels of investment and weak social bonds. When confronted with opportunities to engage in nonconforming or undesirable behaviors, children with extensive and strong social bonds have a greater stake in conformity and are less likely to engage in delinquent behavior that might jeopardize those relationships (Furstenberg & Hughes, 1995; Hirschi, 1969). Attachment and commitment represent two key components of the social bond.

## Attachment

Child welfare practitioners and scholars assert that attachment is important because it's the foundation for the provision of quality care and an important pre-

dictor of healthy psychological development (Vuchinich et al., 2002; Kelly & McSherry, 2002). Establishing positive relationships between the child in foster care and the foster care provider can minimize a child's emotional distress and the negative effects on his or her development from temporary separation from parents. Moreover, attachment can provide a safe context in which new relational skills can be developed (Haight, Kagle, & Black, 2003). The literature describing the importance of attachment is consistent. Yet, the literature focusing on the strengths of social bonds achieved within the foster home is somewhat inconsistent.

In a study of young adults leaving the foster care system in Wisconsin, Courtney et al. (2001) reported that 75% of all youth felt somewhat close or close to their foster caregivers. Nearly 40% of these youth also reported staying in contact with foster parents after discharge, and 20% reported receiving continued emotional support and advice with decisionmaking. Despite high levels of perceived attachment, 37% reported running away from the foster home at least once, 32% reported feeling lonely, 28% felt foster parents treated their biological children better than children in foster care, and 34% reported being "mistreated" at least some of the time while in a substitute care placement. To some extent, the reports of low levels of attachment are not entirely surprising. Foster care placements are intended to be temporary. Thus, one might expect some reluctance or unwillingness in developing strong and secure attachments.

## Commitment

Commitment refers to an individual's investment in society or stake in conventional institutions. Such investments result in commodities (for example, cherished relationships, academic success, and employment) that are jeopardized when individuals engage in delinquency (Polakowski, 1994). Schools and religious organizations are perhaps the most recognizable institutions.

The research on commitment or investment in educational institutions, and its association with delinquency, is fairly consistent. This is true for a wide range of educational experiences. Specifically, an increased risk of juvenile delinquency is associated with: low



levels of academic achievement, lack of participation in activities, low aspirations for continued education, unpleasant relationships with teachers, rejection of administration, disregard for policies and rules, and dropping out (Maguin & Loeber, 1996; Agnew & Petersen, 1989; Agnew, 1985; Gottfredson, 2001).

The unique educational needs of youth in foster care, and the importance of educational outcomes, are not only documented in the scientific literature, but are also reflected in the enactment of recent legislation. For example, California AB 490 imposes a variety of new duties and rights related to the education of abused and neglected children in care (for example, immediate school enrollment and ensuring school stability during placement disruptions). Similar legislation can be found in Arkansas (House bill 1710, Act 1255) and Florida (FL ST s 39.0016).

Similar to the role of schools and education in general, faith-based organizations are an important agent of social control. Within many African American communities, the church is viewed as the most important institution in the United States and has had an enormous impact on the religious, cultural, social, and political aspects of life in America (Gadzekpo, 1997; Langley & Kahnweiler, 2003). Isaac, Guy, & Valentine (2001) indicate that the black church has not limited itself to spiritual and religious edification, but has also served as a refuge from racism and a location where African Americans could learn values, knowledge, and skills.

## Permanency

In addition to the role of attachment and commitment in the development of delinquency, the current study focuses on permanency. Placement instability is important and relevant for at least two reasons. First, child welfare systems struggle with securing stable placements for children removed from the biological family home. A recent study of children in foster care in Illinois reports that of all children in care on June 30, 1998, approximately 38% had experienced at least four different placements (Hartnett et al., 1999).

The difficulty of securing stable placements is not limited to Illinois, nor is the focus on instability a recently expressed concern (Berrick et al., 1998; Millham et al., 1986; Pardeck, 1985). In 1990, researchers documented that approximately 30% of children in substitute care settings experienced more than three placements (U.S. House of Representatives, 1994).

