



# Joint Committee on Corrections and Juvenile Justice Oversight

October 16, 2019

## **Implications of Juvenile Justice Reform on Child Welfare**

Presented by:

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**Testimony of:**

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**Chair Jennings, Vice Chair Baumgardner, and Members of the Committee, thank you for the opportunity to testify today before the Joint Committee on the implications of Juvenile Justice Reform on the child welfare system.**

In 2016, the Kansas Legislature passed Senate Bill 367, which sought to decrease the number of youths in the juvenile justice system by creating community-based alternatives to detention centers. DCF appreciates the reforms made by SB 367 and supports the efforts to keep youth in their community when it can be done safely.

DCF collaborates with the Department of Corrections Juvenile Services in communities to support families with youth who may be experiencing a mental or behavioral health crisis or behaviors assessed as at-risk or alleged as juvenile offenses. This year, there is information from stakeholders and community-based providers suggesting that families with youth involved in juvenile offender allegations are shifting to service through DCF assessment, intervention and foster care programs. Through data analysis and adjustments in service setting array, DCF is seeking to understand and define this population of young persons and bridge families to appropriate evidenced -based alternatives to meet the needs of their sons and daughters.

The most recent budget enacted by the Legislature, House Substitute for Senate Bill 25, included provisos that tasked DCF with convening two working groups to study the impact of SB 367 on the child welfare system, one in Fiscal Year 2019 and one in Fiscal Year 2020. The Fiscal Year 2019 group's report has been submitted to the Legislature and is available for review on DCF's website. The Fiscal Year 2020 group's report will be submitted to the legislature by the start of the upcoming session.

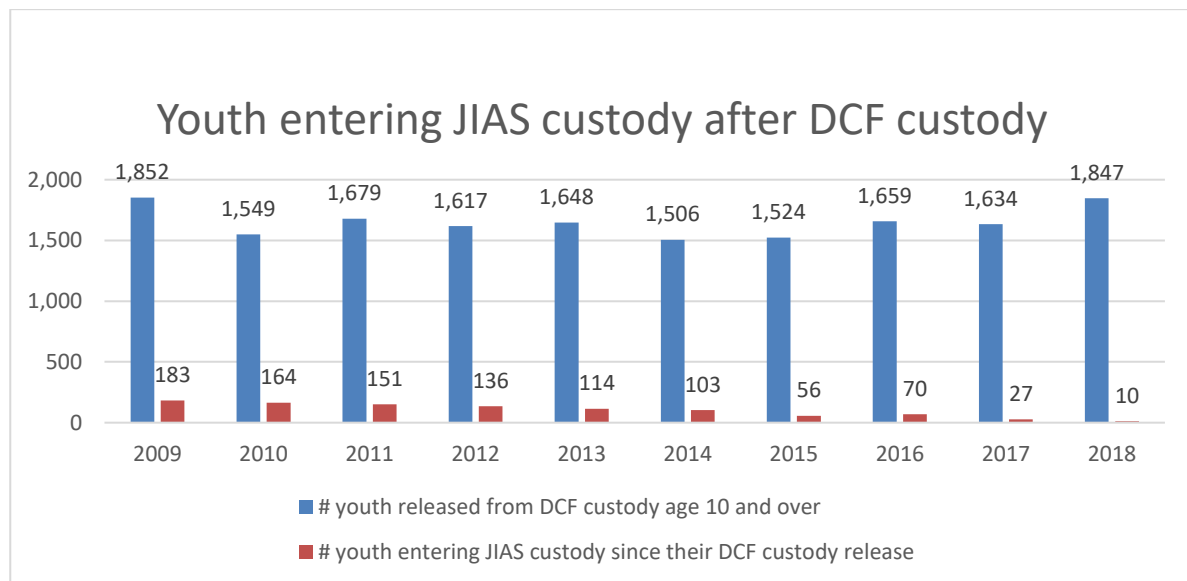
The Fiscal Year 2019 DCF budget proviso outlined the legislative directive to the Department to convene a working group of child welfare and juvenile justice stakeholders to gather information about youth with juvenile offender behaviors entering or already in the child welfare system. This population of youth in this legislative directive was referred to as "crossover youth."

