

We Can & Must Do Better for “Crossover Youth”

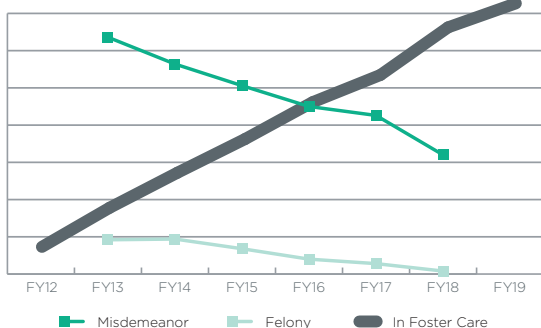


Why We Urgently Need a Proven Strategy for Children Involved in Both the Child Welfare and Juvenile Justice Systems

THE PROBLEM

Senate Bill 367 has contributed to an increase of children in foster care.

As Juvenile Detention Decreases, Foster Care Increases



As of January 5, 2023, 6,621 Kansas children are in foster care. While Senate Bill 367 was intended to shift juveniles from detention to treatment and led directly to a 63% drop in youth confinement,ⁱ resources were never shifted to treatment or child welfare. As fewer low-risk juveniles are incarcerated, many transfer to the child welfare system (Department of Children and Families) instead of community care as mandated by SB 367. There are available funds that should be reinvested in prevention and treatment, including \$6 million for juvenile crisis centers that have yet to be utilized,ⁱⁱ and child welfare stakeholders should be included in the planning process.

Hundreds of children are “crossover youth.”

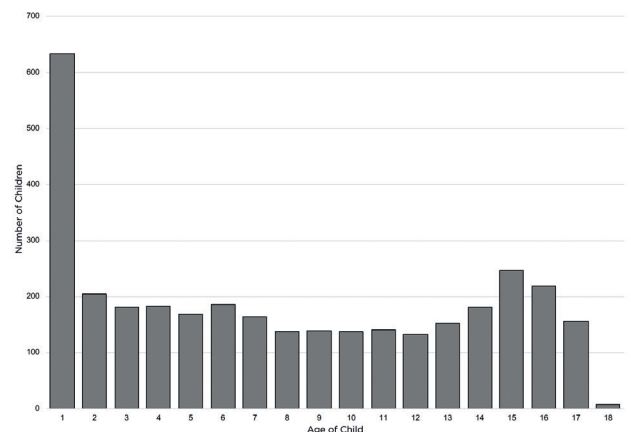
Out of all youth in foster care statewide, 11% are youth referred due to significant child behavior problems that historically would have been served through the juvenile justice system and not foster care. These children are not entering foster care due to abuse or neglect. This chart from the Center for Capacity-Building for the Courts shows an increase in adolescents in foster care. Outside researchers have said this is very unusual and other states are not showing this increase.

Children are hurting because the current foster care system cannot meet their needs.

Foster care is designed for children who are victims of abuse, neglect or other family challenges. It cannot support juvenile offenders without a large infusion of resources for community-based mental health, emergency beds and psychiatric residential treatment facility beds (PRTFs), specialized foster parent recruitment and training, and more.

Due to lack of available placements and community services, there is a group of Kansas youth who must move placements nearly every single day. In a single 90-day period, from September 1 to November 30, 2022, 175 youth experienced 1 or more placement moves. This placement instability causes further trauma as youth are unable to form connections with caregivers and peers as well as receive adequate services. They would be better served in their own families with in-home treatment.

Kansas Children Exiting Foster Care During 2017 FFY
Age of Child at Removal, Fostering Court Improvement



This situation has increased risk to children, families and child welfare staff.

There have been several serious safety incidents due to the transfer of youth from the juvenile justice system to the child welfare system. These include children and adults being assaulted, significant property damage, and additional arrests and charges for crossover youth. This contributes to child welfare staff turnover and diminished outcomes.

RECOMMENDED SOLUTIONS

Looking at other states, we can find successful models for serving youth in the community.ⁱⁱⁱ The service elements include:

- **Support legislation that would amend SB 367 to allow for:**
 - increased case length and probation length limits for juvenile offenders to allow for completion of an evidence-based program;
 - allow a judge to commit a juvenile who is on probation to detention for a probation violation;
 - amend the allowable expenditures to include evidence-based community programs and practices for at risk youth, families of youth involved with Dept. of Corrections and additional community providers to serve youth and families;
- **A multi-disciplinary team** (MDT) including members from DCF, JJA and CINC to meet with family, complete assessments, and interventions that support continued placement at home (including relative search, safety and respite planning and family skill-building);
- **A new multi-system assessment process** that takes into consideration more detailed information about a youth's strengths, treatment needs, and risks; a more scientific methodology for consideration of the available assessments and information by the MDT in formulating a recommendation to the court regarding the appropriate treatment and placement recommendations to the court;
- **Ensure cross agency data sharing** to track individual case characteristics, treatment needs and outcomes;
- **Develop a training curriculum for court staff** (i.e., judges, prosecuting attorney, public defender, CASA) that focuses on using data to inform families about the various systems in which the youth may become involved in, how to create safe plan of care between temporary order of custody (TOC), referral to community-based prevention program (vs. removal from the home) and the subsequent hearing;
- **A mandatory referral to family preservation or other community program** PRIOR to out of home placement along with dedicated crisis/respite beds at a local facility with trained staff;
- **Repurpose closed detention beds into treatment, respite and short-term placement options** such as cooling and crisis beds;
- **DCF and KDOC partner together to fund specific programming and placement options** to support these crossover youth to remain safe at home and/or have appropriate and safe placement options at levels (relative, foster, residential) if short- or long-term placement out of home is needed.

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ⁱ <https://www.pewtrusts.org/en/research-and-analysis/articles/2019/04/24/kansas-sees-63-percent-decline-in-youth-confinement>

ⁱⁱ <https://www.kcur.org/news/2023-01-11/kansas-has-millions-of-dollars-to-spend-on-youth-crisis-centers-but-no-ones-using-it>

ⁱⁱⁱ <https://www.cjonline.com/opinion/20190319/tyler-williams-and-yusef-presley-we-must-invest-in-kansas-youth>



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