A second rationale for focusing on permanence is the accumulating body of evidence that suggests placement instability is associated with a variety of negative outcomes including mental health problems, weak attachments, and even juvenile delinquency (Early & Mooney, 2002; Lieberman, 1987; Van der Kolk, 1987; Ryan & Testa, 2005). The current study builds on this literature by exploring not only the effects of placement instability, but also the relationship between perceptions of instability and delinquency. That is, we are not only concerned with how

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## PUBLIC POLICY UPDATE

### Federal Funding for Juvenile Justice Faces Severe Reduction in 2006

Federal funding for juvenile justice and delinquency prevention for fiscal year 2006 was reduced substantially. Overall funding was cut in FY 2006 to \$311.7 million—down from \$346.5 million in FY 2005. These cuts include reductions in State Formula Grants to \$80 million (down from \$83.3 million). These grants are the primary federal support for state juvenile justice systems.

The Title V Local Delinquency Prevention Grant program funds were cut to \$65 million (down from \$79.4 million). Title V is the only federal funding source dedicated solely to delinquency prevention. It funds collaborative, community-based delinquency prevention efforts to reach youth in high-risk situations before they make bad choices. Title V brings together local participants in a comprehensive effort to reduce risk factors in children's environments while promoting factors that lead to healthy behavior. Prevention efforts that reduce risk factors or enhance protective factors maximize the chances of reducing juvenile delinquency and related problems and enable young people to transition successfully to adulthood.

Funding for the Juvenile Accountability Block Grant (JABG) was cut to \$50 million (down from \$54.6 million). JABG resources help ensure the smooth administration of the juvenile justice system by developing and administering accountability-based sanctions for juvenile offenders; hiring juvenile judges, prosecutors, probation officers, and court-appointed defenders; and funding pretrial services for juveniles.

These cuts will be difficult for the juvenile justice field to sustain. Many programs will be closed, scaled back, or downsized and therefore will reach fewer children and youth. CWLA is working with other advocacy organizations and making plans to urge Congress to restore these funds in FY 2007.

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instability affects problem behavior, but also how one's perception of future instability may relate to these same behaviors.

### Research Questions and Sample

In the current study we address the following research questions:

1. Are high levels of attachment between the child in foster care and the caregiver associated with a reduced risk of delinquency?
2. Are high levels of commitment to school and church associated with reduced delinquency risk?
3. Are perceptions of placement instability associated with an increased risk of delinquency?

The sample of the Illinois study includes 278 African American males in foster care. Each youth completed a survey at two points in time. The youth were between ages 11 and 16.

### Findings

Are high levels of attachment between the child in foster care and the foster parent associated with a reduced risk of delinquency? We used two measures of attachment to address this question. The first measure focused on the relationship between the youth and the foster parent and included questions about frequency of communication and level of caring. Additional measures focused on parental monitoring and included questions about setting rules and familiarity with the youth's peer group. The findings indicate that more positive relationships between the youth and foster parent are associated with a decreased risk of delinquency.

Are high levels of commitment to school and church associated with a reduced risk of delinquency? We used a variety of measures organized within education and religion to estimate the commitment-delinquency relationship. These measures included information on prior school suspensions, plans to attend college, participation in after school activities, and involvement with religious organizations. The findings indicate that youth in foster care who were involved with religious organizations (whether for religious service or other community event) are less likely to experience a delinquency petition. In contrast, children in care who have been suspended from school were more likely to engage in delinquent behavior. Are perceptions of placement instability associated with an increased risk of delinquency? In the current

study, we took a unique approach to estimating the effects of placement instability. Although we controlled for prior movements, we focused specifically on the child's perceptions of instability. Specifically, children were asked if they believed they would experience a change of placement within the next 12 months. The results indicate that the children predicting a change in placement (perceived instability) were significantly more likely to experience a delinquency petition, compared with those predicting no change in foster placement. This finding specific to perceptions of permanence are consistent with much of the literature on placement instability in the foster care system. Specifically, children who experience multiple movements within the foster care system are more likely to engage in delinquency, compared with children with no movements (Ryan & Testa, 2005).

Despite this consistency, the finding noted in the current study does raise a few additional questions about placement instability. What is it about instability that increases the risk of delinquency? Is it the disruption itself or the events that precede the disruption? In the current study, nondelinquent children were asked to predict the stability of their current foster care placement. Controlling for prior movements and length of time in the foster care system, children predicting a change in placement were at an increased risk of delinquency. It's possible that it's not the actual disruption that increases the risk of delinquency but the turmoil that precedes this disruption.