The working group reported instances of youth entering the child welfare system who have prior histories as juvenile offenders or juveniles with status offenses. For example, some crossover youth might be entering the system because families refuse to pick them up from the juvenile intake and assessment center (JIAC). Group members provided examples of youth in the child welfare system repeatedly exhibiting offender behaviors or behaviors at risk of juvenile offense, but not receiving services from the juvenile justice system because there was lack of formal contact with the juvenile justice system. The group noted that, for some of these defined crossover youth, neither the juvenile justice system nor the child welfare system might be appropriate to meet family's needs as they are currently designed.

There is no current centralized data system to identify crossover youth and services provided across systems of care. Regarding known data points for juveniles, there is historical data reflecting the number of children leaving the child welfare system who “crossover” at some point and subsequently become involved in juvenile justice. Since 2005, DCF has on an annual basis obtained data from KDOC and prepared what is titled the "Crossover Youth Report." The report indicates, based upon data from KDOC as compared with DCF data, the number of children released from DCF custody and who subsequently become involved with the Juvenile Offender (JO) system. The number of youth moving from DCF custody to KDOC custody is low, as demonstrated in Table 1 below and the report located at <https://www.doc.ks.gov/juvenile-services/committee/documentation/april-5-2019-meeting/jias-dcf-crossover-report-2005-2018/view>.

Of all youth age 10 and older who exited custody to the Secretary of DCF between SFY2009- SFY2018 (n=16,515), 1,014 (6%) have been placed in the custody of the Kansas Department of Corrections (KDOC) Juvenile Services Division (JIAS) at some point subsequent to ending DCF custody.

**Table 1:**



However, this historical measure of cross over youth does not capture youth currently involved in the child welfare system who were previously involved with the juvenile justice system. Since the passage of SB 367, DCF has tried to identify and track the number of children involved in both the juvenile justice and child welfare systems. The working group reported youth cannot be or are highly unlikely to be dually adjudicated due to the changes that occurred with SB 367. As such, the incidence to measure may be growing difficult to capture and the population metric may be disappearing. After the passage of SB 367, DCF reports a substantial decrease in the number of dually adjudicated youth in foster care (Table 2.)

**Table 2: Youth in Care age 13-18 years Across State Fiscal Years**

	<b># Dually Adjudicated Youth</b>	<b># Children in DCF Out-of-Home Care</b>	<b>Percentage</b>
<b>SFY2015</b>	35	6,517	0.5%
<b>SFY2016</b>	25	6,723	0.4%
<b>SFY2017</b>	22	7,192	0.3%
<b>SFY2018</b>	9	7,588	0.1%
<b>SFY2019 (Partial)</b>	6	7,610	0.1%

In addition, DCF began collecting in 2018 referral point data attributes for major programs when a youth or family contacting the child welfare system has had previous juvenile justice system (offender) contact. This data also reflects a decrease in Juvenile Offender as an attribute for a youth referred to a program.

**Table 3: Referrals Involving or Due to a Juvenile Offender Case, SFY2018-2019**

	<b>Family Services</b>	<b>Family Preservation Services</b>	<b>Foster Care Out of Home Placement</b>	<b>Total</b>
<b>SFY2018</b>	0	16	69	85
<b>SFY2019 (Partial)</b>	0	8	45	53

The decreasing trend shown in these reports does not reflect the reported experiences of child welfare contractors, law enforcement representatives, child placing agencies and other partners, who have all repeated increased encounters with crossover youth. The working group heard anecdotally that district attorneys might be choosing to refer youth to the child welfare system rather than filing criminal charges. The intent behind this choice might be to provide youth with a broader range of long-term services through child welfare than would be available through the juvenile justice system. In these circumstances, youth would not be indicated to have prior contact with the juvenile justice system and may be lower-risk reoffenders.

The working group noted a variety of services offered to crossover youth including acute care services, family support services, home- and community-based treatment services, medication services, mental health services, substance use disorder treatment, and placement instability supports. However, the working group also noted that there are substantial barriers to some of these youth receiving meaningful access to these services. Unstable placements, lack of capacity, and inadequate points of access can all prevent a youth from accessing these services.

To identify the services needed for the crossover youth population, the working group identified key themes around challenges in services offered and assessed services that might increase the ability of the child welfare and juvenile justice systems to adequately identify and provide appropriate services to this population. These key needs include support for placement stability and geography; short-term placement; access to needed services currently available in the juvenile justice system; appropriate data collection; parental and family involvement; increased accessibility of mental health services; and adequate reimbursement.

The Fiscal Year 2020 group's report will build on the work done by the Fiscal Year 2019 group. The 2020 report will include an in-depth data analysis of the crossover youth population and the services they receive. DCF looks forward to sharing this analysis with the Legislature and hopes that the report will serve as a useful resource for this committee and others as it evaluates the issue of crossover youth in Kansas.

DCF has taken steps to build the capacity of our front-line practitioners and grant or contracted partners to provide services alongside families whose children are experiencing contact or are at risk of contact with juvenile justice programs.

DCF's new Family First Act prevention services grants, which were announced October 1, will provide additional opportunities for youth and their families (without regard to statutory label) access to preventative services needed to keep them stable in their communities. Some specific relevant services to be provided through these grants include Functional Family Therapy and Multisystemic Therapy. These programs are rated as well supported in their evidence base to prevent removal into foster care and are a state fund expenditure matched dollar for dollar by federal funds through the Family First Act.

DCF is also working with the Department of Corrections to reach an agreement that will allow the department to access and make referrals for crossover youth in the child welfare system through the Juvenile Services Functional Family Therapy contract. DCF is included in the Georgetown Crossover Youth Practice Model implementation with one full time position be established to dedicate to the project.

DCF began collaborating with Jennifer Christie, Senior Trainer and Policy Specialist with the Crime and Justice Institute, in October to introduce Cognitive Interaction Skill training for DCF and grantee frontline staff. We have also engaged in collaboration to building competencies with Mental Health First Aid for Youth, Adolescent Brain Science with the Annie E Casey Foundation, and other tools that will support our work alongside youth. Additionally, collaboration has occurred with Douglas and Sedgwick counties to explore placement alternatives and grant opportunities to repurpose detention facilities to better serve youths' needs. Other activities to build capacity and support families with older youth include augmenting the placement array with Qualified Residential Treatment Programs, an increased Emergency Shelter rate currently in place in Wichita that serves older youth that cross over, and the creation of a special response team of 10 statewide practitioners to engage youth, law enforcement, and community partners to work alongside youth to find solutions for youth who have run or are absent from placement.

To prevent entry into the state's foster care program, maximize the accessibility of evidenced-based programs and maintain juveniles in communities with their families, DCF recently requested that the Juvenile Justice Oversight Committee recommend allocating a portion of the Evidenced Based Programs Account of the State General fund (reinvestment fund) to DCF. In a June 21, 2019, letter, DCF Secretary Howard outlined opportunities for DCF to better serve youth with juvenile offender behaviors or mental health crises who have been placed in – or are at risk of being placed in – DCF custody. The Secretary's letter requested the Juvenile Justice Oversight Committee consider recommending transferring to DCF a portion of funds in the evidence-based programs account. The request provided an array of options, including both grants and contracts for direct services and training in evidence-based programs.

Meeting the needs of youth whose needs may crossover systems presents opportunities for the child welfare system. DCF will continue to seek out opportunities to collaborate to find meaningful, evidence-based solutions for youth and families whose service needs may include both the child welfare and juvenile justice systems. I thank you for your time and am happy to answer any questions.