### Additional Findings of Interest

One unexpected finding was the relationship that emerged between the type of foster home and the likelihood of delinquency. Controlling for a range of child characteristics, children in relative care homes were significantly more likely to experience a delinquency petition, compared with children in nonrelative placements (13% vs. 2%). To date, scant research compares the likelihood of delinquency petitions for children in relative and nonrelative homes. Thus, we were not sure what to expect with regard to placement type and delinquency.

In a review of the kinship care and delinquency literature, only one study compared official delinquency petitions for children in family settings (which includes placement with biological parents or relatives) with children placed in nonrelative settings (English, Widom, & Branford, 2001). The authors conclude that children in nonrelative placements are more likely to be arrested. The problem with this comparison is the risks associated with each group are not equivalent. The family setting group includes

children who are permitted to remain with their biological parents. These children are likely exposed to significantly fewer risks, compared with the group of children taken into protective custody.

Despite the lack of research focusing on kinship placements and the likelihood of delinquency, a broad literature exists documenting a range of risks and benefits. Thus, perhaps higher delinquency rates should not be entirely surprising. Regarding risks, kinship care providers are more likely to be poor, single, older, and have fewer years of education, compared with nonkin providers. Kinship care providers also have less contact with caseworkers and receive fewer support services relative to nonkin providers (Barth et al., 1994). In short, “children in kinship care homes face significantly more environmental hardships than children in nonkin foster homes” (p. 30, Ehrle & Green, 2002).

Despite these hardships, there are numerous advantages to kinship care placements. For example, children in kinship care arrangements experience more stable placements, are more likely to maintain ties with their biological family, and are less likely to re-enter substitute care placement subsequent to reunification (Testa, 2001; Courtney, 1995; Berric et al., 1998).

We were not able to identify the specific factors or characteristics of relative placements that increase the risk of delinquency. That is, we can not explain why children placed with relatives are at an increased risk of delinquency, only that such a risk exists. Thus, the comparison of kinship and traditional foster homes (with a focus on delinquency outcomes) warrants additional attention. It’s possible that some of the same desirable characteristics associated with kinship care placement (close proximity to biological family home) are also related to higher delinquency rates. This seems especially true for kinship care placements in neighborhoods with high rates of delinquency and crime.

### **Implications for Practice and Future Research Directions**

The implications for social work practice are clear. It’s essential for child welfare professionals to facilitate and maintain attachment between youth in foster care and foster care providers, facilitate and maintain youth involvement with important social institutions, and secure a stable home for all youth in foster care. A great deal of literature describes strategies for improving foster youth-foster parent relations. Within

this literature, scholars and practitioners note that foster parents need a variety of support services subsequent to the child’s placement in the home.

Specifically, authors report that skill training and support services for dealing with the health and psychological problems of children in foster care, training in empathy skills, and developing their special interests and talents might increase retention rate, increase feelings of self-efficacy, and improve children’s attachment to their foster parents. The lack of such training is one reason given by foster parents who drop out of the foster care system (Chamberlain, Moreland & Reid, 1992).

The current study investigated specific aspect of social control theory. We empirically tested the relationship between attachment, commitment, perceptions of permanence, and delinquency. The findings from this research make a unique contribution to the literature. Yet some questions remain unanswered. Most importantly, how do social controls prevent delinquency in the foster care system? Are children simply reluctant to engage in delinquency because of the time and energy invested in these relationships, or are the processes more complex? Thornberry et al (1991) argues that youth are more likely to associate with delinquent peers as social controls weaken. These associations lead to a further reduction in social controls. The reciprocal process or loop is often interrupted as youth transition to adulthood and establish new commitments with work and family. This model integrates aspect of both control theory (for example, the importance of social relationships) and learning theory (such as conforming with delinquent peer group).

Testing this model within the context of the child welfare system is essential for two reasons: First, it’s important to understand the exact mechanisms that increase the risk of delinquency for victims of abuse and neglect. Second, this work is necessary if one hopes to develop efficient and effective delinquency prevention programs.

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References listed on page 14.

# JUVENILE JUSTICE NEWS AND RESOURCES

## **Alternatives to the Secure Detention and Confinement of Juvenile Offenders**

*Austin, J., Johnson, K.D., Weitzer, R. (2005). Washington, DC.: U.S. Department of Justice, OJJDP.*

Although secure detention and confinement is an option of last resort for serious, violent, and chronic offenders, and for those who repeatedly fail to appear in court, effective community-based alternatives enable the judicious use of costly detention and confinement programs. To decrease reliance on secure detention and confinement, this bulletin recommends developing objective, valid, reliable tools to make placement decisions among alternative programs and expanding the existing range of alternatives to ensure that evidence-based programs with varying levels of restrictiveness and types of services are available.

The bulletin is part of the Juvenile Justice Practice online series. Available at [www.ojjdp.ncjrs.org/publications/PubAbstract.asp?pubi=208804](http://www.ojjdp.ncjrs.org/publications/PubAbstract.asp?pubi=208804).

## **Day, Residential, and Juvenile Correctional Schools Project (DRJC)**

*College of Education & Human Development at George Mason University, Fairfax, VA.*

DRJC is a collaborative effort among faculty from George Mason University, the University of Maryland, and the University of Wisconsin at Madison. It investigates curriculum, assessment, and accountability in correctional educational schools for committed youth and secondary day treatment and residential psychiatric schools. The three issues are studied at the school, district, and state levels to identify current policies and practices, as well as alignment across levels. DRJC also investigates the use of research-based instructional strategies by special education reading/English and math teachers in these settings. For information, visit <http://drjc.gmu.edu/>.

## **Juvenile Accountability Block Grants Program: 2004 Report to Congress.**

Analyzes how block grants influence state and local infrastructures and practices, identifies the types of programs that states have developed using block grant funds, describes performance measurement data from block grant program activities, and highlights training and technical assistance that OJJDP has provided to help localities develop more effective programs. Available at <http://ojjdp.ncjrs.org/publications/PubAbstract.asp?pubi=208362>.

## **Juvenile Offenders and Mental Illness: I Know Why the Caged Bird Cries**

*Haworth Social Work Press (2005). Binghamton, NY.*

Takes a detailed look at the latest theories and empirically-based information on the causal and recidivism problems youths with mental disorders face in the juvenile justice system. Experts discuss the range of problems found in the assessment of mentally ill juvenile offenders and offer practical, effective treatment solutions. It also explains the cost-effective methodologies and presents the latest data on recidivism rates and occurrences of depression, Attention Deficit Hyperactivity Disorder, and alcohol or substance abuse disorder among delinquent adolescents. Other topics include data on the prevalence of lifetime use of Ecstasy and its effects, female shoplifting and its relationship to mental illness, trauma exposure in incarcerated youth, and strategies to enhance the effectiveness of interventions. The book includes helpful tables to clearly illustrate empirical data and provides detailed references.

## **2006 National Mental Health Association Annual Meeting, June 8–10, Washington, DC.**

The nation's mental health executives, volunteer leaders, frontline staff, and members of NMHA's 340 state and local affiliate offices will explore strategies to grow the power, reach, and effectiveness of the mental health movement through keynote speakers, workshop tracks, award presentations, and other activities. Details at [www.nmha.org/annualmeeting](http://www.nmha.org/annualmeeting).

## **2004 National Survey on Drug Use and Health**

*Washington, DC.: U.S. Department of Health and Human Services, Office of Applied Studies, Substance Abuse and Mental Health Services Administration (SAMHSA) (2005).*

New study indicates that drug use among American youth ages 12–17 declined 9% from 2002 to 2004. Marijuana use also declined 7% among young adults ages 18–25 during this same period. Visit [www.whitehousedrugpolicy.gov/news/press05/090805.html](http://www.whitehousedrugpolicy.gov/news/press05/090805.html).

## **No Turning Back: Promising Approaches to Reducing Racial and Ethnic Disparities Affecting Youth of Color in the Justice System**

*A project of the Building Blocks for Youth initiative (October 2005).*

The Building Blocks for Youth initiative's final report discusses the Casey Foundation's Juvenile Detention

Alternatives Initiative, the W. Haywood Burns Institute, and campaigns in 12 cities, counties, and states to reduce disproportionate minority contact within the justice system. Available at [www.building-blocksforyouth.org/noturningback/ntb\\_fullreport.pdf](http://www.building-blocksforyouth.org/noturningback/ntb_fullreport.pdf).

### **The NSDUH Report: Substance Use Among Hispanic Youth**

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*Washington, DC.: U.S. Department of Health and Human Services, SAMHSA (2005).*

The three-page report draws data from SAMHSA's National Survey on Drug Use and Health. The survey is the primary source of information on the prevalence, patterns, and consequences of drug and alcohol use and abuse in the U.S. civilian noninstitutionalized population age 12 and older. The report notes that Hispanic youth born in the United States were more likely to have used illicit drugs in the past month than their counterparts born elsewhere. Available at <http://oas.samhsa.gov/2k5/HispanicYouth/HispanicYouth.cfm>.

### **Number of Juvenile Violent Crimes Reported**

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*U.S. Department of Justice, Office of Justice Programs Bureau of Justice Statistics. (2005)*

Presents findings about violent crime committed against or by juveniles from 1993 to 2003, and makes comparisons among younger teens (12–14), older teens (15–17), and adults. Data are drawn from the National Crime Victimization Survey for nonfatal violent victimization and offending among those 12 and older, and from the FBI's Supplemental Homicide Reports for fatal victimization and offending of the entire population. Analyses include characteristics of victim, offender, and of the criminal event. Highlights:

- The number of victimizations by violent crime per 1,000 teenagers dropped from about 130 victimizations in 1993 to about 60 in 2003.
- On average, juveniles (12–17) were more than twice as likely as adults (18 or older) to be the victim of violent crime from 1993 to 2003.
- Older teens (15–17) were about three times more likely than younger teens (12–14) to be the victim of a violent crime involving a firearm.

Text at [www.ojp.usdoj.gov/bjs/abstract/jvo03.htm](http://www.ojp.usdoj.gov/bjs/abstract/jvo03.htm).

### **Raising the Level of Awareness Between Child Maltreatment and Juvenile Delinquency: Results of an Online Survey**

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CWLA surveyed juvenile justice probation divisions or court services units on the extent to which the

juvenile justice and child welfare systems collaborate to serve juvenile offenders with histories of maltreatment. Maltreatment is defined as the reported or substantiated history of physical abuse, sexual abuse, or neglect. The findings that follow address systems' policies, protocols and technological infrastructure that facilitate integrated service delivery to these youthful offenders. Available at [www.cwla.org/programs/juvenilejustice/jjdsurvey.htm](http://www.cwla.org/programs/juvenilejustice/jjdsurvey.htm)

### **Sourcebook of Criminal Justice Statistics**

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*U.S. Department of Justice Office of Justice Programs Bureau of Justice Statistics (2005).*

Presents criminal justice data from more than 100 sources in six sections: characteristics of criminal justice system, public attitudes toward crime and criminal justice topics, the nature and distribution of known offenses, characteristics and distribution of persons arrested, judicial processing of defendants, and persons under correctional supervision.

Nearly all the data presented are national in scope and, where possible, they are displayed by regions, states, and cities to increase their value for local decisionmakers and for comparative analyses. The report includes more than 600 tables, figures, subject index, annotated bibliography, technical appendixes with definitions and methodology, and list of source publishers and their addresses. See [www.ojp.usdoj.gov/bjs/abstract/scjs03.htm](http://www.ojp.usdoj.gov/bjs/abstract/scjs03.htm).

### **Transfer and Waiver in the Juvenile Justice System**

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*Mole, D. & White, D. (2005). Washington, DC.: CWLA.*

The American judicial system and the treatment of juvenile offenders have undergone considerable changes in the past 30 years. Rising levels of juvenile crime combined with subsequent media reports, have led to increased public fear and a sentiment that the government should be tougher on crime. The notion of "adult time for adult crimes," in turn, has brought significant changes in the juvenile system and its philosophy in dealing with youth, resulting in increasing numbers of juveniles being tried and sentenced in the adult criminal justice system.

This issue brief seeks to demonstrate the complexity of transfer and waiver laws, as well as their impact on youth transferred to the criminal justice system, while emphasizing the need for a more comprehensive assessment and consideration of the needs of youth and for the development and provision of appropriate programs, services, and sentencing alternatives. Available at [www.cwla.org/programs/juvenilejustice/jjtransfer.htm](http://www.cwla.org/programs/juvenilejustice/jjtransfer.htm).

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